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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 529

(By Senator Tomblin, Mr. President and **†**
Sprouse, By Request of the Executive)

PASSED April 13, 2001

In Effect 90 days from **Passage**

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Senate Bill No. 529

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed April 13, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to expanding the membership of the council for community and economic development.

Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-2. Council for community and economic development; members, appointment and expenses; meetings; appointment and compensation of director.

- 1 (a) The council for community and economic develop-
- 2 ment, within the West Virginia development office, is a
- 3 body corporate and politic, constituting a public corpora-

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4 tion and government instrumentality. Membership on the
5 council consists of:

6 (1) No less than nine nor more than eleven members to
7 be appointed by the governor, with the advice and consent
8 of the Senate, representing community or regional inter-
9 ests, including economic development, commerce, banking,
10 manufacturing, the utility industry, the mining industry,
11 the telecommunications/data processing industry, small
12 business, labor, tourism or agriculture: *Provided*, That one
13 member appointed pursuant to this subsection shall be a
14 member of a regional planning and development council.
15 Of the members representing community or regional
16 interests, there shall be at least three members from each
17 congressional district of the state and they shall be ap-
18 pointed in such a manner as to provide a broad geograph-
19 ical distribution of members of the council;

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

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

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

28 (5) The president of the West Virginia economic develop-
29 ment council; and

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

33 In addition, the president of the Senate and the speaker
34 of the House of Delegates, or his or her designee, shall
35 serve as ex officio nonvoting members.

36 (b) The governor shall appoint the appointed members
37 of the council to four-year terms. Any member whose term
38 has expired shall serve until his or her successor has been

39 duly appointed and qualified. Any person appointed to fill
40 a vacancy shall serve only for the unexpired term. Any
41 member is eligible for reappointment. In cases of any
42 vacancy in the office of a member, the vacancy shall be
43 filled by the governor in the same manner as the original
44 appointment.

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

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

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

Lucy D. Sims
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

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

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

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

The within *is approved* this the *1st*
Day of *May*, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/30/01

Time 2:50 pm