

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 367

(By Mr. Speaker, Mr. Singleton & Mr. Abrams)



PASSED March 8 1963

In Effect From Passage



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JOE F. BURDETT
SECRETARY OF STATE

367

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(By MR. SPEAKER, MR. SINGLETON, and MR. ABRAMS)

[Passed March 8, 1963; in effect from passage.]

AN ACT to amend chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelve, relating to the creation of county development authorities.

Be it enacted by the Legislature of West Virginia:

That chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twelve, to read as follows:

Article 12. County Development Authorities.

Section 1. County Development Authorities Authorized; Exceptions.—Except as hereinafter provided, the county court of every county is hereby authorized to create and establish a public agency to be known as a development authority. The name of the authority shall contain the words “development authority”, together with the designation of the county within which such authority is intended to operate. Nothing in this article contained, however, shall be construed as permitting the county of any court in which there exists, on the date on which this article becomes effective, one or more public development authorities, corporations or commissions, organized and existing pursuant to an act or acts of the Legislature, either local or general, and performing substantially the same or similar functions as the development authorities herein authorized, to create and establish such a development authority until such time as all such other public development authorities, corporations and commissions cease operations in such county.

Sec. 2. Purposes.—The purposes for which the authority is created are to promote, develop and advance the business prosperity and economic welfare of the county for which it is created, 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 the county 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 the county, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of the county; 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 the county; 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,

22 development and conduct of all kinds of business activity
23 within the county.

Sec. 3. Members of Authority.—The management and
2 control of the authority, its property, operations, business
3 and affairs, shall be lodged in a board of not fewer than
4 twelve or more than twenty-one persons who shall be
5 appointed by the county court and be known as members
6 of the authority. One member shall be appointed by the
7 county court to represent it on the board. The city and
8 town council of each municipality located within the
9 county shall submit to the county court the name of one
10 representative to be appointed to the board. Other mem-
11 bers shall be appointed by the county court and shall
12 include representatives of business, industry and labor.
13 The members of the commission first appointed shall
14 serve respectively for terms of one year, two years and
15 three years, divided equally or as nearly equal as possible
16 between these terms. Thereafter, members shall be ap-
17 pointed for terms of three years each. A member may
18 be reappointed for such additional term or terms as the
19 appointing agency may deem proper. If a member re-

20 signs, is removed or for any other reason his membership
21 terminates during his term of office, a successor shall
22 be appointed by the appointing agency to fill out the
23 remainder of his term. Members in office at the expira-
24 tion of their respective terms shall continue to serve
25 until their successors have been appointed and have
26 qualified. The appointing agency may at any time re-
27 move its appointed member of the commission by an
28 order duly entered of record or by other action appro-
29 priate for such appointing agency and may appoint a
30 successor member for any member so removed.

31 In addition to the appointing agencies hereinbefore
32 named, such other persons, firms, unincorporated asso-
33 ciations, and corporations, who reside, maintain offices,
34 or have economic interests, as the case may be, in the
35 county, shall be eligible to participate in and request the
36 county court to appoint members to the development
37 authority as the said authority shall by its by-laws
38 provide.

Sec. 4. Qualification of Members of Authority.—All
2 members of the board of the authority shall be citizens

3 of the county in which the authority is intended to op-
4 erate, and bona fide residents of the municipality by
5 which they are appointed.

Sec. 5. Compensation of Members of the Authority.—

2 No member of the authority shall receive any compen-
3 sation, whether in formal salary, per diem allowances or
4 otherwise, or in connection with his services as such
5 member. Each member shall, however, be entitled to
6 reimbursement by the authority for any necessary ex-
7 penditures in connection with the performance of his
8 general duties as such member.

Sec. 6. Authority to Be a Public Corporation.—The

2 authority and the members thereof shall constitute and
3 be a public corporation under the name provided for in
4 section one, and as such shall have perpetual succession,
5 may contract and be contracted with, sue and be sued,
6 plead and be pleaded, and have and use a common seal.

Sec. 7. Powers.—The development authority is hereby

2 given power and authority as follows: (1) To make and
3 adopt all necessary by-laws, rules and regulations for its
4 organization and operations not inconsistent with law;

5 (2) to elect its own officers, to appoint committees and
6 to employ and fix compensation for personnel necessary
7 for its operation; (3) to enter into contracts with any
8 person, agency, governmental department, firm or cor-
9 poration, including both public and private corporations,
10 and generally to do any and all things necessary or con-
11 venient for the purpose of promoting, developing and ad-
12 vancing the business prosperity and economic welfare
13 of the county in which it is intended to operate, its citi-
14 zens and industrial complex; (4) to delegate any author-
15 ity given to it by law to any of its officers, committees,
16 agents or employees; (5) to apply for, receive and use
17 grants-in-aid, donations and contributions from any
18 source or sources, and to accept and use bequests, de-
19 vises, gifts and donations from any person, firm or cor-
20 poration; (6) to acquire lands and hold title thereto in
21 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



