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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001



ENROLLED

SENATE BILL NO. 716

(By Senator Unger, et al **)**



PASSED April 14, 2001

In Effect 90 days from **Passage**

ENROLLED

Senate Bill No. 716

(BY SENATORS UNGER, CRAIGO, BOWMAN, FANNING, SPROUSE,
MCCABE, JACKSON, KESSLER, HELMICK AND PLYMALE)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section 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 chapter by adding thereto a new article, designated article three, all relating to establishing the joint commission; indicating economic development vision and goals for the state; establishing the joint commission on economic development; specifying the duties of the commission; requiring the commission examine the vision and goals every four years; requiring certain agencies to provide copies of rules to the commission; requiring the development office to collect information and present it to the joint commission; requiring the legislative auditor to provide information to the joint commission; and directing the commission to undertake various studies.

Be it enacted by the Legislature of West Virginia:

That section 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 chapter be further amended by adding thereto a new article, designated article three, all to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-3. Powers and duties of council for community and economic development.

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

18 (b) The council shall develop a certified development
19 community program and provide funding assistance to the
20 participating economic development corporations or
21 authorities through a matching grant program. The
22 council shall establish criteria for awarding matching
23 grants to the corporations or authorities within the limits
24 of funds appropriated by the Legislature for the program.
25 The matching grants to corporations or authorities eligible
26 under the criteria shall be in the amount of thirty thou-
27 sand dollars for each fiscal year, if sufficient funds are
28 appropriated by the Legislature. The West Virginia
29 development office shall recognize existing county,

30 regional or multicounty corporations or authorities where
31 appropriate.

32 In developing its plan, the West Virginia development
33 office shall consider resources and technical support
34 available through other agencies, both public and private,
35 including, but not limited to, the state college and univer-
36 sity systems; the West Virginia housing development fund;
37 the West Virginia economic development authority; the
38 West Virginia parkways, economic development and
39 tourism authority; the West Virginia round table; the West
40 Virginia chamber of commerce; regional planning and
41 development councils; regional partnership for progress
42 councils; and state appropriations.

43 (c) The council shall promulgate rules to carry out the
44 purposes and programs of the West Virginia development
45 office to include generally the programs available, and the
46 procedure and eligibility of applications relating to
47 assistance under the programs. These rules are not subject
48 to the provisions of chapter twenty-nine-a of this code, but
49 shall be filed with the secretary of state. Any new rules
50 promulgated by the council shall be promptly submitted to
51 the joint commission created in article three of this
52 chapter. The current rules shall be submitted to the joint
53 commission within thirty days of the effective date of this
54 section.

**ARTICLE 3. WEST VIRGINIA ECONOMIC DEVELOPMENT STRATEGY: A
VISION SHARED.**

§5B-3-1. Legislative intent.

1 (a) *West Virginia: A shared vision statement.* – West
2 Virginia’s strong commitment to future generations has
3 created a vibrant and diverse economy balancing quality
4 jobs and the state’s irreplaceable natural beauty. West
5 Virginia has a highly skilled and educated workforce, is a
6 leader in innovation and offers an excellent quality of life
7 for all residents.

8 (b) "West Virginia: A vision shared" vision statement is
9 meant to be used as a touchstone to ensure that actions
10 being undertaken are in line and on course.

11 (c) It is the intent of the Legislature to set economic
12 development goals for the state and that the joint commis-
13 sion on economic development, created in this article, use
14 the goals in bringing all agencies performing economic
15 development and workforce investment activities together
16 to improve the economic situation in this state.

17 (d) Furthermore, it is the intent of the Legislature that
18 the state work toward accomplishing three overall goals:

19 (1) The development of a comprehensive statewide
20 economic development strategy;

21 (2) The effective statewide coordination of economic
22 development programs; and,

23 (3) The development of meaningful agency and program
24 benchmarks and performance-based evaluations.

**§5B-3-2. Creation of the joint commission on economic develop-
ment.**

1 (a) The joint commission on economic development is
2 hereby established. The commission shall be composed of
3 sixteen members as follows:

4 (1) The chairs of the Senate and House of Delegates
5 finance committees;

6 (2) The chairs of the Senate and House of Delegates
7 judiciary committees;

8 (3) The chairs of the Senate and House of Delegates
9 education committees;

10 (4) Five additional members of the Senate appointed by
11 the president of the Senate; and

12 (5) Five additional members of the House of Delegates
13 appointed by the speaker of the House of Delegates.

14 No more than four of the five additional members
15 appointed by the president of the Senate and the speaker
16 of the House of Delegates, respectively, may be members
17 of the same political party. In addition, the president of
18 the Senate and the speaker of the House of Delegates shall
19 be *ex officio* nonvoting members of the commission and
20 shall designate the co-chairpersons of the commission.

21 (b) Any vacancies occurring in the membership of the
22 commission shall be filled in the same manner as the
23 original appointment for the position being vacated. The
24 vacancy shall not affect the power of the remaining
25 members to perform the duties of the commission.

