WEST VIRGINIA CODE CHAPTER 5b ARTICLE 2P

WV Legislature

§5B-2P-1. Definitions; Office of Entrepreneurship; duties; information; response to inquiries; annual report.

(a) Definitions:

(1) "Business" means any company, cooperative, corporation, partnership, sole proprietorship, or other legal entity organized or operating for pecuniary or nonpecuniary benefit.

(2) "Entrepreneur" means an individual who initiates or leads the formation or growth of a business.

(3) "Entrepreneurial support organization" means an entity, including public, private, and academic institutions, that is established, in whole or in part, to provide funding, mentorship, programming, resources, support, or training to entrepreneurs, startups, or scale-ups.

(4) "Scale-up" means a startup business that has changed scale to achieve more growth, innovation, and drive job creation, after demonstrating long-term viability of a proven business model evidenced by one or more of the following factors: Substantially increased revenues, an established cash flow, a streamlined marketing and sales operation, or a growth rate of at least 20 percent over a three-year period.

(5) "Startup" means a business that has been organized for five years or less.

(6) "State agency" means an agency of West Virginia including, but not limited to, a board, bureau, commission, department, institution, office, and any other government entity or public body in West Virginia. This term excludes the legislative and judicial branches of state government.

(b) There is created the Office of Entrepreneurship within the Office of the Secretary of State. Employees of the Office of Entrepreneurship report to the Secretary of State.

(c) The Office of Entrepreneurship shall:

(1) Serve as the liaison between entrepreneurs, startups, scale-ups, state agencies, and organizations that support entrepreneurship, to facilitate the navigation and coordination between government requirements and processes, referrals to the appropriate state agencies, and identifying systemic barriers and intergovernmental solutions for purposes set forth in this article;

(2) Coordinate with entrepreneurs, startups, and scale-ups to facilitate the efficient completion of state agency prerequisites to starting, conducting, and growing a business in West Virginia;

(3) Foster working relationships between government and non-government entities

WV Legislature

including, but not limited to, the Small Business Development Center, the Department of Commerce, the Economic Development Authority, and entrepreneurial support organizations, when appropriate, to establish a growth-positive foundation for business growth and financial stability;

(4) Support the growth of entrepreneurship in the state, including across demographic segments and geographic areas, through the creation of programs, policies, and events; and

(5) Be knowledgeable of and make available to entrepreneurs, startups, and scale-ups resources, programs, and opportunities from state agencies and non-governmental entities to support economic growth and business viability.

(d) State agencies are authorized to and may provide the Office of Entrepreneurship with data, information, and materials, including, but not limited to, educational information, limited system access, records, reports, resources, statistics, and any other necessary access, information, or materials to fulfil the duties and functions of the Office of Entrepreneurship.

(1) A state agency may require a confidentiality agreement between the state agency and the Office of the Secretary of State prior to fulfilling a request by the Office of Entrepreneurship, upon such terms and conditions as the state agency requires.

(2) All such data, reports, records, resources, educational items, and other information or materials obtained by the Office of Entrepreneurship under this section shall be exempt from public disclosure under §29B-1-4(a)(5): *Provided*, That such exemption is intended to balance confidentiality with accountability and entrepreneurial utility by exempting proprietary or sensitive information but allowing publication of de-identified data in materials, reports, and statistics.

(3) Reports, summaries, statistics, and materials developed by the Office of Entrepreneurship in whole or in part with data, reports, records, resources, educational items, and other information or materials provided to the Office of Entrepreneurship may be made available to entrepreneurs, startups, scale-ups, state agencies, and entrepreneurial support organizations for the purposes set forth in this article.

(e) Once established, the Office of Entrepreneurship shall provide entrepreneurs, startups, and scale-ups with a response to inquiries or requests for assistance within its purview no later than 48 hours of receipt, or by the close of the next business day therefrom: *Provided*, That for inquiries or requests for assistance that objectively require a longer response time due to complexity or subject matter, the office shall provide an initial response with an estimate of the delivery date for the final response.

(f) A state agency may designate an individual as the point of contact for all inquiries by the Office of Entrepreneurship, along with that individual’s name, email address, and direct phone number.

WV Legislature

(g) On or before November 1 of each year beginning two years after the creation of the Office of Entrepreneurship, and annually thereafter, the Office of Entrepreneurship shall provide a report to the Joint Standing Committee on Economic Development that includes:

(1) A summary of work accomplished in support of growing entrepreneurship in the state, which shall include a report on where West Virginia falls in national entrepreneurial and startup rankings, a comparison of peer states based on population and geography, and identification of drivers of performance;

(2) A summary of events hosted and attended to promote entrepreneurship and business growth in collaboration with state agencies and entrepreneurial support organizations;

(3) The number of startups and other relevant business organizations with associated data regarding their operations, activities, and likelihood of viability in the state;

(4) Policy recommendations for improving entrepreneurship in the state, including identifying regional challenges to entrepreneurship and solutions to increase the viability of startups in the state in coordination with state agencies and entrepreneurial support organizations; and

(5) Any additional information deemed necessary to provide an accurate depiction of the condition of entrepreneurship in the state.

(h) The Office of Entrepreneurship shall develop a first-year implementation plan outlining the intake, referral, and tracking processes with the assistance of government and non-government entities including, but not limited to, the Small Business Development Center, West Virginia One Stop Business Center, and entrepreneurial support organizations.

(i) The Office of Entrepreneurship created herein is intended to fulfill a complimentary role to existing state agencies and nothing in this article shall be construed to duplicate or supplant existing statutory duties or responsibilities of any state agency.

WV Legislature

§5B-2P-2. Office of Entrepreneurship Fund; appropriations; revenue generation; rule-making authorization.

(a) There is created in the State Treasury a special revenue account to be designated the West Virginia Office of Entrepreneurship Fund administered by the Secretary of State. Expenditures from the fund are to be made in accordance with the purposes provided in this article.

(b) The Office of Entrepreneurship is authorized to design and offer events, publications, products, programs, and services at reasonable fees to generate revenue to fund the activities of the Office of Entrepreneurship: *Provided*, That government liaison services shall remain available to all entrepreneurs, startups, and scale-ups at no cost.

(c) The Secretary of State may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code to implement the provisions of this article.

WV Legislature