

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1960

ENROLLED

HOUSE BILL No. *57*.....

(By Mr. *Kincaid*.....)

PASSED *February 9,* 1960
In Effect *Ninety days from* Passage



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

ENROLLED
House Bill No. 57

(By MR. KINCAID)

[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*

2 *Created.*—There is hereby created and established a public
3 agency to be known as “Cabell-Wayne Development Com-
4 mission” for the purpose and in the manner hereinafter
5 set forth.

Sec. 2. *Purposes.*—The purposes for which the commis-
2 sion is created are to promote, develop and advance the

3 business prosperity and economic welfare of the Cabell
4 and Wayne county area of the state of West Virginia, its
5 citizens and its industrial complex; to encourage and assist
6 through loans, investments or other business transactions
7 in the locating of new business and industry within Cabell
8 and Wayne counties and to rehabilitate and assist existing
9 businesses and industries therein; to stimulate and promote
10 the expansion of all kinds of business and industrial ac-
11 tivity which will tend to advance business and industrial
12 development and maintain the economic stability of
13 Cabell and Wayne counties, provide maximum opportu-
14 nities for employment, encourage thrift, and improve the
15 standard of living of the citizens of Cabell and Wayne
16 counties; to cooperate and act in conjunction with other
17 organizations, federal, state or local, in the promotion
18 and advancement of industrial, commercial, agricultural,
19 and recreational developments within Cabell and Wayne
20 counties; and to furnish money and credit, land and in-
21 dustrial sites, technical assistance and such other aid as
22 may be deemed requisite to approved and deserving appli-
23 cants for the promotion, development and conduct of all

24 kinds of business activity within Cabell and Wayne
25 counties.

Sec. 3. *Members of Commission.*—The management and
2 control of Cabell-Wayne development commission, its
3 property, operations, business and affairs, shall be lodged
4 in a board of not fewer than twelve persons who shall
5 be known as members of the commission and who shall
6 be appointed for a term of three years each, one member
7 of the original board being appointed by each of the
8 following: The county court of Cabell county, the county
9 court of Wayne county, the Huntington city council, the
10 Barboursville town council, the Milton town council, the
11 Wayne town council, the Ceredo town council, the Kenova
12 city council, the Huntington district labor council, the
13 Huntington chamber of commerce, the Wayne chamber
14 of commerce, and the Ceredo-Kenova chamber of com-
15 merce; except that, as to the first board appointed, the
16 terms of the members appointed by the county court of
17 Cabell county, the county court of Wayne county, the
18 Huntington city council, and the Barboursville town
19 council shall expire the thirtieth day of June, next en-

20 suing, the terms of the members appointed by the Milton
21 town council, the Wayne town council, the Ceredo town
22 council, the Kenova city council, shall expire one year
23 thereafter, and the terms of the members appointed by
24 the Huntington district labor council, the Huntington
25 chamber of commerce, the Wayne chamber of commerce,
26 and the Ceredo-Kenova chamber of commerce shall ex-
27 pire two years thereafter. As a member's term expires,
28 the agency by whom such member was appointed shall
29 appoint a member for a full term of three years. A mem-
30 ber may be reappointed for such additional term or terms
31 as the appointing agency may deem proper. If a member
32 resigns, is removed or for any other reason his member-
33 ship terminates during his term of office, a successor shall
34 be appointed by the appointing agency to fill out the
35 remainder of his term. Members in office at the expira-
36 tion of their respective terms shall continue to serve until
37 their successors have been appointed and have qualified.
38 The appointing agency may at any time remove its ap-
39 pointed member of the commission by an order duly en-
40 tered of record or by other action appropriate for such

41 appointing agency and may appoint a successor member
42 for any member so removed.

43 In addition to the appointing agencies hereinbefore
44 named, such other persons, firms, unincorporated asso-
45 ciations and corporations, who reside, maintain offices, or
46 have economic interests, as the case may be, in Cabell or
47 Wayne counties, shall be eligible to participate in and to
48 appoint members to the Cabell-Wayne development com-
49 mission, as the said commission shall by its by-laws pro-
50 vide.

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

Sec. 5. *Compensation of Members of the Commission.*—
2 No member of the commission shall receive any compen-
3 sation, whether in formal salary, per diem allowances or
4 otherwise, or in connection with his services as such mem-
5 ber. Each member shall, however, be entitled to reim-
6 bursement by the commission for any necessary expen-

7 ditures in connection with the performance of his gen-
8 eral duties as such member.

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

Sec. 7. *Powers.*—The Cabell-Wayne development com-
2 mission is hereby given power and authority as follows:
3 (1) To make and adopt all necessary by-laws, rules and
4 regulations for its organization and operations not incon-
5 sistent with law; (2) to elect its own officers, to appoint
6 committees and to employ and fix compensation for per-
7 sonnel necessary for its operation; (3) to enter into con-
8 tracts with any person, agency, governmental department,
9 firm or corporation, including both public and private
10 corporations, and generally to do any and all things
11 necessary or convenient for the purpose of promoting,
12 developing and advancing the business prosperity and eco-

13 nomic welfare of Cabell and Wayne counties, West Vir-
14 ginia, their citizens and industrial complex; (4) to dele-
15 gate any authority given to it by law to any of its officers,
16 committees, agents or employees; (5) to apply for, re-
17 ceive and use grants-in-aid, donations and contributions
18 from any source or sources, and to accept and use be-
19 quests, devises, gifts and donations from any person, firm
20 or corporation; (6) to acquire lands and hold title thereto
21 in its own name; (7) to purchase, own, hold, sell and dis-
22 pose of personal property and to sell, lease or otherwise
23 dispose of any real estate which it may own; (8) to bor-
24 row money and execute and deliver negotiable notes,
25 mortgage bonds, other bonds, debentures, and other evi-
26 dences of indebtedness therefor, and give such security
27 therefor as shall be requisite, including giving a mortgage
28 or deed of trust on its real or personal property and
29 facilities in connection with the issuance of mortgage
30 bonds; (9) to raise funds by the issuance and sale of
31 revenue bonds in the manner provided by the applicable
32 provisions of article four-a, chapter eight of the code of
33 West Virginia, one thousand nine hundred thirty-one, as

34 amended, being chapter sixty-eight, acts of the Legisla-
35 ture, regular session, one thousand nine hundred thirty-
36 five, as amended, it being hereby expressly provided that
37 the Cabell-Wayne development commission is a "munici-
38 pal authority" within the definition of that term as used
39 in said article four-a, chapter eight of the code; and (10)
40 to expend its funds in the execution of the powers and
41 authority herein given.

Sec. 8. *Indebtedness of the Commission.*—The commis-
2 sion may incur any proper indebtedness and issue any
3 obligations and give any security therefor which it may
4 deem necessary or advisable in connection with carrying
5 out its purposes as hereinbefore mentioned. No statutory
6 limitation with respect to the nature or amount of indebt-
7 edness which may be incurred by municipalities or other
8 public bodies shall apply to indebtedness of the authority.
9 No indebtedness of any nature of the authority shall con-
10 stitute an indebtedness of the county courts of Cabell
11 or Wayne counties or the municipalities of Huntington,
12 Barboursville, Milton, Wayne, Ceredo, or Kenova, the
13 Huntington district labor council, the Huntington cham-

14 ber of commerce, the Wayne chamber of commerce, or the
15 Ceredo-Kenova chamber of commerce, or a charge
16 against any property of said county courts, municipalities,
17 or other appointing agencies. The rights of creditors of
18 the commission shall be solely against the commission
19 as a corporate body and shall be satisfied only out of
20 property held by it in its corporate capacity.

Sec. 9. Agreement in Connection with Obtaining Funds.

2 —The commission may, in connection with obtaining
3 funds for its purposes, enter into any agreement with
4 any person, firm or corporation, including the federal gov-
5 ernment, or any agency or subdivision thereof, containing
6 such provisions, covenants, terms and conditions as the
7 commission may deem advisable.

Sec. 10. Property, Bonds and Obligations of Commis-
2 *sion Exempt from Taxation.*—The commission shall be
3 exempt from the payment of any taxes or fees to the
4 state or any subdivisions thereof or to any officer or em-
5 ployee of the state or other subdivision thereof. The
6 property of the commission shall be exempt from all local
7 and municipal taxes. Bonds, notes, debentures and other

8 evidence of indebtedness of the commission are declared
9 to be issued for a public purpose and to be public instru-
10 mentalities, and shall be exempt from taxes.

Sec. 11. *Participation and Appropriations Authorized.*—

2 The county court of Cabell county, the county court of
3 Wayne county, the city of Huntington, the town of Bar-
4 boursville, the town of Milton, the town of Wayne, the
5 town of Ceredo, and the city of Kenova, or any one or
6 more of them, jointly and severally are hereby authorized
7 and empowered to appoint members of the said commis-
8 sion and to contribute by appropriation from their respec-
9 tive general funds not otherwise appropriated to the cost
10 of its operation and projects.

