

WEST VIRGINIA

NOV 19 1991

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SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Parkways, Economic Development and Tourism Authority TITLE NUMBER: 184

CITE AUTHORITY: 17-16A-6

RULE TYPE: PROCEDURAL INTERPRETIVE

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____, NO

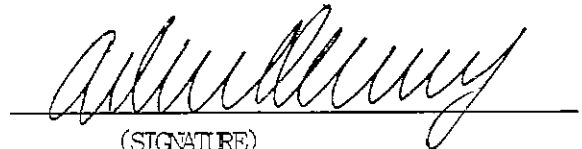
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: 1

TITLE OF RULE BEING ADOPTED: West Virginia Parkways, Economic Development
and Tourism Authority Procedural and Interpretive Rules regarding
Economic Development and Tourism Projects.

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS December 27, 1991



(SIGNATURE)

General Counsel

3.00

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

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

Package delivery address:

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.

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.

FISCAL NOTE

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.

ABRAMS, BYRON, HENDERSON & RICHMOND

ATTORNEYS AT LAW

POST OFFICE DRAWER W

BECKLEY, WEST VIRGINIA 25802-2820

A. DAVID ABRAMS, JR.
C. ELTON BYRON, JR.
JAMES M. HENDERSON, II
WILLIAM F. RICHMOND, JR.

COMMONWEALTH BUILDING
108 MAIN STREET
(304) 252-1500
TELECOPIER
(304) 252-0601

November 19, 1991

Secretary of State
State of West Virginia
Capitol Complex
Charleston, WV 25305

Attn: Administrative Law Section - Judy Cooper, Director

Re: Procedural and Interpretive Rules, West Virginia
Parkways, Economic Development and Tourism
Authority

Dear Judy:

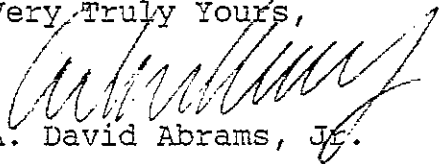
Please find enclosed the following:

1. Promulgation History Abstract;
2. Fiscal Note for Proposed Rules;
3. Notice of Agency Adoption of a Procedural or Interpretive Rule;
4. A brief summary of the Rules;
5. A copy of the Rules as adopted.

Please see that this matter is published in the State Register as soon as reasonably possible after receipt.

Thank you for your cooperation in this matter.

Very Truly Yours,


A. David Abrams, Jr.

ADAJR/mrs

Enclosures

PROMULGATION HISTORY ABSTRACT

RE: Title 184, Series 1, West Virginia Parkways, Economic Development and Tourism Authority Procedural and Interpretive Rules regarding Economic Development and Tourism Projects.

The undersigned, General Counsel of the West Virginia Parkways, Economic Development and Tourism Authority hereby certifies the Promulgation History Abstract of Title 184, Series 1, West Virginia Parkways, Economic Development and Tourism Authority Procedural and Interpretive Rules regarding Economic Development and Tourism Projects.

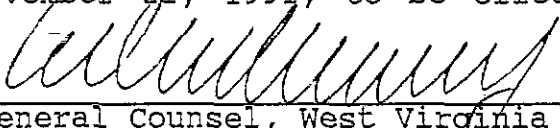
1. Rules proposed by the West Virginia Parkways, Economic Development and Tourism Authority at its regular monthly meeting on May 22, 1991.

2. A summary of the Rules, draft of the proposed rules, the fiscal note required by Section 4(b), Article 3, Chapter 29A of the West Virginia Code and a Notice of A Comment Period On A Proposed Rule were all filed with the Office of the Secretary of State on June 13, 1991.

3. The Notice of A Comment Period on a proposed rule was published in the State Register for the week of June 17-21, 1991.

4. The final form of the Rules was adopted by the West Virginia Parkways, Economic Development and Tourism Authority at its regular monthly meeting on August 28, 1991.

5. The Notice of Agency Adoption of Procedural Rule along with the final form of the Rules were filed with the Secretary of State's Office November 21, 1991, to be effective December 27, 1991.



General Counsel, West Virginia
Parkways, Economic Development and
Tourism Authority

NOV 19 1991

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Procedural and Interpretive Rules Regarding Economic Development and Tourism Projects

Type of Rule: Legislative X Interpretive X Procedural

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

| 1. Effect of Proposed Rule | ANNUAL | | FISCAL YEAR | | |
|----------------------------|----------|----------|-------------|------|------------|
| | Increase | Decrease | Current | Next | Thereafter |
| Estimated Total Cost | \$ | \$ | \$ | \$ | \$ |
| Personal Services | None | None | N/A | N/A | N/A |
| Current Expense | None | None | N/A | N/A | N/A |
| Repairs and Alterations | None | None | N/A | N/A | N/A |
| Equipment | None | None | N/A | N/A | N/A |
| Other | None | None | N/A | N/A | N/A |

2. Explanation of above estimates:

See Attached Fiscal Note

3. Objectives of these rules: To implement procedures for orderly application for any Economic Development and Tourism Project; To interpret provisions of the Authority's enabling legislation.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: November 12, 1991

Signature of Agency Head or Authorized Representative



General Counsel

ABRAMS, BYRON, HENDERSON & RICHMOND

ATTORNEYS AT LAW

POST OFFICE DRAWER W

BECKLEY, WEST VIRGINIA 25802-2820

A. DAVID ABRAMS, JR.
C. ELTON BYRON, JR.
JAMES M. HENDERSON, II
WILLIAM F. RICHMOND, JR.

June 12, 1991

FILED
1991 JUN 13 AM 9:43
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
COMMONWEALTH BUILDING
108 MAIN STREET
(304) 253-1500
TELECOPIER
(304) 252-0601

Secretary of State
State of West Virginia
Capitol Complex
Charleston, WV 25305

ATTENTION: Administrative Law Section
Judy Cooper, Director

Re: Proposed Procedural and Interpretive Rules, West
Virginia Parkways, Economic Development and
Tourism Authority

Dear Judy:

Please find enclosed a notice of a comment period on
Proposed Procedural and Interpretive Rules with Regard to
Economic Development and Tourism Projects.

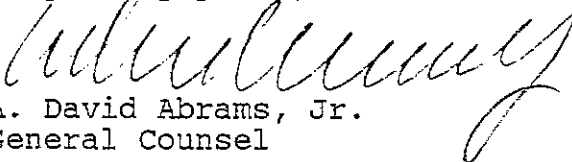
Also enclosed with this letter find the following:

1. A copy of the proposed rules;
2. A Fiscal Note required in accordance with Section
4(b), Article 3, Chapter 29A;
3. A brief summary of the proposed rules.

Please see that the notice of this comment period is
published in the State Register on Friday, July 21, 1991.

Thank you for your cooperation in this matter.

Very truly yours,


A. David Abrams, Jr.
General Counsel

ADAJR:tal

Enclosure

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant



STATE OF WEST VIRGINIA
SECRETARY OF STATE
Building 1, Suite 157-K
1900 Kanawha Blvd., East
- Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get)

Telephone: (304) 558-6000
Corporations: (304) 558-8000

TO: Larry McNeely

AGENCY: Parkways Economic Development and Tourism Authority

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: August 27, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 184 Parkways Economic Development and Tourism

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: William A. Reason

TITLE OF PERSON SIGNING: GENERAL MANAGER

DATE: SEPTEMBER 11, 1992

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.