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.

(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,
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. Any new rules promulgated by the council shall be promptly submitted to the joint commission created in article three of this chapter. The current rules shall be submitted to the joint commission within thirty days of the effective date of this section.

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

§5B-3-1. Legislative intent.

(a) West Virginia: A shared vision statement. — West Virginia’s strong commitment to future generations has created a vibrant and diverse economy balancing quality jobs and the state’s irreplaceable natural beauty. West Virginia has a highly skilled and educated workforce, is a leader in innovation and offers an excellent quality of life for all residents.
(b) "West Virginia: A vision shared" vision statement is meant to be used as a touchstone to ensure that actions being undertaken are in line and on course.

(c) It is the intent of the Legislature to set economic development goals for the state and that the joint commission on economic development, created in this article, use the goals in bringing all agencies performing economic development and workforce investment activities together to improve the economic situation in this state.

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

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

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

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

§5B-3-2. Creation of the joint commission on economic development.

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

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

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

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

(4) Five additional members of the Senate appointed by the president of the Senate; and
(5) Five additional members of the House of Delegates appointed by the speaker of the House of Delegates.

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

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

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

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

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

(3) Reorganize government to deliver services more efficiently, using technology, privatization and partnerships with the private sector;

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

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

(6) Support entrepreneurs by streamlining business regulations, providing timely decisions and assisting firms in their search for venture capital;
(7) Promote university policies that encourage research and development and build intellectual infrastructure;

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

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

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

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

Every fourth year after the first day of January, two thousand one, the joint commission on economic development, established pursuant to this article, shall conduct a thorough examination of the vision and goals set forth in this article and may recommend legislation relating to the vision and goals to the Legislature.

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

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

(b) The development office and the tourism commission established pursuant to article two, chapter five-b of this code, the economic development authority established pursuant to article fifteen, chapter thirty-one of this code, the bureau of employment programs established pursuant to article four, chapter twenty-one-a of this code, the workforce investment commission established pursuant to article two-c, chapter five-b, West Virginia jobs investment trust, regional planning and development councils, West Virginia rural development council, governor's office of technology and West Virginia clearinghouse for workforce education shall each file a copy of its legislative
rules with the commission as provided for herein. Each agency that proposes legislative rules in accordance to the provisions of article three, three-a or three-b, chapter twenty-nine-a of this code relating to economic development or workforce development shall file the rules with the joint commission at the time the rules are filed with the secretary of state prior to the public comment period or public hearing required in chapter twenty-nine-a of this code.

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

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

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

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

(B) Geographic areas served by post-secondary educational institutions and area vocational education schools;

(C) The extent to which such local areas are consistent with labor market areas;
(D) The distance that individuals will need to travel to receive services provided in such local areas; and

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

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

(3) A comprehensive review of West Virginia's existing economic and community development resources and the recommendation of an organizational structure, including but not limited to, the reorganization of the bureau of commerce and the development office, that would allow the state to successfully compete in the new global economy.

(b) In order to effectuate in the most cost-effective and efficient manner the studies required in this article, it is necessary for the joint commission to assemble and compile a tremendous amount of information. The development office will assist the joint commission in the collection and analysis of this information. The tourism commission established pursuant to article two, chapter five-b of this code, the economic development authority established pursuant to article fifteen, chapter thirty-one of this code, the bureau of employment programs established pursuant to article four, chapter twenty-one-a of this code, the workforce investment commission established pursuant to article two-c, chapter five-b, West Virginia jobs investment trust, regional planning and development councils, West Virginia rural development council, governor's office of technology and West Virginia clearinghouse for workforce education all shall provide a copy of the agency's annual report as submitted to the governor in accordance with the requirements set forth in section twenty, article one, chapter five of this code to the West Virginia development office. The development office shall review, analyze and summarize the data contained in
the reports, including its own annual report, and annually
submit its findings to the joint commission on or before the
thirty-first day of December.

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

(d) The joint commission shall complete the studies set
forth in this section and any other studies it determines to
undertake prior to the first day of December of each year
and may make recommendations, including recommended
legislation for introduction during the regular session of
the Legislature.
The 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 2nd Day of May, 2001.

Governor