WEST VIRGINIA CODE CHAPTER 5b ARTICLE 11

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§5B-11-1. Legislative findings.

The Legislature finds that the Advanced Energy and Economic Corridor, once known as Tug-Ohio-Levisa-Sandy Improvement Association (TOLSIA) and the King Coal Highway, which runs through the counties of McDowell, Mercer, Mingo, Wayne, and Wyoming has undergone significant challenges owing to widespread changes in the national and global economies; and every effort should be made to assist the transformation of these regional economies by providing guidance to local governments, businesses, and industries to maximize economic development and diversification of those economies. As part of the National Highway System's I-73/74 corridor from northern Michigan to eastern South Carolina, the Advanced Energy and Economic Corridor, will not only foster greater transportation efficiencies, but will also provide vital connectivity to bourgeoning markets, resulting in both job creation and economic expansion in southern West Virginia.

The economic development agencies along this corridor are aligning efforts to embrace the expansion of the energy and economic development policies adopted by the West Virginia Legislature as a tool for economic development and are focused on efforts to transform and revitalize the region by fostering partnerships and initiatives which are complementary and supportive of existing successful industries in West Virginia.

The Legislature, by enactment of this article, intends to facilitate implementation of critical and time-sensitive opportunities for economic development along the Advanced Energy and Economic Corridor by establishing an authority, known as the West Virginia Advanced Energy and Economic Corridor Authority (authority), to facilitate assistance to these local entities comprised of the economic development agencies of McDowell, Mercer, Mingo, and Wayne counties.

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§5B-11-2. Advanced Energy and Economic Corridor Authority created; membership; terms; meetings; quorum; compensation and expenses; assistance from Department of Economic Development.

(a) The Advanced Energy and Economic Corridor Authority (authority) is hereby created as an independent body corporate. It shall consist of the following 15 members who are involved in economic, commercial, or industrial development in the geographic region of the authority:

(1) A representative of the economic development agency of McDowell County;

(2) A representative of the economic development agency of Mercer County;

(3) A representative of the economic development agency of Mingo County;

(4) A representative of the economic development agency of Wayne County;

(5) A representative of the economic development agency of Wyoming County;

(6) A representative of the Region 1 Planning and Development Council;

(7) A representative of the Region 2 Planning and Development Council; and

(8) The following seven members appointed by the Governor, or his or her designee:

(A) A representative from businesses and industries located in the state;

(B) An economic development representative from a utility company that provides service to the corridor region;

(C) Four private sector representatives from the technology, energy, advanced manufacturing, and aviation, aerospace, or advanced air mobility sectors in the corridor region; and

(D) Two at-large members from regions and counties along the corridor who have knowledge and experience in local issues, economic development, and other areas of expertise.

(b) Each member shall serve a term of five years. Members may be reappointed to additional terms and, upon expiration of their respective terms, shall continue to serve until their successor has been appointed. The chair, vice-chair, and officers shall be selected annually by majority vote of the members. The chair shall schedule meetings and set the agenda for each meeting.

(c) A majority of members, in person or by real-time electronic communication, constitutes a quorum to conduct business at a meeting.

(d) If a member of the authority must recuse himself or herself because of a perceived or

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actual conflict of interest, a majority of the remaining members of the authority without a conflict shall be sufficient for the conduct of authority business.

(e) Members are not entitled to compensation for services performed as members.

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§5B-11-3. Powers and duties of the authority.

(a) The authority shall have, but not be limited to, the following powers and duties:

(1) Set specific tactical goals and demonstrable objectives via input from member counties and communities;

(2) Maintain an inclusive, rather than constraining, geographic focus on economic development;

(3) Seek out private-public partnerships to achieve its vision;

(4) Foster partnerships with groups in other states that follow the I-73/74 corridor to help build broad support for the economic development and infrastructure projects undertaken;

(5) Propose legislation for bonding and tax credits to facilitate economic development along the corridor;

(6) Seek governmental engagement for guidance on local, state, regional or national

initiatives to achieve economic development objectives;

(7) Utilize cutting-edge technologies and innovation platforms where their applications will be most beneficial;

(8) Propose legislation to allow regulatory flexibility along corridor expanded boundaries;

(9) Develop a memorandum of understanding with the Appalachian Regional Commission in areas of economic development, transportation, tourism, infrastructure, technology, and other areas beneficial to the member counties and communities, and the state; and

(10) Develop economic and tourism asset portfolios for inclusion of the authority’s vision; and

(11) Apply for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

(b) The authority may also exercise all powers necessary or appropriate to carry out the purposes of this article including, but not limited to, the following:

(1) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

(2) Lease property, whether as lessee or lessor, and to acquire or grant through easement, license, or other appropriate legal form, the right to develop and use property and open it to the use of the public;

(3) Mortgage or otherwise grant security interests on its property;

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(4) Procure insurance against any losses in connection with its property, license or easements, contracts, including hold-harmless agreements, operations, or assets in such amounts and from such insurers as the authority considers desirable;

(5) Maintain such sinking funds and reserves as the authority determines appropriate for the purposes of meeting future monetary obligations and needs of the Authority;

(6) Contract for the provision of legal services by private counsel and, notwithstanding any other provision of the code to the contrary, the counsel may, in addition to the provisions of other legal services, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating to the authority, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority;

(7) Appoint officers, agents, and employees and to contract for and engage the services of consultants;

(8) Make contracts of every kind and nature and to execute all instruments necessary or convenient for carrying on its business, including contracts with any other governmental agency of this state or of the federal government or with any person, individual, partnership, or corporation to effect any or all of the purposes of this article;

(9) Without in any way limiting any other provision of this section, accept grants and loans from, and enter into contracts and other transactions with, any federal agency; and

(10) Accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the federal government or from any governmental unit or any person, firm, or corporation and to carry out the terms or provisions of or make agreements with respect to or pledge any gifts or grants and to do any and all things necessary, useful, desirable, or convenient in connection with the procuring, acceptance, or disposition of gifts or grants.

(c) No liability or obligation is incurred by the authority beyond the extent to which money is awarded for grant acquisition facilitation.

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§5B-11-4. Report to the Legislature.

On or before December 1, 2024, and annually thereafter, the authority shall prepare and submit to the Joint Committee on Government and Finance a written report, which may be transmitted electronically, detailing its undertakings for the past year, including, but not limited to, all projects and any private-public partnerships entered into, as well as any recommended legislation or policy actions needed to facilitate greater economic development along the Advanced Energy and Economic Corridor.

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