

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Introduced**

## **Senate Bill 400**

BY SENATOR BLAIR

[Introduced February 22, 2017; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §31-15A-3 of the Code of West Virginia, 1931, as amended, relating  
2 to eliminating an unnecessary and contradictory provision concerning appointments to the  
3 West Virginia Infrastructure and Jobs Development Council.

*Be it enacted by the Legislature of West Virginia:*

1 That §31-15A-3 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 15A. WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT  
COUNCIL.**

**§31-15A-3. West Virginia Infrastructure and Jobs Development Council continued;  
members of council; staff of council.**

1 (a) The West Virginia Infrastructure and Jobs Development Council is continued. The  
2 council is a governmental instrumentality of the state. The exercise by the council of the powers  
3 conferred by this article and the carrying out of its purpose and duties shall be considered and  
4 held to be, and are determined to be, essential governmental functions and for a public purpose.

5 (b) The council shall consist of thirteen members, including:

6 (1) The Governor or designee;

7 (2) The Executive Director of the Housing Development Fund or his or her designee;

8 (3) The Director of the Division of Environmental Protection or his or her designee;

9 (4) The Director of the Economic Development Authority or his or her designee;

10 (5) The Director of the Water Development Authority or his or her designee;

11 (6) The Director of the Division of Health or his or her designee;

12 (7) The Chairman of the Public Service Commission or his or her designee; and

13 (8) Six members representing the general public: *Provided*, That there shall be at least  
14 one member representing the general public from each congressional district. No more than one  
15 member representing the general public may be a resident of the same county.

16 (c) The Governor shall appoint the public members of the council who shall serve three-  
17 year staggered terms.

18 (d) The Commissioner of the Division of Highways, the Executive Director of the State Rail  
19 Authority, two members of the West Virginia Senate, two members of the West Virginia House of  
20 Delegates, the Chancellor of the Higher Education Policy Commission and the Chancellor of the  
21 West Virginia Council for Community and Technical College Education serve as advisory  
22 members of the council. The advisory members shall be ex officio, nonvoting members of the  
23 council.

24 (e) The Governor shall appoint the legislative members of the council: *Provided*, That no  
25 more than three of the legislative members may be of the same political party.

26 ~~(f) The Governor shall appoint the representatives of the governing boards from a list of~~  
27 ~~three names submitted by each governing board.~~

28 ~~(g)~~ (f) The Governor or designee shall serve as chairman and the council shall annually  
29 appoint a vice chairperson and shall appoint a secretary, who need not be a member of the council  
30 and who shall keep records of its proceedings. Seven members of the council shall constitute a  
31 quorum and the affirmative vote of at least the majority of those members present shall be  
32 necessary for any action taken by vote of the council. A vacancy in the membership of the council  
33 does not impair the rights of a quorum by such vote to exercise all the rights and perform all the  
34 duties of the council.

35 ~~(h)~~ (g) A member of the council who serves by virtue of his or her office does not receive  
36 compensation or reimbursement of expenses for serving as a member. The public members are  
37 reimbursed for actual expenses incurred in the service of the council in a manner consistent with  
38 guidelines of the travel management office of the Department of Administration.

39 ~~(i)~~ (h) The council meets at least monthly to review projects and infrastructure projects  
40 requesting funding assistance and otherwise to conduct its business and may meet more  
41 frequently if necessary. Notwithstanding any other provision of this article to the contrary, the

42 Economic Development Authority is not subject to council review with regard to any action taken  
43 pursuant to the authority established in article fifteen, chapter thirty-one of this code. The  
44 Governor's Civil Contingent Fund is not subject to council review with regard to projects or  
45 infrastructure projects funded through the Governor's Civil Contingent Fund.

46 ~~(j)~~ (i) The Water Development Authority shall provide office space for the council and each  
47 governmental agency represented on the council shall provide staff support for the council in the  
48 manner determined appropriate by the council.

49 ~~(k)~~ (j) The council shall invite to each meeting one or more representatives of the United  
50 States Department of Agriculture, Rural Economic Community Development, the United States  
51 Economic Development Agency and the United States Army Corps of Engineers or any  
52 successors thereto. The council shall invite other appropriate parties as is necessary to effectuate  
53 the purposes of this article.

NOTE: The purpose of this bill is to eliminate an unnecessary and contradictory provision concerning appointments to the West Virginia Infrastructure and Jobs Development Council.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.