WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 256

By Senators Jeffries, Queen, Deeds, and Plymale

[Originating in the Committee on Economic Development; reported on February 02, 2023]

A BILL to amend and reenact §31-15-3 of the Code of West Virginia, 1931, as amended, relating to the West Virginia Economic Development Authority; providing for legislative findings; creating a Small Business and Minority Populations Economic and Workforce Development Taskforce to assist the Director of the Economic Development Authority in developing and implementing a procedure to address employment, labor force participation, and economic development problems of small business and low income and minority populations of West Virginia; providing for makeup of taskforce; establishing duties of taskforce, including developing a model project to promote small business growth and to address employment and labor force participation challenges of low income and minority populations across West Virginia; providing for reimbursement of reasonable and necessary expenses incurred by taskforce members; establishing taskforce work groups; and providing for quarterly meetings.

Be it enacted by the Legislature of West Virginia:

Article 15. West Virginia Economic Development Authority.

§31-15-3. Purposes of article.

(a) The purposes of this article ~~shall be~~ are to provide for the formation of a public economic development authority to promote, assist, encourage and, in conjunction with such banking corporations or institutions, trust companies, savings banks, building and loan associations, insurance companies or related corporations, partnerships, foundations, nonprofit organizations or other institutions, to develop and advance the business prosperity and economic welfare of the State of West Virginia; to encourage and assist in the location of new business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift and improve the standard of living of the citizens of this state; to cooperate and act in conjunction with other organizations, public or private, the objects of which are the promotion and advancement of industrial, commercial, tourist or manufacturing developments in this state; to borrow moneys and to issue its bonds, notes, commercial paper, other debt instruments and security interests as well as creating an insurance fund for credit enhancement purposes; to furnish money and credit or credit enhancement to approved industrial development agencies or enterprises in this state or for the promotion of new projects, or to retain existing projects or to financially assist projects by insuring bonds, notes, loans and other instruments, including, but not limited to, the insuring of financing of working capital or the refinancing of existing debt of an enterprise, thereby establishing a source of credit and credit enhancement not otherwise available; to review state procurement policies and practices to assure that they meet federal and state requirements and that they effectively encourage meaningful participation of African-Americans and other minority persons in the process of competing for and awarding of state contracts for goods and services; to encourage the state to continue to support and expand small business incubator programs, including the program at institutions of higher education in the state; to encourage new and minority small business development; to undertake initiatives to encourage minority business ownership similar to those efforts used to encourage greater rates of business ownership among women; to assist community and economic development corporations to provide effective technical and business advisory services to small and minority-owned and -operated enterprises; to encourage industry, banks, and other private businesses to hire African-Americans and other minority persons; to encourage governmental agencies, ~~and~~ bodies, and businesses to be more aggressive in establishing diversity-conscious practices as employers and for their operations; to enlist traditional and nontraditional lending institutions to be more creative and favorable to lending in minority communities and to minority persons, especially for business enterprises; to encourage small business start-up and expansion and provide funding to assist minority vendors to meet bid bonding requirements; and to encourage workforce investment boards to be accountable for educating poor and minority persons for jobs better than low-paying service jobs. These purposes are hereby declared to be public purposes for which public money may be spent and are purposes which will promote the health, safety, morals, right to gainful employment, business opportunities, and general welfare of the inhabitants of the state.

(b)(1) It is hereby determined and declared, as a matter of legislative finding:

The West Virginia Forward Collaborative Report Strategy for Economic Development and Job Growth compiled jointly by West Virginia University, Marshall University, and the State of West Virginia, in Section 6.2, Innovation and Business Development contains the following:

"Many of the challenges to small business growth in West Virginia are due to the fact that small businesses are not fully aware of the resources at their disposal to grow and succeed. In addition, there is a lack of business support services across different topics, *e.g*. financial forecasting and literacy resources, affordable technical business operations such as accounting, commerce, and web design, and affordable vetted legal services in general business and intellectual property (IP). Access to resources would help companies plan and adapt to changing business needs".

(2) One of the key actions the report suggests is that West Virginia consider addressing the challenges set forth in §31-15-3(b)(1) of this code to create a one-stop resource that can map current resources and business needs, direct business to the right entities, and identify vacant spaces in support resources.

(3) It is hereby determined and declared as a legislative finding that West Virginia has the lowest labor force participation rate in the nation and has had this dubious distinction since 1976. West Virginia’s low labor force participation rate is one of the factors that stymies economic development and growth.

(4) Furthermore, the West Virginia Forward Collaborative Report Strategy for Economic Development and Job Growth compiled jointly by West Virginia University, Marshall University, and the State of West Virginia, in Section 8, Human Capital provides the following:

(A) West Virginia’s level of educational attainment, and particularly the volume of STEM graduates per year is lower than surrounding states.

(B) Labor force participation has been declining in West Virginia and less than half of working age people are actively seeking employment in some counties of the state.

