

Form #2

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SUMMARY OF PROCEDURAL AND INTERPRETIVE RULES
REGARDING ECONOMIC DEVELOPMENT AND TOURISM PROJECTS
PROPOSED BY WEST VIRGINIA PARKWAYS,
ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY

Title 184, Series 1 Procedural and Interpretive Rules Proposed by the West Virginia Parkways, Economic Development and Tourism Authority deal with application for and determination of eligibility regarding Economic Development and Tourism projects. The proposed rules address and implement procedures regarding the form and content of applications by any applicant interested in approaching the Authority regarding any Economic Development and Tourism project. In addition, they implement and provide for the presentation of the required information and material to the Authority for appropriate decision-making proceedings.

The rules provide for procedures regarding the type of information required from applicants, the evaluation criteria to be determined by the Authority in awarding or withholding of approval for such projects, and reserves final selection discretion solely to the Authority. In addition, the interpretive portion of the rules interprets the applicable provisions of West Virginia Code 17-16A-6 as to certain types of projects which are not eligible for Authority support and implementation.

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FISCAL NOTE

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In accordance with Section 4(b), Article 3, Chapter 29A of the West Virginia Code, as amended, the objectives of the proposed rules now sought to be implemented by the West Virginia Parkways, Economic Development and Tourism Authority are to adopt procedural and interpretive rules regarding submission to and decision upon Economic Development and Tourism projects by the Authority; to implement procedures for orderly application for any such Economic Development and Tourism projects; to interpret the provisions of its enabling legislation to declare certain projects ineligible for implementation or approval by the Authority; and to inform and educate all members of the public as to how they may effectively communicate with the Authority by way of such applications for Economic Development and Tourism projects.

The economic impact of this rule on the State and its residents is minimal. This rule provides procedures for implementation of application, determination and eligibility criteria before the Authority. The mandate of the Authority to enter into or perform Economic Development and Tourism projects was implemented by statute independently from these rules. Any costs of compliance will be paid from operating revenues which are derived from toll receipts and other rental revenues rather than money allocated by any executive or legislative branch of state government. The cost of implementing the rules, as they are proposed, to the State and the persons affected by the rules should also be minimal. The proposed procedural and interpretive rules regarding Economic Development and Tourism projects, if anything, would serve to organize and make more efficient the procedure currently utilized by the Authority.

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PROPOSED
TITLE 184
PROCEDURAL AND INTERPRETIVE RULES
WEST VIRGINIA PARKWAYS ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY

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SERIES 1
PROCEDURAL AND INTERPRETIVE RULES REGARDING
ECONOMIC DEVELOPMENT AND TOURISM PROJECTS

§184-1-1 General.

1.1 Scope -- The West Virginia Parkways, Economic Development and Tourism Authority (the "Authority") is an agency of the State of West Virginia, established under Article 16A, Chapter 17 of the West Virginia Code, effective June 1, 1989. The Authority succeeded, for all appropriate purposes, the West Virginia Turnpike Commission, a former agency of the State of West Virginia, which was abolished in all respects by the same legislation. The mission of the Authority goes beyond that of the former Turnpike Commission to include the promotion and enhancement of the tourism industry and the agricultural, economic and industrial development of the state.

1.2 Authority -- W. Va. Code §17-16A-6,13; §29A-3-3

1.3 Filing Date --

1.4 Effective Date --

§184-1-2 Eligible Projects.

2.1 Authority is empowered to develop economic development projects, including any land or watersite structure, facility or equipment which the Authority might at any time determine to acquire, create, develop, construct, reconstruct, improve or repair under the provisions of its enabling legislation to promote

the agricultural, economic or industrial development of the State.

2.2 The Authority is also authorized to develop tourism projects including any park or tourist facility and attraction which the Authority might at any time determine to create, develop, construct, reconstruct, improve, maintain or repair under the provisions of its enabling legislation which would include all roads, interchanges, entrance plazas, approaches, service stations, administration, storage and other buildings or service stations and structures which the Authority deems necessary for the operation of a Tourism project.

