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ENGROSSED

H. B. 2444

(By Mr. Speaker (Mr. Armstead), Miller, Waxman, Azinger, Upson,
Kessinger, Summers, Hanshaw, Kurcaba, Hill, E. Nelson)

[Introduced January 28, 2015; referred to the

Committee on Small Business, Entrepreneurship and Economic Development.]

**FISCAL
NOTE**

A BILL to amend and reenact the §5B-2-5 of the Code of West Virginia, 1931, as amended, relating to providing assistance to small businesses; requiring the West Virginia Development Office to assign economic development office representatives to serve as Small Business Allies; identifying duties and services to be provided to small businesses and individuals desiring to establish and operate small businesses; requiring that the director of the West Virginia Development Office report biennially and offer recommendations for reducing the burdens imposed on small businesses; and further identifying the report’s contents.

Be it enacted by the Legislature of West Virginia:

That §5B-2-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

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

(a) The director may employ economic development representatives to be paid a base salary

1 within legislative appropriations to the West Virginia Development Office, subject to provisions set
2 forth by the council in its reorganization plan and applicable contract provisions pursuant to section
3 four of this article. Economic development representatives may receive performance-based
4 incentives and expenses paid from private funds from a nonprofit corporation contracting with the
5 West Virginia Development Office pursuant to the provisions of section four of this article. The
6 director shall establish job descriptions and responsibilities of economic development
7 representatives, subject to the provisions of any contract with a nonprofit corporation entered into
8 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. Any
12 employee of the West Virginia Development Office on the effective date of this article who applies
13 for employment as an economic development representative is not entitled to the protections of
14 article six, chapter twenty-nine with respect to hiring procedures and qualifications; and upon
15 accepting employment as an economic development representative, the employee relinquishes the
16 protections provided for in article two, chapter six-c and article six, chapter twenty-nine of this code.

17 (c) The director shall assign one or more economic development representatives to serve as
18 Small Business Allies. Small Business Allies shall serve as facilitators to assist small businesses and
19 individuals desiring to create and operate small businesses. Their facilitation duties shall include
20 the following:

21 (1) Identifying and assisting with applications for loans, grants or other funding sources
22 available to assist and finance specific small businesses;

1 (2) Addressing inquiries, requests for assistance and other issues raised by other state or
2 federal agencies that have jurisdiction or regulatory authority over small businesses or are assisting
3 specific small businesses;

4 (3) Identifying governmental registration and licensure requirements applicable to specific
5 small businesses;

6 (4) Identifying and completing forms and applications required for the licensure or
7 registration of specific small businesses by or with all applicable government entities; and

8 (5) Assisting with incorporation, formation and filing requirements of specific small
9 businesses.

10 (d) On the last Monday in January, in years 2016, 2018 and 2020, the director shall submit
11 to the Legislature a written report. The director shall provide copies of his or her report to the
12 President of the Senate, the Speaker of the House of Delegates, the chair of the Senate Committee
13 on Economic Development and the chair of the House Committee on Small Business,
14 Entrepreneurship and Economic Development. The director's report shall do the following:

15 (1) Identify the loans, grants or other funding sources available to assist and finance small
16 businesses;

17 (2) Identify and describe generally the inquiries, requests for assistance or other matters that
18 other state or federal agencies have presented to the West Virginia Development Office in the
19 immediately preceding reporting cycle in connection with those agencies' efforts to regulate or assist
20 small businesses;

21 (3) Identify and describe the formation, registration and licensure requirements that state law
22 imposes on small businesses;

1 (4) Identify and provide copies of all forms and applications, including materials from
2 relevant websites, that state agencies require in connection with the formation, registration or
3 licensure of small businesses;

4 (5) Identify and describe the ostensible purpose for each formation, registration or licensure
5 requirement identified in subdivision (4) of this subsection;

6 (6) Identify specific forms, processes or requirements imposed by state law that may be
7 streamlined, simplified, combined or eliminated in order to reduce unnecessary costs, delays or other
8 burdens on small businesses; and

9 (7) Propose and describe concrete and specific steps that any branch, agency or level of state
10 government may take to streamline, simplify, combine or eliminate the forms, processes or
11 requirements identified in subdivision (6) of this subsection.

12
13 NOTE: The purpose of this bill is to provide assistance to small businesses by the West
14 Virginia Development office. The bill provides for the assignment of economic development office
15 representatives to serve as Small Business Allies to act as facilitators to assist small business entities
16 and individuals desiring to establish and maintain a small business; and duties and services to be
17 provided.

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19 Strike-throughs indicate language that would be stricken from the present law, and
20 underscoring indicates new language that would be added.
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