(5) That report identifies four likely drivers that explain the trends identified in §31-15-3(b)(4) of this code:

(A) Among neighboring states, West Virginia has the highest percentage of its population with a disability (22 percent);

(B) West Virginia has the lowest percentage of women participating in the labor force (51 percent) across the United States;

(C) There is a discrepancy between labor supply and demand according to employers;

(D) The opioid crisis has affected the ability of large portions of the population to participate in the job market; and

(E) Large waves of out-migration over the past three years have further contributed to a shrinking population and cohort pool.

(6) That report makes the following observations:

(A) Ongoing efforts exist to address those challenges across the state, specifically in relation to increasing workforce participation.

(B) There may be an opportunity to consolidate these efforts under one umbrella that channels resources into a human capital priority for the state in a more coordinated manner.

(C) A taskforce could bring together the education providers, major employers, and existing institutions working within the human capital space across West Virginia to identify and launch an integrated effort that addresses existing challenges to the labor force.

(7) Furthermore, it is hereby determined and declared as a legislative finding that the 2014 Federal Workforce Innovation and Opportunity Act, and the companion 2016 West Virginia State Workforce Innovation and Opportunity Act, require the creation on the Legislative Joint Commission on Workforce Investment for Economic Development, the State Workforce Investment Board, the Workforce Interagency Collaborative Team, and local workforce development board that requires up to 51 percent of the state and local workforce development board membership to be from private employers, government agencies, and nonprofit organizations to provide the framework and structure for a comprehensive, seamless, integrated workforce investment, and development system to support small business growth and development, increase labor force participation and address employment challenges of low income and minority populations.

(c) In order to more effectively address the purposes of this article, there is hereby created and established the Small Business and Minority Populations Economic and Workforce Taskforce, to assist the Director of the Economic Development Authority, to develop and implement a procedure to address employment, labor force participation, and economic development problems of small businesses, disadvantaged and minority populations of West Virginia and to increase small business growth and development and to improve labor force participation as recommended in the West Virginia Forward Collaborative Report. The Small Business and Minority Populations Economic and Workforce Development Taskforce consists of the following:

(1) The Executive Director of the West Virginia Economic Development Authority, or his or her designee;

(2) The Executive Director of the West Virginia Governor’s Workforce Investment Division, or his or her designee;

(3) The Executive Director of the West Virginia Development Office, or his or her designee;

(4) The Executive Director of the West Virginia Small Business Development Office, or his or her designee;

(5) The Executive Director of the West Virginia Housing Development Fund, or his or her designee;

(6) The Director of the Herbert Henderson Office of Minority Affairs, or his or her designee;

(7) The President of West Virginia University, or his or her designee;

(8) The President of Marshall University, or his or her designee;

(9) The President of a local community and technical college, or his or her designee;

(10) Two small business owners, one of which is a minority business owner; and

(11) The Executive Director of the West Virginia Chamber of Commerce, or his or her designee.

(d) The taskforce shall:

(1) Provide technical assistance, consultation, and support that may be requested by the Executive Director of the West Virginia Economic Development Authority;

(2) Provide consultation, technical assistance, and support to local communities in the development of their small business and minority economic and workforce development plans;

(3) Provide technical assistance, consultation, and support to local communities in the execution of their plans;

(4) Provide support to local communities in identifying resources to support their plans;

(5) Work with state executives to ensure that existing legislation targeting vulnerable communities is effectively executed;

(6) Create a one stop that maps current resources and business needs, direct businesses to the right entities, and identify vacant space in support resources;

(7) Bring together education providers, major employees, and existing institutions working within the human capital space across West Virginia to identify and launch an integrated effort that addresses existing challenges to the labor force that will increase labor force participation; and

(8) Develop a model project that can be used to promote small business growth and development, address employment, labor force participation, and economic development challenges of low income and minority population across West Virginia.

(e) Members of the Small and Minority Economic Workforce Development Taskforce are not entitled to compensation for service on the advisory team, but may be reimbursed by the West Virginia Economic Development Authority for all reasonable and necessary expenses actually incurred in the performance of their duties, in a manner consistent with guidelines of the travel management office of the Department of Administration or its successor.

(f) The Small and Minority Economic Workforce Development Taskforce shall be divided into work groups as needed and the work group will solicit input from appropriate individuals from state government, education, private sectors, and community representatives. The workgroups will include:

(1) Small Business and Minority Business Work Group;

(2) Workforce Development System Improvement Work Group; and

(3) Labor Force Participation Improvement Work Group.

(g) The Small and Minority Economic Workforce Development Taskforce effectiveness will be measured by the following metrics:

(1) The number of small businesses that expand;

(2) The reduction in small business failures;

(3) The number of new small business and minority business start-ups;

(4) The overall increase in labor force participation; and

(5) The increase in labor force participation among youth, African Americans, and women.

(h) The Minority Economic Development Taskforce shall meet at least once each quarter and conduct all meetings in accordance with the Open Governmental Meetings Proceedings Act pursuant to §6-9A-1 *et seq.* of this code.