WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2444

(BY MR. SPEAKER (MR. ARMSTEAD), MILLER, WAXMAN,

AZINGER, UPSON, KESSINGER, SUMMERS, HANSHAW,

KURCABA, HILL, E. NELSON)

[Passed March 11, 2016; in effect ninety days from passage.]

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1 AN ACT to amend and reenact §5B-2-5 of the Code of West Virginia, 1931, as amended, relating

2   to providing assistance to small businesses; requiring that the director of the West Virginia

3   Development Office report biennially and offer recommendations for reducing the burdens

4   imposed on small businesses; and further identifying the report's contents.

Be it enacted by the Legislature of West Virginia:

1   That §5B-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted

2 to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-5. Economic development representatives.

1   (a) The executive director may employ economic development representatives to be paid

2 a base salary within legislative appropriations to the West Virginia Development Office, subject to

3 applicable contract provisions pursuant to section four of this article. Economic development

4 representatives may receive performance-based incentives and expenses paid from private funds

5 from a nonprofit corporation contracting with the West Virginia Development Office pursuant to

6 the provisions of section four of this article. The executive director shall establish job descriptions

7 and responsibilities of economic development representatives, subject to the provisions of any

8 contract with a nonprofit corporation entered into pursuant to section four of this article.

9   (b) Notwithstanding any provision of this code to the contrary, economic development

10 representatives employed within the West Virginia Development Office are not subject to the

11 procedures and protections provided by articles six and six-a, chapter twenty-nine of this code.

12 Any employee of the West Virginia Development Office on the effective date of this article who

13 applies for employment as an economic development representative is not entitled to the

14 protections of article six, chapter twenty-nine with respect to hiring procedures and qualifications;

15 and upon accepting employment as an economic development representative, the employee

16 relinquishes the protections provided for in article two, chapter six-c and article six, chapter

17 twenty-nine of this code.

18   (c) On the last Monday in January, in years 2017, 2019 and 2021, the executive director

19 shall submit to the Legislature a written report. The executive director shall provide copies of his

20 or her report to the President of the Senate, the Speaker of the House of Delegates, the chair of

21 the Senate Committee on Economic Development and the chair of the House Committee on Small

22 Business, Entrepreneurship and Economic Development. The executive director's report shall

23 do the following:

24   (1) Identify and describe loans, grants or other funding sources that economic

25 development representatives have assisted small businesses acquire during the immediately

26 preceding reporting cycle;

27   (2) Identify and describe generally inquiries, requests for assistance or other matters that

28 other state or federal agencies have presented to the West Virginia Development Office in the

29 immediately preceding reporting cycle in connection with those agencies' efforts to regulate or

30 assist small businesses;

31   (3) Identify and describe issues with formation, registration and licensure requirements

32 that state law imposes on small businesses that small businesses have identified to the West

33 Virginia Development Office in the immediately preceding reporting cycle as burdensome;

34   (4) Identify specific forms, processes or requirements imposed by state law that small

35 businesses have identified to the West Virginia Development Office in the immediately preceding

36 reporting cycle that may be streamlined, simplified, combined or eliminated in order to reduce

37 unnecessary costs, delays or other burdens on small businesses;

38   (5) Propose and describe concrete and specific steps that any branch, agency or level of

39 state government may take to streamline, simplify, combine or eliminate the forms, processes or

40 requirements identified in subdivision (4) of this subsection; and

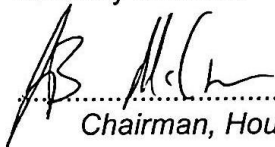41   (6) Provide the following information:

42   (A) The number of small businesses counseled by the West Virginia Development Office

43 during the immediately preceding reporting cycle;

44   (B) The number of new businesses created while being counseled by the West Virginia

45 Development Office during the immediately preceding reporting cycle;

46   (C) The number of jobs created by businesses counseled by the West Virginia

47 Development Office during the immediately preceding reporting cycle; and

48   (D) Any other information that, in the opinion of the executive director, demonstrates the

49 performance of the West Virginia Development Office or economic development representatives

50 during the immediately preceding reporting cycle.

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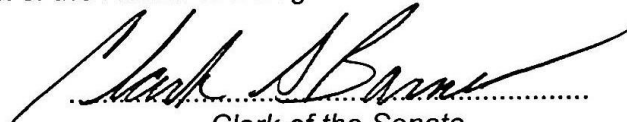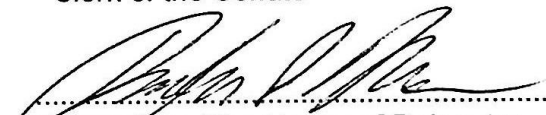
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Chairman, House Committee

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Member Chairman, Senate Committee
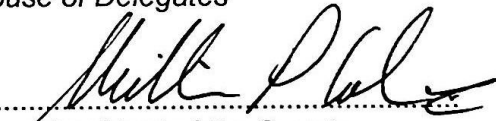
Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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The within ......is...... approved this the......24th........................

day of ......March.., 2016.

....
Governor

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PRESENTED TO THE GOVERNOR

MAR 2 2 2016

Time _____ 3:26 pm