WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1960

ENROLLED

HOUSE BILL No. 57

(By Mr. Kinsaid)

PASSED February 9, 1960

In Effect Ninety days from Passage
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[Passed February 9, 1960; in effect ninety days from passage.]

AN ACT creating the Cabell-Wayne development commission; providing for membership therein; for the acquisition by it of real and personal property to stimulate and promote the expansion of business and industrial activity in Cabell and Wayne counties; granting it tax exemption for its property, funds and obligations; for contributions to its funds and the issuance of revenue bonds.

Be it enacted by the Legislature of West Virginia:

Section 1. Cabell-Wayne Development Commission Created.—There is hereby created and established a public agency to be known as “Cabell-Wayne Development Commission” for the purpose and in the manner hereinafter set forth.

Sec. 2. Purposes.—The purposes for which the commission is created are to promote, develop and advance the
Business prosperity and economic welfare of the Cabell and Wayne county area of the state of West Virginia, its citizens and its industrial complex; to encourage and assist through loans, investments or other business transactions in the locating of new business and industry within Cabell and Wayne counties and to rehabilitate and assist existing businesses and industries therein; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of Cabell and Wayne counties, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of Cabell and Wayne counties; to cooperate and act in conjunction with other organizations, federal, state or local, in the promotion and advancement of industrial, commercial, agricultural, and recreational developments within Cabell and Wayne counties; and to furnish money and credit, land and industrial sites, technical assistance and such other aid as may be deemed requisite to approved and deserving applicants for the promotion, development and conduct of all
kinds of business activity within Cabell and Wayne counties.

Sec. 3. Members of Commission.—The management and control of Cabell-Wayne development commission, its property, operations, business and affairs, shall be lodged in a board of not fewer than twelve persons who shall be known as members of the commission and who shall be appointed for a term of three years each, one member of the original board being appointed by each of the following: The county court of Cabell county, the county court of Wayne county, the Huntington city council, the Barboursville town council, the Milton town council, the Wayne town council, the Ceredo town council, the Kenova city council, the Huntington district labor council, the Huntington chamber of commerce, the Wayne chamber of commerce, and the Ceredo-Kenova chamber of commerce; except that, as to the first board appointed, the terms of the members appointed by the county court of Cabell county, the county court of Wayne county, the Huntington city council, and the Barboursville town council shall expire the thirtieth day of June, next en-
suing, the terms of the members appointed by the Milton
town council, the Wayne town council, the Ceredo town
council, the Kenova city council, shall expire one year
thereafter, and the terms of the members appointed by
the Huntington district labor council, the Huntington
chamber of commerce, the Wayne chamber of commerce,
and the Ceredo-Kenova chamber of commerce shall ex-
pire two years thereafter. As a member's term expires,
the agency by whom such member was appointed shall
appoint a member for a full term of three years. A mem-
er may be reappointed for such additional term or terms
as the appointing agency may deem proper. If a member
resigns, is removed or for any other reason his member-
ship terminates during his term of office, a successor shall
be appointed by the appointing agency to fill out the
remainder of his term. Members in office at the expira-
tion of their respective terms shall continue to serve until
their successors have been appointed and have qualified.
The appointing agency may at any time remove its ap-
pointed member of the commission by an order duly en-
tered of record or by other action appropriate for such
appointing agency and may appoint a successor member for any member so removed.

In addition to the appointing agencies hereinbefore named, such other persons, firms, unincorporated associations and corporations, who reside, maintain offices, or have economic interests, as the case may be, in Cabell or Wayne counties, shall be eligible to participate in and to appoint members to the Cabell-Wayne development commission, as the said commission shall by its by-laws provide.

Sec. 4. Qualification of Members of Commission.—All members of the board of the commission shall be citizens of Cabell or Wayne counties, West Virginia, and bona fide members of the agency by which they are appointed.

Sec. 5. Compensation of Members of the Commission.—No member of the commission shall receive any compensation, whether in formal salary, per diem allowances or otherwise, or in connection with his services as such member. Each member shall, however, be entitled to reimbursement by the commission for any necessary expen-
ditures in connection with the performance of his general duties as such member.

Sec. 6. Commission to Be a Public Corporation.—The commission and the members thereof shall constitute and be a public corporation under the name of Cabell-Wayne development commission, and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be pleaded, and have and use a common seal.

Sec. 7. Powers.—The Cabell-Wayne development commission is hereby given power and authority as follows:

(1) To make and adopt all necessary by-laws, rules and regulations for its organization and operations not inconsistent with law; (2) to elect its own officers, to appoint committees and to employ and fix compensation for personnel necessary for its operation; (3) to enter into contracts with any person, agency, governmental department, firm or corporation, including both public and private corporations, and generally to do any and all things necessary or convenient for the purpose of promoting, developing and advancing the business prosperity and eco-
nomic welfare of Cabell and Wayne counties, West Virginia, their citizens and industrial complex; (4) to delegate any authority given to it by law to any of its officers, committees, agents or employees; (5) to apply for, receive and use grants-in-aid, donations and contributions from any source or sources, and to accept and use bequests, devises, gifts and donations from any person, firm or corporation; (6) to acquire lands and hold title thereto in its own name; (7) to purchase, own, hold, sell and dispose of personal property and to sell, lease or otherwise dispose of any real estate which it may own; (8) to borrow money and execute and deliver negotiable notes, mortgage bonds, other bonds, debentures, and other evidences of indebtedness therefor, and give such security therefor as shall be requisite, including giving a mortgage or deed of trust on its real or personal property and facilities in connection with the issuance of mortgage bonds; (9) to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, being chapter sixty-eight, acts of the Legislature, regular session, one thousand nine hundred thirty-five, as amended, it being hereby expressly provided that the Cabell-Wayne development commission is a "municipal authority" within the definition of that term as used in said article four-a, chapter eight of the code; and (10) to expend its funds in the execution of the powers and authority herein given.

