

HB 2546

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2546

(By Delegate S Pettit, Kuhn and Williams)



Passed April 10, 1997

In Effect Ninety Days From Passage

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OFFICE OF CLERK OF SENATE
STATE OF WEST VIRGINIA

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H. B. 2546

(BY DELEGATES PETTIT, KUHN AND WILLIAMS)

[Passed April 10, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two, three, four and five, article sixteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the West Virginia steel futures program; legislative intent; purpose and administration; steel advisory commission; membership; appointments; terms; quorum; general powers of the commission; steel futures program; program goals; financial and technical assistance; projects eligible for assistance; and continuation of steel advisory commission and steel futures program.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four and five, article sixteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all 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 plays
2 a significant role in West Virginia's economy, and the
3 industry's survival and success is of significant importance
4 to the residents and the tax base of the state. Because of
5 this significant economic role, there is hereby created in
6 the bureau of commerce a steel advisory commission and

7 a new program entitled "The Steel Futures Program".
8 The purpose of the commission and the program is to
9 preserve and improve the economy of the state by pro-
10 moting employment and increased productivity, thereby
11 ensuring continued economic development consistent with
12 these goals, and to maintain a high standard of living for
13 the residents of the state. The commission, through the
14 steel futures program, may supplement any other enter-
15 prise assistance program administered by the West Virgin-
16 ia development office. The steel futures program shall be
17 administered so as to provide financial and technical
18 assistance as provided in this article to increase the com-
19 petitiveness of existing steel and steel-related industries
20 within the state and to encourage the establishment and
21 development of new steel and steel-related industries
22 within the state.

**§31-16-2. Steel advisory commission; membership, appoint-
ment, terms, quorum and selection of officers.**

1 (a) There is hereby created the West Virginia steel
2 advisory commission within the bureau of commerce,
3 which shall consist of fifteen members. The governor or
4 his or her designee shall be a member of the commission
5 and shall serve as its chairperson. Ten members shall be
6 appointed by the governor with the advice and consent of
7 the Senate. At least four of the members appointed by the
8 governor shall be senior management representatives of
9 steel manufacturing companies that employ over fifty
10 people. At least two of the members appointed by the
11 governor shall be representatives of organized labor. One
12 of the members appointed by the governor shall be a
13 member of the United Steelworkers of America. One of
14 the members appointed by the governor shall be a mem-
15 ber of the Independent Steelworkers Union. One member
16 shall be appointed by the university of West Virginia
17 board of trustees and one member shall be appointed by
18 the board of directors of the state college system. Of the
19 remaining members, the president of the Senate and the
20 speaker of the House of Delegates shall each appoint one
21 member from their respective houses who shall serve as ex
22 officio nonvoting members. No more than seven of the
23 governor's appointees shall be of the same political party.

24 Prior to making the appointments, the governor shall
25 solicit recommendations from individuals representing the
26 steel industry and labor organizations representing
27 steelworkers. The governor shall make appointments
28 based upon the knowledge and experience of the individ-
29 ual in the steel industry.

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

46 (c) Notwithstanding the terms of office stated for
47 members in subsection (b) of this section, each member
48 serves at the pleasure of his or her appointing authority
49 and the appointing authority may remove his or her
50 appointee at any time and for any reason.

51 (d) Seven members constitute a quorum and an
52 affirmative vote of a majority of those members present is
53 necessary to transact business of the commission. In the
54 event of the absence of a member appointed by the
55 president of the Senate or by the speaker of the House of
56 Delegates, the president of the Senate or the speaker of the
57 House of Delegates may become a member, as the case
58 may be, or may designate an alternative member of the
59 commission.

60 (e) Before entering upon the duties of office, each
61 member shall take the oath of office prescribed by the
62 constitution of West Virginia.

63 (f) Members of the commission shall receive no
64 compensation but shall be reimbursed for their necessary
65 and actual expenses incurred in the course of duties as
66 members of the commission.

67 (g) The commission shall provide for the election of
68 officers. The commission shall meet at least three times
69 annually or upon the call of the chairperson or upon the
70 request of five or more members.

