WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

ENROLLED

SENATE BILL NO. 367

(By Senator Anderson, et al.)

PASSED April 12, 1997

In Effect Ninety days from Passage
ENROLLED

Senate Bill No. 367

(BY SENATORS ANDERSON, BAILEY, CHAFIN, HELMICK, JACKSON, LOVE, PLYMALE, PREZIOSO, SHARPE, WALKER, BOLEY, DUGAN, MCKENZIE, MINEAR AND SPROUSE)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and three, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section four-a, all relating generally to the West Virginia development office; allowing the chair of tourism to appoint a designee to serve on the council for community and economic development; removing obsolete language regarding initial appointments to the council; providing for confidentiality of materials received by the development office or other public body whose primary responsibility is economic development; removing obsolete language regarding the development of a reorganization plan for the development office and the report to the
governor and the Legislature on the reorganization; providing for the amount of matching grants available to participating economic development corporations and authorities under the certified development community program; allowing the development office to enter into contractual agreements with eligible regional councils to provide funding for obtaining federal matching grants and for other purposes; specifying the amount of the state allocation; and requiring the development office to develop eligibility criteria.

Be it enacted by the Legislature of West Virginia:

That sections one, two and three, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section four-a, all to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-1. West Virginia development office; confidentiality.

1 The governor's office of community and industrial development is hereby continued but is hereafter designated and shall be known as the West Virginia development office. All references in this code to the office of community and industrial development or the governor's office of community and industrial development shall be construed as references to the West Virginia development office.

2 Any documentary material, data or other writing made or received by the West Virginia development office or other public body, whose primary responsibility is economic development, for the purpose of furnishing assistance to a new or existing business shall be exempt from the provisions of article one, chapter twenty-nine-b of this code: Provided, That any agreement entered into or signed by the development office or public body which obligates public funds shall be subject to inspection and copying pursuant to the provisions of said article as of the date the agreement is entered into, signed or otherwise made public.
§5B-2-2. Council for community and economic development; members, appointment and expenses; meetings; appointment and compensation of director.

(a) The council for community and economic development, within the West Virginia development office, is a body corporate and politic, constituting a public corporation and government instrumentality. Membership on the council consists of:

(1) Nine members to be appointed by the governor, with the advice and consent of the Senate, representing community or regional interests, including economic development, commerce, banking, manufacturing, the utility industry, the mining industry, the telecommunications/data processing industry, small business, labor, tourism or agriculture: Provided, That one member appointed pursuant to this subsection shall be a member of a regional planning and development council. Of the nine members representing community or regional interests, three members shall be from each congressional district of the state and shall be appointed in such a manner as to provide a broad geographical distribution of members of the council;

(2) Two at-large members to be appointed by the governor with the advice and consent of the Senate;

(3) One member to be appointed by the governor from a list of two persons recommended by the speaker of the House of Delegates;

(4) One member to be appointed by the governor from a list of two persons recommended by the president of the Senate;

(5) The president of the West Virginia economic development council; and

(6) The chair, or his or her designee, of the tourism commission created pursuant to the provisions of section eight of this article.

(b) The governor shall appoint the appointed members of the council for four-year terms. Any member whose
term has expired shall serve until his or her successor has
been duly appointed and qualified. Any person appointed
to fill a vacancy shall serve only for the unexpired term.
Any member is eligible for reappointment. In cases of any
vacancy in the office of a member, the vacancy shall be
filled by the governor in the same manner as the original
appointment.

(c) Members of the council are not entitled to compensa-
tion for services performed as members, but are entitled to
reimbursement for all reasonable and necessary expenses
actually incurred in the performance of their duties. A
majority of the members constitute a quorum for the
purpose of conducting business. The council shall elect its
chair for a term to run concurrent with the term of office
of the member elected as chair. The chair is eligible for
successive terms in that position.

(d) The council shall employ an executive director of the
West Virginia development office, who is qualified for the
position by reason of his or her extensive education and
experience in the field of professional economic develop-
ment. The executive director shall serve at the will and
pleasure of the council. The salary of the director shall be
fixed by the council. The director shall have overall
management responsibility and administrative control and
supervision within the West Virginia development office.
It is the intention of the Legislature that the director
provide professional and technical expertise in the field of
professional economic and tourism development in order
to support the policy making functions of the council, but
that the director not be a public officer, agent, servant or
contractor within the meaning of section thirty-eight,
article VI of the constitution of the state and not be a
statutory officer within the meaning of section one, article
two, chapter five-f of this code. Subject to the provisions
of the contract provided for in section four of this article,
the director may hire and fire economic development
representatives employed pursuant to the provisions of
section five of this article.

§5B-2-3. Powers and duties of council for community and
economic development.
(a) The council for community and economic development shall enhance economic growth and development through the development of a comprehensive economic development strategy for West Virginia. "Comprehensive economic development strategy" means a plan that outlines strategies and activities designed to continue, diversify or expand the economic base of the state as a whole; create jobs; develop a highly skilled work force; facilitate business access to capital, including venture capital; advertise and market the resources offered by the state with respect to the needs of business and industry; facilitate cooperation among local, regional and private economic development enterprises; improve infrastructure on a state, regional and community level; improve the business climate generally; and leverage funding from sources other than the state, including federal and private sources.

(b) The council shall develop a certified development community program and provide funding assistance to the participating economic development corporations or authorities through a matching grant program. The council shall establish criteria for awarding matching grants to the corporations or authorities within the limits of funds appropriated by the Legislature for the program. The matching grants to corporations or authorities eligible under the criteria shall be in the amount of thirty thousand dollars for each fiscal year, if sufficient funds are appropriated by the Legislature. The West Virginia development office shall recognize existing county, regional or multi-county corporations or authorities where appropriate.

In developing its plan, the West Virginia development office shall consider resources and technical support available through other agencies, both public and private, including, but not limited to, the state college and university systems; the West Virginia housing development fund; the West Virginia economic development authority; the West Virginia parkways, economic development and tourism authority; the West Virginia round table; the West Virginia chamber of commerce; regional planning and
development councils; regional partnership for progress
councils; and state appropriations.

c) The council shall promulgate rules to carry out the
purposes and programs of the West Virginia development
office to include generally the programs available, and the
procedure and eligibility of applications relating to
assistance under the programs. These rules are not subject
to the provisions of chapter twenty-nine-a of this code, but shall be filed with the secretary of state.

§5B-2-4a. State allocation to regional councils.

1 The West Virginia development office may enter into
contractual agreements with the regional councils formed
under the provisions of section five, article twenty-five,
chapter eight of this code to provide funding to the
regional councils to be used to obtain federal matching
grants and for other purposes determined to be appropri-
ate by the development office. The maximum state
allocation to each eligible regional council shall be forty
thousand dollars: Provided, That the amount of the
allocation shall be determined by dividing the number of
eligible regional councils into the total amount of funds
made available for allocation by the Legislature. The
West Virginia development office shall develop criteria to
determine a regional council’s eligibility for the state
allocation.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the day of , 1997.

Governor
PRESENTED TO THE GOVERNOR
Date 4/28/97
Time 2:00 pm