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SB 393

FILED

2007 APR -4 PM 3: 56

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 393**

(SENATOR BOWMAN, *original sponsor*)

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[Passed March 10, 2007; to take effect July 1, 2007.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §5B-1-1a, relating to the Marketing and Communications Office; creating the Marketing and Communications Office in the Department of Commerce; authorizing the office to

provide marketing and communications goods and services to other state agencies, departments, units of state or local government or other entity or person; authorizing the assessment of fees; setting fees; creating a special revenue account; providing for expenditure of funds; requiring certain reports; and providing sunset provisions.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §5B-1-1a, to read as follows:

**ARTICLE 1. DEPARTMENT OF COMMERCE.**

**§5B-1-1a. Marketing and Communications Office.**

1 (a) There is hereby created in the Department of  
2 Commerce the Marketing and Communications Office.  
3 The office is created to provide marketing and  
4 communications goods and services to other state  
5 agencies, departments, units of state or local  
6 government or other entity or person.

7 (b) The office is authorized to charge for goods and  
8 services it provides to other state agencies. The  
9 Secretary of the Department of Commerce shall approve  
10 a fee schedule determining the amounts that may be  
11 charged for goods and services provided by the office to  
12 other state agencies.

13 (c) All moneys collected shall be deposited in a special  
14 account in the State Treasury to be known as the  
15 Department of Commerce Marketing and  
16 Communications Operating Fund. Expenditures from  
17 the fund shall be for the operation of the office and are  
18 not authorized from collections but are to be made only  
19 in accordance with appropriation by the Legislature

20 and in accordance with the provisions of article two,  
21 chapter eleven-b of this code: *Provided*, That for the  
22 fiscal year ending the thirtieth day of June, two  
23 thousand, eight expenditures are authorized from  
24 collections and shall be expended at the discretion of  
25 the Secretary of the Department of Commerce rather  
26 than pursuant to appropriation by the Legislature.

27 (d) Any balance remaining at the end of any fiscal  
28 year shall not revert to the General Revenue Fund, but  
29 shall remain in the fund for expenditures in accordance  
30 with the purposes set forth in this section.

31 (e) The Department of Commerce shall develop and  
32 maintain a system of annual or more frequent  
33 performance measures useful in gauging the efficiency  
34 and effectiveness of the office's marketing and  
35 communications activities. The measures shall also  
36 reflect the office's efficiency and effectiveness with  
37 respect to commercially available marketing and  
38 communications services and any private sector  
39 benchmarks which might be identified or created. For  
40 the purposes of this section, "performance measures"  
41 means income, output, quality, self-sufficiency and  
42 outcome metrics.

43 (f) Beginning on the first day of January, two  
44 thousand eight, and annually every year thereafter, the  
45 Secretary of the Department of Commerce shall report  
46 to the Joint Committee on Government and Finance, the  
47 Joint Standing Committee on Finance and the Joint  
48 Commission on Economic Development on the  
49 performance of the office. This report is to include a  
50 statement of the performance measurements for the  
51 office developed by the Secretary of the Department of  
52 Commerce and an analysis of the office's performance.

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53 (g) Pursuant to the provisions of article ten, chapter  
54 four of this code, the Marketing and Communications  
55 Office shall continue to exist until the first day of July,  
56 two thousand ten, unless sooner terminated, continued  
57 or reestablished.

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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 July 1, 2007.


  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within ..... *is approved* ..... this  
the *4th* Day of *April* ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 03 2007

Time 1:35