71 (h) The West Virginia development office, as requested
72 by the commission, shall provide the commission with
73 meeting space and staff services and other technical
74 assistance. The West Virginia development office shall
75 assist the commission with the costs of production and
76 distribution of commission reports. If the commission
77 determines, by a majority vote, to have any study conduct-
78 ed by a third party, the funds for the study shall be
79 derived from contributions from the steel industry or
80 other interested parties.

§31-16-3. General powers of the commission.

1 The West Virginia steel industry advisory commission
2 shall have and may exercise all powers necessary or
3 appropriate to carry out the purposes of this article,
4 including the power to:

5 (a) To conduct an examination of existing federal and
6 state laws which currently affect the production and
7 consumption of West Virginia steel;

8 (b) To study problems which the West Virginia steel
9 and steel-related industries currently face including unfair
10 competition from foreign industries, the economic factors
11 affecting the West Virginia steel industry, and other
12 matters relevant to the future of the steel and steel-related
13 industries in this state;

14 (c) To facilitate and provide technical assistance in the
15 creation of public-private partnerships that use incentive
16 packaging as a means to encourage economic growth and
17 the creation of value-added, better paying jobs;

18 (d) To develop a steel futures program;

19 (e) To identify training and educational opportunities
20 that enhance the job skills of the workforce of the steel
21 and steel-related industries;

22 (f) To identify and encourage partnering opportuni-
23 ties between the college and university systems of West
24 Virginia and the steel and steel-related industries that
25 provide education and training support to the growth and
26 stability of those industries in this state;

27 (g) To recommend that the West Virginia development
28 office enter into contractual agreements that promote the
29 interests of the West Virginia steel and steel-related
30 industries.

§31-16-4. Steel futures program.

1 (a) The commission shall develop and recommend a
2 strategy for financial and technical assistance to steel and
3 steel-related industries in the state. The strategy shall
4 include investment policies with regard to these industries.
5 In administering the program, the commission shall
6 consult with appropriate representatives of steel, and steel-
7 related industries, appropriate representatives of any union
8 that represents workers in these industries, and any other
9 persons with expert knowledge of these industries. The
10 commission shall consult with the chairman of the public
11 service commission to foster the development of public
12 and private cooperative efforts that would result in energy
13 savings and reduced energy costs for steel and
14 steel-related industries. The commission shall consult with
15 the division of environmental protection and other
16 agencies with which the steel and steel-related industries
17 must interact to assist the steel and steel-related industries
18 in adhering to regulations in a manner conducive to
19 economic viability. Assistance may be made available to
20 steel and steel-related industries undertaking projects the
21 commission determines to have long-term implications for
22 and broad applicability to the economy of this state when
23 the West Virginia development office finds that:

24 (1) The undertaking of projects by the steel and steel-
25 related industries will benefit the people of the state by

26 creating or preserving jobs and employment opportuni-
27 ties; and

28 (2) The undertaking of projects by the steel and steel-
29 related industries will allow them to compete more effec-
30 tively in the marketplace.

31 (b) Projects eligible to receive assistance under the
32 steel futures program may include, but are not limited to,
33 the following:

34 (1) Research and development specifically related to
35 steel and steel-related industries and feasibility studies for
36 business development within these industries;

37 (2) Employee training;

38 (3) Labor and management relations; and

39 (4) Technology-driven capital investment.

40 (c) Financial and technical assistance may be in the
41 form and conditioned upon terms as stipulated by each
42 enterprise assistance program administered by the West
43 Virginia development office. No later than the thirtieth
44 day of June, one thousand nine hundred ninety-four, and
45 no later than the thirtieth day of June of each year thereaf-
46 ter, the commission shall submit a report to the governor
47 and Legislature describing projects of the steel futures
48 program, results obtained from completed projects of the
49 program and program projects for the next fiscal 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 July,
3 two thousand four: *Provided*, That prior to the termina-
4 tion date the joint committee on government organization
5 shall conduct a performance review of the commission
6 and program.

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

Wendy Johnson

Chairman Senate Committee

Mick Fantarise

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Wesley Helms

Clerk of the Senate

Gregory M. Boy

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Patki

Speaker of the House of Delegates

The within *is approved* this the *7th*
day of *May*, 1997.

Jim Andrews

Governor

PRESENTED TO THE

GOVERNOR

Date

4/21/97

Time

11:46am