

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4693

(By Mr. Speaker, Mr. Chambers, + Del. R. Burk)  
[By Request of the Executive]

— ● —

Passed March 10, ..... 1990

In Effect from ..... Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4693**

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE R. BURK)  
[By Request of the Executive]

[Passed March 10, 1990; in effect from passage.]

AN ACT to amend chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six, relating to the small business expansion assistance program; and providing that a qualified small business may be partially reimbursed by the governor's office of community and industrial development for the total cost of obtaining consulting services from a qualified consultant for the purpose of implementing a qualified plan.

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

That chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article six, to read as follows:

**ARTICLE 6. SMALL BUSINESS EXPANSION ASSISTANCE PROGRAM.**

**§5B-6-1. Legislative purpose.**

1 Small businesses operating within this state, due to  
2 the rapidly changing economic environment, must

3 compete not only with large in-state and national firms,  
4 but also with international firms with greater access to  
5 the tools and resources of modern-day businesses. Small  
6 businesses serve vital functions of enhancing competi-  
7 tion, breeding innovation, and providing much-needed  
8 jobs in West Virginia's communities. Therefore, small  
9 businesses must be encouraged and offered the oppor-  
10 tunity to improve the manner in which they operate so  
11 that they may continue to serve these vital functions.

12 The purpose of this article is to assist and encourage  
13 small businesses within this state to increase both their  
14 level and efficiency of production, and to expand the  
15 market for their products both within and without this  
16 state.

**§5B-6-2. Definitions.**

1 As used in this article:

2 (1) "Small business" means any business or enterprise  
3 of any type, whether sole proprietorship, partnership,  
4 corporation, or otherwise, which meets the following  
5 criteria:

6 (A) Employs at least ten but not more than one  
7 hundred persons;

8 (B) Has been engaged in the same business in the  
9 state for a minimum of one year;

10 (C) Is in good standing with the department of tax  
11 and revenue; and

12 (D) Can demonstrate that a significant portion of  
13 their product is exported out of state or that the  
14 opportunity exists for a significant portion of their  
15 product to be exported out of state;

16 (2) "Total cost" means any and all fees actually  
17 charged to a qualified small business by a qualified  
18 consultant as presented in the application for the small  
19 business expansion assistance program;

20 (3) "Qualified consultant" means any persons engaged  
21 in the business of providing consulting services in areas  
22 of expertise needed by a certified small business, who

23 is registered with the governor's office of community  
24 and industrial development as a provider of services to  
25 small business and who possesses at least the following  
26 credentials:

27 (A) Has been established as a consulting business for  
28 at least five years, three years of which they must have  
29 been established in business in West Virginia; and

30 (B) Is in good standing with the department of tax  
31 and revenue;

32 (4) "Plan" means a plan by which a small business  
33 seeks to increase their level of productivity or efficiency,  
34 expand into a new product area, develop new markets  
35 or in general to overcome barriers to growth; and

36 (5) "Consultant's report" means a written report by  
37 the consultant containing recommendations on how the  
38 small business may proceed to overcome barriers they  
39 have identified in their plan. A duplicate copy of the  
40 consultant's report must also be submitted to the  
41 governor's office of community and industrial develop-  
42 ment for their review.

**§5B-6-3. Small business expansion assistance program.**

1 There is hereby created within the governor's office  
2 of community and industrial development a program for  
3 small business expansion assistance. The director of the  
4 governor's office of community and industrial develop-  
5 ment shall establish a voucher program to be utilized  
6 by qualified small businesses to defray certain costs that  
7 may be incurred by these small businesses in an effort  
8 to expand the market for their products, increase both  
9 their level and efficiency of production and address  
10 other areas that may be a hindrance to the growth of  
11 small business in this state: *Provided*, That the total  
12 expenditures for this program shall not exceed one  
13 hundred thousand dollars.

**§5B-6-4. Application.**

1 The director of the governor's office of community and  
2 industrial development shall establish criteria and an

3 application process to be used to determine approval or  
4 denial for participation in the voucher program. The  
5 application from the qualified small business shall  
6 contain at least the following information: The number  
7 of persons employed by the applicant; the total capital-  
8 ization of the small business; an explanation of the need  
9 for the service to be obtained and how that service will  
10 impact the small business; an estimate of the cost of the  
11 services to be obtained; information on product market  
12 area; and the number of years in business.

13 The governor's office of community and industrial  
14 development shall accept applications for this program  
15 on the first day of each month and shall notify the  
16 applicant of their decision for approval or denial within  
17 thirty days of the day of receipt.

**§5B-6-5. Certification; reimbursement.**

1 Any small business which satisfies the requirements  
2 for proper application as set forth in section four of this  
3 article shall be approved by the governor's office of  
4 community and industrial development as a certified  
5 small business and is eligible for reimbursement for up  
6 to fifty percent of the total cost of obtaining consulting  
7 services from a qualified consultant, or one thousand  
8 five hundred dollars, whichever is less: *Provided*, That  
9 in order for an applicant to be approved as a certified  
10 small business said applicant may not have been so  
11 certified at any time previously.

12 Upon certification, the governor's office of community  
13 and industrial development shall issue to said certified  
14 small business a voucher on which shall be stated either  
15 the percentage, not to exceed fifty percent or a certain  
16 dollar amount, not to exceed one thousand five hundred  
17 dollars of the amount which the certified small business  
18 may expect to be reimbursed for services delivered by  
19 their consultant.

20 Upon presentation to the governor's office of commun-  
21 ity and industrial development of a paid invoice or other  
22 satisfactory proof of payment to a company registered  
23 with the governor's office of community and industrial

24 development in the voucher program, the office shall  
25 issue reimbursement in the amount previously certified  
26 on the voucher, to the certified small business.

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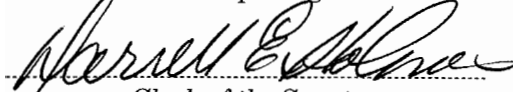
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.


Takes effect from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 22<sup>nd</sup>  
day of March, 1990  
  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/90

Time 4:10 pm



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SECRETARY OF DEFENSE  
WASHINGTON, D.C.