WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Com. S.ub. C for
HOUSE BILL No. 2285

(By Delegates Litter and Howser)

Passed April 10, 1993

In Effect Ninety Days from Passage
AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to economic and industrial development; creating the steel advisory commission and a steel futures program in the department of commerce, labor and environmental resources; setting forth legislative intent and purposes; appointment of the commission; terms of the commission; reimbursement of expenses; meeting space and staff services for the commission; responsibilities of the commission; and providing for the termination of the advisory commission and program in seven years.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. WEST VIRGINIA STEEL FUTURES PROGRAM.

§31-16-1. Legislative intent; purpose and administration.

1 The Legislature recognizes that the steel industry
2 plays a significant role in West Virginia’s economy, and
the industry's survival and success is of significant importance to the residents and the tax base of the state. Because of this significant economic role, there is hereby created in the West Virginia department of commerce, labor and environmental resources a steel advisory commission and a new program entitled "The Steel Futures Program". The purpose of the commission and the program is to preserve and improve the economy of the state by promoting employment and increased productivity, thereby ensuring continued economic development consistent with these goals, and to maintain a high standard of living for the residents of the state. The commission, through the steel futures program, may supplement any other enterprise assistance program administered by the West Virginia department of commerce, labor and environmental resources. The steel futures program shall be administered so as to provide financial and technical assistance as provided in this article to increase the competitiveness of existing steel and steel-related industries within the state and to encourage the establishment and development of new steel and steel-related industries within the state.

§31-16-2. Steel advisory commission; membership, appointment, terms, quorum and selection officers.

(a) There is hereby created the West Virginia steel advisory commission within the department of commerce, labor and environmental resources, which shall consist of thirteen members. The secretary of the department of commerce, labor and environmental resources or his or her designee shall be a member of the commission and shall serve as its chairperson. Eight members shall be appointed by the governor with the advice and consent of the Senate. At least four of the members appointed by the governor shall be senior management representatives of steel manufacturing companies that employ over fifty people. At least two of the members appointed by the governor shall be representatives of organized labor. One of the members appointed by the governor shall be a member of the
United Steelworkers of America. One of the members appointed by the governor shall be a member of the Independent Steelworkers Union. One member shall be appointed by the University of West Virginia board of trustees and one member shall be appointed by the board of directors of the state college system: Provided, That of the members appointed by these educational bodies, one shall be appointed to represent a school of engineering and one shall be appointed to represent a school of business administration. Of the remaining members, the president of the Senate and the speaker of the House of Delegates shall each appoint one member from their respective houses who shall serve as ex officio nonvoting members. No more than seven of the governor's appointees shall be of the same political party. Prior to making the appointments, the governor shall solicit recommendations from individuals representing the steel industry and labor organizations representing steelworkers. The governor shall make appointments based upon the knowledge and experience of the individual in the steel industry.

(b) Within ninety days after the effective date of this section, the governor, the University of West Virginia board of trustees and the board of directors of the state college system, the president of the Senate and the speaker of the House of Delegates shall make their respective initial appointments to the commission. The terms of office for nonlegislative appointed members are seven years. Each member shall hold office from the date of his or her appointment until the end of the term for which he or she was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. A member shall continue in office until his or her successor takes office or until a period of sixty days has elapsed, whichever occurs first. The terms of legislative members shall be for the term for which they were elected.

(c) Notwithstanding the terms of office stated for members in subsection (b) of this section, each member serves at the pleasure of his or her appointing authority and the appointing authority may remove his or her
appointee at any time and for any reason.

(d) Seven members constitute a quorum and an affirmative vote of seven members is necessary to transact business of the commission. In the event of the absence of a member appointed by the president of the Senate or by the speaker of the House of Delegates, the president of the Senate or the speaker of the House of Delegates may become a member, as the case may be, may designate an alternative member of the commission.

(e) Before entering upon the duties of office, each member shall take the oath of office prescribed by the constitution of West Virginia.

(f) Members of the commission shall receive no compensation but shall be reimbursed for their necessary and actual expenses incurred in the course of duties as members of the commission.

(g) The commission shall provide for the election of officers. The commission shall meet at least three times annually or upon the call of the chairperson or upon the request of five or more members.

(h) The West Virginia department of commerce, labor and environmental resources, as requested by the commission, shall provide the commission with meeting space and staff services and other technical assistance. The West Virginia department of commerce, labor and environmental resource development office shall assist the commission with the costs of production and distribution of commission reports. If the commission determines, by a majority vote, to have any study conducted by a third party, the funds for the study shall be derived from contributions from the steel industry or other interested parties.

§31-16-3. Responsibilities of commission.

The West Virginia steel industry advisory commission shall conduct an examination of existing federal and state laws which currently affect the production and consumption of West Virginia steel and shall study problems which the West Virginia steel industry
currently faces including unfair competition from foreign industries, the economic factors affecting the West Virginia steel industry, and other matters relevant to the future of the steel industry in this state.

§31-16-4. Steel futures program.

The Commission shall develop and recommend a strategy for financial and technical assistance to steel and steel-related industries in the state. The strategy shall include investment policies with regard to these industries. In administering the program, the commission shall consult with appropriate representatives of steel, and steel-related industries, appropriate representatives of any union that represents workers in these industries, and any other persons with expert knowledge of these industries. The commission shall consult with the chairman of the public service commission to foster the development of public and private cooperative efforts that would result in energy savings and reduced energy costs for steel and steel-related industries. The commission, shall consult with the air pollution control commission, the division of solid waste management, the water resources board, groundwater conservation agencies and other agencies with which the steel industry must interact to assist the steel industry in adhering to regulations in a manner conducive to economic viability. Assistance may be made available to steel and steel-related industries undertaking projects the commission determines to have long-term implications for and broad applicability to the economy of this state when the secretary of the department of commerce, labor and environmental resources finds that:

(a) The undertaking of projects by the steel industries will benefit the people of the state by creating or preserving jobs and employment opportunities; and

(b) The undertaking of projects by the steel industries will allow them to compete more effectively in the marketplace.

Projects eligible to receive assistance under the steel futures program may include, but are not limited to, the following:
(a) Research and development specifically related to steel and steel-related industries and feasibility studies for business development within these industries;
(b) Employee training;
(c) Labor and management relations; and
(d) Technology-driven capital investment.

Financial and technical assistance may be in the form and conditioned upon terms as stipulated by each enterprise assistance program administered by the department of commerce, labor and environmental resources as the secretary considers appropriate. No later than the thirtieth day of June of the first year after the effective date of this section, and no later than the thirtieth day of June of each year thereafter, the commission shall submit a report to the governor and Legislature describing projects of the steel futures program, results obtained from completed projects of the program and program projects for the next fiscal year.

§31-16-5. Continuation of program.
The steel advisory commission and the steel futures program shall continue to exist until the first day of July, two thousand: Provided, That prior to the termination date the joint committee on government organization shall conduct a performance review of the commission and program.
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 ninety days 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 late day of ________ 1993.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/23/93
Time 11:37 AM