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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For
HOUSE BILL No. 2285

(By Delegates *Pettit and Honourable*)



Passed April 10, 1993

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2285
(By DELEGATES PETTIT AND HOUVOURAS)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen, relating to economic and industrial development; creating the steel advisory commission and a steel futures program in the department of commerce, labor and environmental resources; setting forth legislative intent and purposes; appointment of the commission; terms of the commission; reimbursement of expenses; meeting space and staff services for the commission; responsibilities of the commission; and providing for the termination of the advisory commission and program in seven years.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:

ARTICLE 16. WEST VIRGINIA STEEL FUTURES PROGRAM.

§31-16-1. Legislative intent; purpose and administration.

1 The Legislature recognizes that the steel industry
2 plays a significant role in West Virginia's economy, and

3 the industry's survival and success is of significant
4 importance to the residents and the tax base of the state.
5 Because of this significant economic role, there is hereby
6 created in the West Virginia department of commerce,
7 labor and environmental resources a steel advisory
8 commission and a new program entitled "The Steel
9 Futures Program". The purpose of the commission and
10 the program is to preserve and improve the economy of
11 the state by promoting employment and increased
12 productivity, thereby ensuring continued economic
13 development consistent with these goals, and to main-
14 tain a high standard of living for the residents of the
15 state. The commission, through the steel futures
16 program, may supplement any other enterprise assist-
17 ance program administered by the West Virginia
18 department of commerce, labor and environmental
19 resources. The steel futures program shall be adminis-
20 tered so as to provide financial and technical assistance
21 as provided in this article to increase the competitive-
22 ness of existing steel and steel-related industries within
23 the state and to encourage the establishment and
24 development of new steel and steel-related industries
25 within the state.

**§31-16-2. Steel advisory commission; membership, ap-
pointment, terms, quorum and selection
officers.**

1 (a) There is hereby created the West Virginia steel
2 advisory commission within the department of com-
3 merce, labor and environmental resources, which shall
4 consist of thirteen members. The secretary of the
5 department of commerce, labor and environmental
6 resources or his or her designee shall be a member of
7 the commission and shall serve as its chairperson. Eight
8 members shall be appointed by the governor with the
9 advice and consent of the Senate. At least four of the
10 members appointed by the governor shall be senior
11 management representatives of steel manufacturing
12 companies that employ over fifty people. At least two of
13 the members appointed by the governor shall be
14 representatives of organized labor. One of the members
15 appointed by the governor shall be a member of the

16 United Steelworkers of America. One of the members
17 appointed by the governor shall be a member of the
18 Independent Steelworkers Union. One member shall be
19 appointed by the University of West Virginia board of
20 trustees and one member shall be appointed by the
21 board of directors of the state college system: *Provided,*
22 That of the members appointed by these educational
23 bodies, one shall be appointed to represent a school of
24 engineering and one shall be appointed to represent a
25 school of business administration. Of the remaining
26 members, the president of the Senate and the speaker
27 of the House of Delegates shall each appoint one
28 member from their respective houses who shall serve as
29 ex officio nonvoting members. No more than seven of the
30 governor's appointees shall be of the same political
31 party. Prior to making the appointments, the governor
32 shall solicit recommendations from individuals repre-
33 senting the steel industry and labor organizations
34 representing steelworkers. The governor shall make
35 appointments based upon the knowledge and experience
36 of the individual in the steel industry.

37 (b) Within ninety days after the effective date of this
38 section, the governor, the University of West Virginia
39 board of trustees and the board of directors of the state
40 college system, the president of the Senate and the
41 speaker of the House of Delegates shall make their
42 respective initial appointments to the commission. The
43 terms of office for nonlegislative appointed members are
44 seven years. Each member shall hold office from the
45 date of his or her appointment until the end of the term
46 for which he or she was appointed. Members may be
47 reappointed. Vacancies shall be filled in the manner
48 provided for original appointments. A member shall
49 continue in office until his or her successor takes office
50 or until a period of sixty days has elapsed, whichever
51 occurs first. The terms of legislative members shall be
52 for the term for which they were elected.

53 (c) Notwithstanding the terms of office stated for
54 members in subsection (b) of this section, each member
55 serves at the pleasure of his or her appointing authority
56 and the appointing authority may remove his or her

57 appointee at any time and for any reason.

58 (d) Seven members constitute a quorum and an
59 affirmative vote of seven members is necessary to
60 transact business of the commission. In the event of the
61 absence of a member appointed by the president of the
62 Senate or by the speaker of the House of Delegates, the
63 president of the Senate or the speaker of the House of
64 Delegates may become a member, as the case may be,
65 may designate an alternative member of the
66 commission.

67 (e) Before entering upon the duties of office, each
68 member shall take the oath of office prescribed by the
69 constitution of West Virginia.

70 (f) Members of the commission shall receive no
71 compensation but shall be reimbursed for their neces-
72 sary and actual expenses incurred in the course of duties
73 as members of the commission.

74 (g) The commission shall provide for the election of
75 officers. The commission shall meet at least three times
76 annually or upon the call of the chairperson or upon the
77 request of five or more members.

78 (h) The West Virginia department of commerce, labor
79 and environmental resources, as requested by the
80 commission, shall provide the commission with meeting
81 space and staff services and other technical assistance.
82 The West Virginia department of commerce, labor and
83 environmental resource development office shall assist
84 the commission with the costs of production and
85 distribution of commission reports. If the commission
86 determines, by a majority vote, to have any study
87 conducted by a third party, the funds for the study shall
88 be derived from contributions from the steel industry or
89 other interested parties.

§31-16-3. Responsibilities of commission.

1 The West Virginia steel industry advisory commission
2 shall conduct an examination of existing federal and
3 state laws which currently affect the production and
4 consumption of West Virginia steel and shall study
5 problems which the West Virginia steel industry

6 currently faces including unfair competition from
7 foreign industries, the economic factors affecting the
8 West Virginia steel industry, and other matters relevant
9 to the future of the steel industry in this state.

§31-16-4. Steel futures program.

1 The Commission shall develop and recommend a
2 strategy for financial and technical assistance to steel
3 and steel-related industries in the state. The strategy
4 shall include investment policies with regard to these
5 industries. In administering the program, the commis-
6 sion shall consult with appropriate representatives of
7 steel, and steel-related industries, appropriate represen-
8 tatives of any union that represents workers in these
9 industries, and any other persons with expert knowledge
10 of these industries. The commission shall consult with
11 the chairman of the public service commission to foster
12 the development of public and private cooperative
13 efforts that would result in energy savings and reduced
14 energy costs for steel and steel-related industries. The
15 commission, shall consult with the air pollution control
16 commission, the division of solid waste management, the
17 water resources board, groundwater conservation
18 agencies and other agencies with which the steel
19 industry must interact to assist the steel industry in
20 adhering to regulations in a manner conducive to
21 economic viability. Assistance may be made available to
22 steel and steel-related industries undertaking projects
23 the commission determines to have long-term implica-
24 tions for and broad applicability to the economy of this
25 state when the secretary of the department of com-
26 merce, labor and environmental resources finds that:

27 (a) The undertaking of projects by the steel industries
28 will benefit the people of the state by creating or
29 preserving jobs and employment opportunities; and

30 (b) The undertaking of projects by the steel industries
31 will allow them to compete more effectively in the
32 marketplace.

33 Projects eligible to receive assistance under the steel
34 futures program may include, but are not limited to, the
35 following:

36 (a) Research and development specifically related to
37 steel and steel-related industries and feasibility studies
38 for business development within these industries;

39 (b) Employee training;

40 (c) Labor and management relations; and

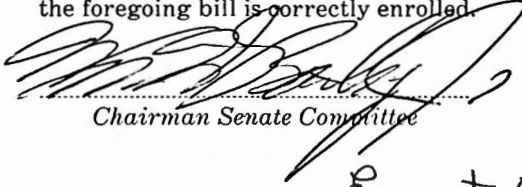
41 (d) Technology-driven capital investment.

42 Financial and technical assistance may be in the form
43 and conditioned upon terms as stipulated by each
44 enterprise assistance program administered by the
45 department of commerce, labor and environmental
46 resources as the secretary considers appropriate. No
47 later than the thirtieth day of June of the first year after
48 the effective date of this section, and no later than the
49 thirtieth day of June of each year thereafter, the
50 commission shall submit a report to the governor and
51 Legislature describing projects of the steel futures
52 program, results obtained from completed projects of
53 the program and program projects for the next fiscal
54 year.

§31-16-5. Continuation of program.

1 The steel advisory commission and the steel futures
2 program shall continue to exist until the first day of
3 July, two thousand: *Provided*, That prior to the termi-
4 nation date the joint committee on government organ-
5 ization shall conduct a performance review of the
6 commission and program.

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

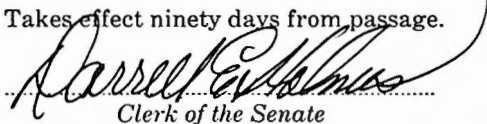


Chairman Senate Committee

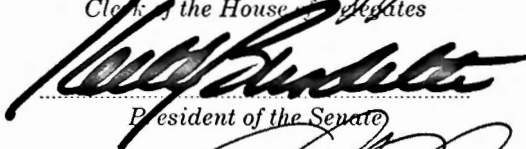

Ernest C. Moore
Chairman House Committee

Originating in the House.

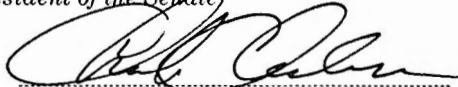
Takes effect ninety days from passage.



Clerk of the Senate

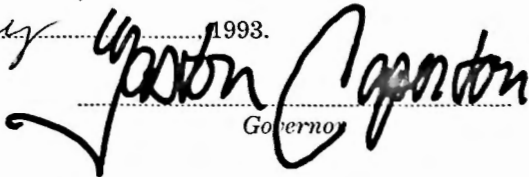

Donald L. Hoff
Clerk of the House of Delegates

President of the Senate



Speaker of the House of Delegates

The within is approved this the 16th
day of May 1993.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/93

Time 11:27 am