

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.]

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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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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day of, 2016.

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Governor