2.3 Requests for direct grants or loan for economic development and tourism projects are outside the scope of the Authority's delegated powers and must be rejected. Only projects which contemplate some active involvement or equity position on the part of the Authority can be considered.

§184-1-3 Application Procedures.

3.1 The Authority, in accordance with the mission and concomitant powers established by its enabling legislation, may become involved in economic development and tourism projects at its discretion. Such a project may be undertaken at the initiative of the Authority, itself, or upon the request of an

entity making application for project involvement. The Authority will evaluate economic development and tourism projects in accordance with these guidelines and the enabling legislation.

3.2 Requests for support for economic development and tourism will be considered initially by the Authority's Economic Development and Tourism Project Committee. The Committee will then present the proposed project, accompanied by a recommendation for acceptance or non-acceptance, to the full Authority Board for its consideration. Applications for support of Economic Development or Tourism projects should be made in anticipation of a minimum six weeks consideration period once all required information is submitted. Applicants should be prepared to appear before the Authority's Economic Development Committee, and in some cases, before the full Authority. Once the preliminary application has been approved a more detailed application will be provided to the applicant for submission.

§184-1-4 Preliminary Application Information.

4.1 Preliminary applications for projects should include information on the items listed below.

A. Full Project Description

1. The project for which the application is made.
2. Its significance to the state/region/local area.
3. Its goals and objectives.
4. Names and qualifications

of those persons who will be actively involved in the project management.

5. Time schedule for the project.

B. Budget and Financial Information

1. Complete budget for the project.
2. Description of other source of funding, including lists of investors and amounts of investment.
3. Description of entities with an equity position in the project and the nature of their position.
4. The amount and type of aid request from other organizations.
5. Time line for decisions on the project.
6. Description of ability to leverage other funds for the project.

C. Applicant Information

1. Description of applicant (e.g., members, officers, board directors).
2. Evidence of applicant's tax status (exempt/non-exempt).
3. Applicant's latest annual financial report/operation statement.
4. Any descriptive

brochures or promotional literature.

D. Compatibility/Profitability

1. Income producing potential of the project.
2. Extent to which project will produce jobs with long term viability.
3. Spin-off and indirect economic benefit to defined geographic areas.
4. The project's effect on the WV Turnpike and its tolls.

E. Documentation of Project's Support

1. Partnership for Progress groups.
2. City/County support.
3. Role of the project in the county's/community's certified development community program.
4. Regional Planning and Development Council review and project status in the regional development plan.
5. Any other pertinent support documentation.

4.2 Four copies of project applications should be mailed to:

West Virginia Parkways,
Economic Development and
Tourism Authority
P. O. Box 1469
Charleston, West Virginia
25325-1469

West Virginia Parkways,
Economic Development and
Tourism Authority
3310 Piedmont Road
Charleston, West Virginia
25306

§183-1-5 Criteria Evaluation.

5.1 The Economic Development and Tourism Committee, after establishing the validity and worthiness of a project, will evaluate it relative to other acceptable projects by use of the criteria-point scale depicted below. This approach will ensure an objective evaluation process. The results of the Committee's evaluation will be communicated to the full Authority.

5.2 Criteria/Maximum Points

- | | |
|--|----|
| 1. Applicant Quality and Financial Soundness | 20 |
| 2. Desirability of Project and its Positive Impact | 30 |
| 3. Stage of Development (Initial Stages to Maturity) | 15 |
| 4. Compatibility/Profitability | 15 |
| 5. Community and Regional Functional Priority | 20 |

§184-1-6 Selection of Project.

6.1 The final selection of projects for Authority involvement will be made by the Authority and in its sole discretion. As projects are approved, a Project List will be developed and the approved projects shall be monitored by the by the Economic Development and Tourism Committee and Authority staff.

Package delivery address: