

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 423

By Senator Rucker

[Introduced February 13, 2025; referred
to the Committee on Economic Development; and
then to the Committee on Finance]

1 A BILL to amend and reenact §4-1-2, §5B-2-3b, and §5B-2-16 of the Code of West Virginia, 1931,
2 as amended, relating to requiring that all appropriations that exceed \$1 million to any
3 private business entity must be brought as a stand-alone bill to both the House of
4 Delegates and the Senate; prohibiting either the House of Delegates or the Senate or both
5 the House of Delegates and the Senate from authorizing a series of appropriations of less
6 than \$1 million that combine to exceed \$1 million to a single private business entity; setting
7 a limit of \$10 million on the annual balance of the Economic Development Promotion and
8 Closing Fund; and setting a limit of \$100 million on the annual budget of the
9 Entrepreneurship and Innovation Investment Fund.

Be it enacted by the Legislature of West Virginia:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 1. OFFICERS, MEMBERS AND EMPLOYEES; APPROPRIATIONS; INVESTIGATIONS; DISPLAY OF FLAGS; RECORDS; USE OF CAPITOL BUILDING; PREFILING OF BILLS AND RESOLUTIONS; STANDING COMMITTEES; INTERIM MEETINGS; NEXT MEETING OF THE SENATE.

§4-1-2. How appropriations made and applied.

1 No money shall be appropriated by resolution of either house, or by joint resolution of the
2 Legislature; but when any money has been appropriated by law, the application of the same, in
3 pursuance of the law, may be directed by resolution: Provided, That any appropriation greater than
4 \$1 million to any private business entity shall be brought to the floors of both the House of
5 Delegates and the Senate as a separate stand-alone bill for passage: Provided, however, That
6 neither the House of Delegates nor the Senate may separately, or in combination, authorize a
7 series of appropriations of less than \$1 million to a single private business entity with the intention,
8 or having the effect of circumventing the appropriation limit established in this section.

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE

**GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 2. DEPARTMENT OF ECONOMIC DEVELOPMENT.
§5B-2-3b. Economic development promotion and closing fund.

The previously created fund known as the "Development Office promotion fund" is hereby continued but shall hereafter be known as the "Economic Development Promotion and Closing Fund". Moneys deposited in this fund shall be administered by the Department of Economic Development and used solely to promote business formation, expansion, recruitment and retention through aggressive marketing and international development and export assistance, and to provide a fund from which moneys may be drawn to offer certain incentives for business formation or expansion, to provide assistance with respect to site development or other concerns identified by the secretary, and to further facilitate economic development in this state, all of which economic development efforts and initiatives lead to more and better jobs with higher wages for all geographic regions and communities of the state, including rural areas and urban core areas, and for all residents, including minorities: Provided, That the annual balance of the Economic Development Promotion and Closing Fund may not exceed \$10 million.

§5B-2-16. Entrepreneurship and Innovation Investment Fund.

(a) The Entrepreneurship and Innovation Investment Fund is hereby created. The fund shall be administered by the Department of Economic Development and shall consist of all moneys made available for the purposes and from the sources set forth in this section of the code.

(b) The fund consists of moneys received from the following sources:

(1) All appropriations provided by the Legislature;

(2) Any moneys available from external sources; and

(3) All interest and other income earned from investment of moneys in the fund.

8 (c) The Department of Economic Development shall use moneys in the fund to support
9 entrepreneurship, creation of business startups, and improvements in workforce participation, ~~and~~
10 ~~attracting individuals to relocate to West Virginia.~~ only for residents of West Virginia.

11 (d) Any balance, including accrued interest and any other returns, in the Entrepreneurship
12 and Innovation Investment Fund at the end of each fiscal year may not expire to the General
13 Revenue Fund but remain in the fund and be expended for the purposes provided by this section:
14 Provided, That the annual balance of the Entrepreneurship and Innovation Investment Fund may
15 not exceed \$100 million.

16 (e) Fund balances may be invested with the state's Consolidated Investment Fund.
17 Earnings on the investments shall be used solely for the purposes defined in §5B-2-16(c) of this
18 code.

NOTE: The purpose of this bill is to require that all appropriations that exceed \$1 million to any single private business entity must be brought as a stand-alone bill to both the House of Delegates and the Senate, prohibiting either the House of Delegates or the Senate or both the House of Delegates and the Senate from authorizing a series of appropriations of less than \$1 million that combine to exceed \$1 million to a single private business entity, setting a limit of \$10 million on the annual balance of the Economic Development Promotion and Closing Fund, setting a limit of \$100 million on the annual budget of the Entrepreneurship and Innovation Investment Fund.

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