Sec. 8. Indebtedness of the Commission.—The commission may incur any proper indebtedness and issue any obligations and give any security therefor which it may deem necessary or advisable in connection with carrying out its purposes as hereinbefore mentioned. No statutory limitation with respect to the nature or amount of indebtedness which may be incurred by municipalities or other public bodies shall apply to indebtedness of the authority. No indebtedness of any nature of the authority shall constitute an indebtedness of the county courts of Cabell or Wayne counties or the municipalities of Huntington, Barboursville, Milton, Wayne, Ceredo, or Kenova, the Huntington district labor council, the Huntington cham-
ber of commerce, the Wayne chamber of commerce, or the
Ceredo-Kenova chamber of commerce, or a charge
against any property of said county courts, municipalities,
or other appointing agencies. The rights of creditors of
the commission shall be solely against the commission
as a corporate body and shall be satisfied only out of
property held by it in its corporate capacity.

Sec. 9. Agreement in Connection with Obtaining Funds.
—The commission may, in connection with obtaining
funds for its purposes, enter into any agreement with
any person, firm or corporation, including the federal gov-
ernment, or any agency or subdivision thereof, containing
such provisions, covenants, terms and conditions as the
commission may deem advisable.

Sec. 10. Property, Bonds and Obligations of Commis-
sion Exempt from Taxation.—The commission shall be
exempt from the payment of any taxes or fees to the
state or any subdivisions thereof or to any officer or em-
ployee of the state or other subdivision thereof. The
property of the commission shall be exempt from all local
and municipal taxes. Bonds, notes, debentures and other
evidence of indebtedness of the commission are declared
to be issued for a public purpose and to be public instru-
mentalities, and shall be exempt from taxes.

Sec. 11. Participation and Appropriations Authorized.—
The county court of Cabell county, the county court of
Wayne county, the city of Huntington, the town of Bar-
boursville, the town of Milton, the town of Wayne, the
town of Ceredo, and the city of Kenova, or any one or
more of them, jointly and severally are hereby authorized
and empowered to appoint members of the said commis-
sion and to contribute by appropriation from their respec-
tive general funds not otherwise appropriated to the cost
of its operation and projects.

Any of the foregoing county courts or municipal cor-
porations is hereby authorized and empowered to trans-
fer and convey to the said commission property of any
kind heretofore acquired by said county court or munici-
pal corporation for or adaptable to use in industrial and
economic development, such transfers or conveyances to
be without consideration or for such price and upon such
terms and conditions as the said county courts or municipal corporations shall deem proper.

Sec. 12. Contributions to Commission by County Courts and Municipalities; Funds and Accounts of the Commission.—Contributions may be made to the commission from time to time by the county court of Cabell county, the county court of Wayne county, the city of Huntington, the town of Barboursville, the town of Milton, the town of Wayne, the town of Ceredo, or the city of Kenova, and by any persons, firms or corporations which shall desire so to do. All such funds and all other funds received by the commission shall be deposited in such bank or banks as the commission may direct and shall be withdrawn therefrom in such manner as the commission may direct. The commission shall keep strict account of all its receipts and expenditures and shall each quarter make a quarterly report to each of the aforesaid county courts and municipalities containing an itemized statement of its receipts and disbursements during the preceding quarter. Within sixty days after the end of each fiscal year, the commission shall make an annual report con-
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20 taining an itemized statement of its receipts and dis-
21 bursements for the preceding year, and such annual re-
22 port shall be published once a week for two successive
23 weeks in two newspapers of opposite politics of general
24 circulation in Cabell and Wayne counties, West Virginia.
25 The books, records and accounts of the commission shall
26 be subject to audit and examination by the office of the
27 state tax commissioner of West Virginia and by any other
28 proper public official or body in the manner provided
29 by law.

Sec. 13. Appointment of Members.—Any public cor-
2 poration authorized to levy taxes having appointed mem-
3 bers to the commission which shall thereafter fail to
4 furnish any contribution to the funds of the commission
5 during any levy year shall not thereafter be permitted
6 to appoint a member to the commission during the period
7 in which it shall not make contribution to the funds of
8 the commission, unless such permission be granted by
9 two thirds of the remaining members of the commission.

Sec. 14. Sale or Lease of Property.—In the event all
2 of the corporations contributing to the funds of the com-
mission shall so determine the commission shall make
sale of all of its properties and assets and distribute the
proceeds thereof among the contributing corporations ac-
cording to their respective contributions; or in the event
the board of the commission shall so determine the com-
mission may lease all of its property and equipment on
such terms and conditions as the commission may fix and
determine.

Sec. 15. Employees to Be Covered by Workmen's Com-
pensation.—All employees of the commission eligible
thereto shall be deemed to be within the workmen's com-
pensation act of West Virginia, and premiums on their
compensation shall be paid by the commission as required
by law.

Sec. 16. Liberal Construction of Act.—It is the purpose
of this act to provide for promotion, development and
advancement of the business prosperity and economic
welfare of Cabell and Wayne counties, West Virginia,
their citizens and their industrial complex, and this act
shall be liberally construed as giving to the commission
full and complete power reasonably required to give
effect to the purposes hereof.

Sec. 17. Provisions Severable.—The several sections and
provisions of this act are severable, and if any section or
provision hereof shall be held unconstitutional, all the
remaining sections and provisions of this act shall never-
theless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within approved this the 15th day of February, 1960.

Governor

Filed in Office of the Secretary of State of West Virginia FEB 15 1960
JOE F. BURDETT SECRETARY OF STATE