26 (c) The commission may explore how West Virginia can:

27 (1) Invest in systems that build workforce skills and
28 promote lifelong learning to ensure a competitive
29 workforce;

30 (2) Enhance the infrastructure, communications and
31 transportation needed to support the knowledge-based
32 industries and electronic commerce;

33 (3) Reorganize government to deliver services more
34 efficiently, using technology, privatization and partner-
35 ships with the private sector;

36 (4) Align state tax systems to meet the demands of the
37 twenty-first century economy;

38 (5) Develop more uniform regulatory and tax systems to
39 reduce complexity, eliminate market distortions and better
40 protect consumers;

41 (6) Support entrepreneurs by streamlining business
42 regulations, providing timely decisions and assisting firm
43 in their search for venture capital;

44 (7) Promote university policies that encourage research
45 and development and build intellectual infrastructure;

46 (8) Address quality-of-life concerns to attract new
47 businesses and workers; and

48 (9) Accomplish the goals set forth in this article and any
49 other goal related to economic development or workforce
50 investment that the commission considers important.

51 (d) The commission may propose legislation necessary to
52 accomplish its goals.

§5B-3-3. Reexamination of vision and goals.

1 Every fourth year after the first day of January, two
2 thousand one, the joint commission on economic develop-
3 ment, established pursuant to this article, shall conduct a
4 thorough examination of the vision and goals set forth in
5 this article and may recommend legislation relating to the
6 vision and goals to the Legislature.

§5B-3-4. Commission review of procedural rules, interpretive rules and existing legislative rules.

1 (a) The joint commission on economic development may
2 review any procedural rules, interpretive rules or existing
3 legislative rules and make recommendations concerning
4 such rules to the Legislature.

5 (b) The development office and the tourism commission
6 established pursuant to article two, chapter five-b of this
7 code, the economic development authority established
8 pursuant to article fifteen, chapter thirty-one of this code,
9 the bureau of employment programs established pursuant
10 to article four, chapter twenty-one-a of this code, the
11 workforce investment commission established pursuant to
12 article two-c, chapter five-b, West Virginia jobs invest-
13 ment trust, regional planning and development councils,
14 West Virginia rural development council, governor's office
15 of technology and West Virginia clearinghouse for
16 workforce education shall each file a copy of its legislative

17 rules with the commission as provided for herein. Each
18 agency that proposes legislative rules in accordance to the
19 provisions of article three, three-a or three-b, chapter
20 twenty-nine-a of this code relating to economic develop-
21 ment or workforce development shall file the rules with
22 the joint commission at the time the rules are filed with
23 the secretary of state prior to the public comment period
24 or public hearing required in chapter twenty-nine-a of this
25 code.

§5B-3-5. Joint commission on economic development studies.

1 (a) The joint commission on economic development shall
2 study the following:

3 (1) The feasibility of establishing common regional
4 configurations for such purposes as local workforce
5 investment areas, regional educational service agencies
6 and for all other purposes the commission considers
7 feasible. The study should review the existing levels of
8 cooperation between state and local economic developers;
9 complete an analysis of possible regional configurations
10 and outline examples of other successful regional systems
11 or networks found throughout the world. If the study
12 determines that the common regional configurations are
13 feasible, the commission shall recommend legislation
14 establishing common regional designations for all pur-
15 poses the commission considers feasible. In making the
16 designation of regional areas, the study shall take into
17 consideration, but not be limited to, the following:

18 (A) Geographic areas served by local educational
19 agencies and intermediate educational agencies;

20 (B) Geographic areas served by post-secondary educa-
21 tional institutions and area vocational education schools;

22 (C) The extent to which such local areas are consistent
23 with labor market areas;

24 (D) The distance that individuals will need to travel to
25 receive services provided in such local areas; and

26 (E) The resources of such local areas that are available
27 to effectively administer the activities or programs;

28 (2) The effectiveness and fiscal impact of incentives for
29 attracting and growing businesses, especially technology-
30 intensive companies; and

31 (3) A comprehensive review of West Virginia's existing
32 economic and community development resources and the
33 recommendation of an organizational structure, including
34 but not limited to, the reorganization of the bureau of
35 commerce and the development office, that would allow
36 the state to successfully compete in the new global econ-
37 omy.

38 (b) In order to effectuate in the most cost-effective and
39 efficient manner the studies required in this article, it is
40 necessary for the joint commission to assemble and
41 compile a tremendous amount of information. The devel-
42 opment office will assist the joint commission in the
43 collection and analysis of this information. The tourism
44 commission established pursuant to article two, chapter
45 five-b of this code, the economic development authority
46 established pursuant to article fifteen, chapter thirty-one
47 of this code, the bureau of employment programs estab-
48 lished pursuant to article four, chapter twenty-one-a of
49 this code, the workforce investment commission estab-
50 lished pursuant to article two-c, chapter five-b, West
51 Virginia jobs investment trust, regional planning and
52 development councils, West Virginia rural development
53 council, governor's office of technology and West Virginia
54 clearinghouse for workforce education all shall provide a
55 copy of the agency's annual report as submitted to the
56 governor in accordance with the requirements set forth in
57 section twenty, article one, chapter five of this code to the
58 West Virginia development office. The development office
59 shall review, analyze and summarize the data contained in

60 the reports, including its own annual report, and annually
61 submit its findings to the joint commission on or before the
62 thirty-first day of December.

63 (c) The legislative auditor shall provide to the joint
64 commission a copy of any and all reports on agencies listed
65 in subsection (b) of this section, which are required under
66 article ten, chapter four of this code.

67 (d) The joint commission shall complete the studies set
68 forth in this section and any other studies it determines to
69 undertake prior to the first day of December of each year
70 and may make recommendations, including recommended
71 legislation for introduction during the regular session of
72 the Legislature.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of May, 2001.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 5/1/01

Time 2:30 pm