11 Any of the foregoing county courts or municipal cor-
12 porations is hereby authorized and empowered to trans-
13 fer and convey to the said commission property of any
14 kind heretofore acquired by said county court or municipi-
15 pal corporation for or adaptable to use in industrial and
16 economic development, such transfers or conveyances to
17 be without consideration or for such price and upon such

18 terms and conditions as the said county courts or municipi-
19 pal corporations shall deem proper.

Sec. 12. *Contributions to Commission by County Courts
2 and Municipalities; Funds and Accounts of the Commis-
3 sion.*—Contributions may be made to the commission from
4 time to time by the county court of Cabell county, the
5 county court of Wayne county, the city of Huntington,
6 the town of Barboursville, the town of Milton, the town
7 of Wayne, the town of Ceredo, or the city of Kenova, and
8 by any persons, firms or corporations which shall desire
9 so to do. All such funds and all other funds received
10 by the commission shall be deposited in such bank or
11 banks as the commission may direct and shall be with-
12 drawn therefrom in such manner as the commission may
13 direct. The commission shall keep strict account of all
14 its receipts and expenditures and shall each quarter make
15 a quarterly report to each of the aforesaid county courts
16 and municipalities containing an itemized statement of
17 its receipts and disbursements during the preceding
18 quarter. Within sixty days after the end of each fiscal
19 year, the commission shall make an annual report con-

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-

3 mission shall so determine the commission shall make
4 sale of all of its properties and assets and distribute the
5 proceeds thereof among the contributing corporations ac-
6 cording to their respective contributions; or in the event
7 the board of the commission shall so determine the com-
8 mission may lease all of its property and equipment on
9 such terms and conditions as the commission may fix and
10 determine.

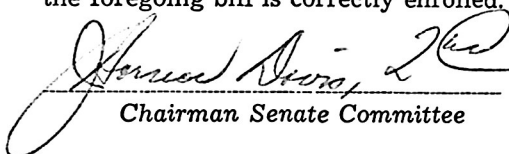
Sec. 15. *Employees to Be Covered by Workmen's Com-*
2 *pensation.*—All employees of the commission eligible
3 thereto shall be deemed to be within the workmen's com-
4 pensation act of West Virginia, and premiums on their
5 compensation shall be paid by the commission as required
6 by law.

Sec. 16. *Liberal Construction of Act.*—It is the purpose
2 of this act to provide for promotion, development and
3 advancement of the business prosperity and economic
4 welfare of Cabell and Wayne counties, West Virginia,
5 their citizens and their industrial complex, and this act
6 shall be liberally construed as giving to the commission

7 full and complete power reasonably required to give
8 effect to the purposes hereof.

Sec. 17. *Provisions Severable.*—The several sections and
2 provisions of this act are severable, and if any section or
3 provision hereof shall be held unconstitutional, all the
4 remaining sections and provisions of this act shall never-
5 theless remain valid.

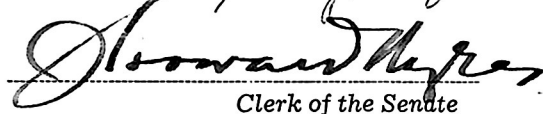
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

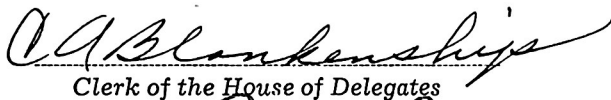

Chairman Senate Committee

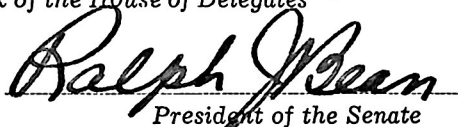

Chairman House Committee

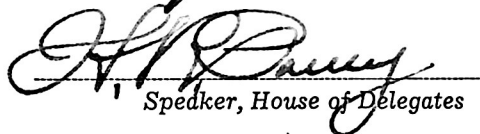
Originated in the House of Delegates

Takes effect 90 days from passage.

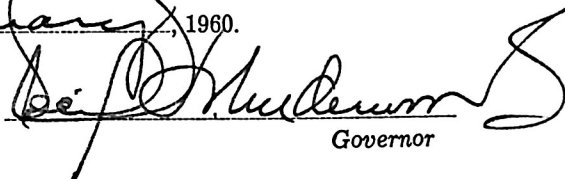

Clerk of the Senate


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