26 evidences of indebtedness therefor, and give such secur-
27 ity therefor as shall be requisite, including giving a
28 mortgage or deed of trust on its real or personal property
29 and facilities in connection with the issuance of mort-
30 gage bonds; (9) to raise funds by the issuance and sale
31 of revenue bonds in the manner provided by the appli-
32 cable provisions of article four-a, chapter eight of the
33 code of West Virginia, one thousand nine hundred thirty-
34 one, as amended, being chapter sixty-eight, acts of the
35 Legislature, regular session, one thousand nine hundred
36 thirty-five, as amended, it being hereby expressly pro-
37 vided that a development authority created under this
38 act is a "municipal authority" within the definition of
39 that term as used in said article four-a, chapter eight of
40 the code; and (10) to expend its funds in the execution
41 of the powers and authority herein given.

Sec. 8. Indebtedness of the Authority.—The authority
2 may incur any proper indebtedness and issue any obliga-
3 tions and give any security therefor which it may deem
4 necessary or advisable in connection with carrying out
5 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 author-
9 ity. No indebtedness of any nature of the authority shall
10 constitute an indebtedness of the county court of the
11 county in which the commission is intended to operate
12 or any municipality situated therein, or a charge against
13 any property of said county court, municipalities, or other
14 appointing agencies. The rights of creditors of the author-
15 ity shall be solely against the authority as a corporate
16 body and shall be satisfied only out of property held by
17 it in its corporate capacity.

Sec. 9. Agreement in Connection with Obtaining
2 **Funds.**—The authority may, in connection with obtain-
3 ing funds for its purposes, enter into any agreement with
4 any person, firm or corporation, including the federal
5 government; or any agency or subdivision thereof, con-
6 taining such provisions, covenants, terms and conditions
7 as the authority may deem advisable.

Sec. 10. Property, Bonds and Obligations of Authority
2 **Exempt From Taxation.**—The authority shall be exempt

3 from the payment of any taxes or fees to the state or any
4 subdivision thereof or to any officer or employee of the
5 state or other subdivision thereof. The property of the
6 authority shall be exempt from all local and municipal
7 taxes. Bonds, notes, debentures and other evidence of
8 indebtedness of the authority are declared to be issued
9 for a public purpose and to be public instrumentalities,
10 and shall be exempt from taxes.

Sec. 11. Participation and Appropriations Authorized.

2 —The county court is hereby authorized and empowered
3 to appoint members of the said authority and the county
4 court and any municipality therein, or any one or more
5 of them, jointly and severally, are hereby authorized and
6 empowered to contribute by appropriation from their
7 respective general funds not otherwise appropriated to
8 the cost of the operation and projects of the authority.

9 The county court of the county or municipal corpor-
10 ations therein are hereby authorized and empowered to
11 transfer and convey to the said authority property of any
12 kind heretofore acquired by said county court or munic-
13 ipal corporation for or adaptable to use in industrial and

14 economic development, such transfers or conveyances to
15 be without consideration or for such price and upon such
16 terms and conditions as the said county court or municipi-
17 pal corporations shall deem proper.

**Sec. 12. Contributions to Authority by County Court
2 and Municipalities; Funds and Accounts of the Author-
3 ity.**—Contributions may be made to the authority from
4 time to time by the county court of the county or any
5 municipal corporation therein, and by any persons, firms
6 or corporations which shall desire to do so. All such
7 funds and all other funds received by the authority shall
8 be deposited in such bank or banks as the authority may
9 direct and shall be withdrawn therefrom in such manner
10 as the authority may direct. The authority shall keep
11 strict account of all its receipts and expenditures and
12 shall each quarter make a quarterly report to the county
13 court and municipalities containing an itemized state-
14 ment of its receipts and disbursements during the pre-
15 ceding quarter. Within sixty days after the end of each
16 fiscal year, the authority shall make an annual report
17 containing an itemized statement of its receipts and dis-

18 bursements for the preceding year, and such annual re-
19 port shall be published once a week for two successive
20 weeks in two newspapers of opposite politics of general
21 circulation in the county. The books, records and accounts
22 of the authority shall be subject to audit and examination
23 by the office of the state tax commissioner of West Vir-
24 ginia and by any other proper public official or body in
25 the manner provided by law.

Sec. 13. Sale or Lease of Property.—In the event the
2 board of the authority shall so determine, the authority
3 may lease or sell all of its property and equipment on
4 such terms and conditions as the authority may fix and
5 determine. Upon the dissolution of the authority, all of
6 its assets and property shall revert to and become the
7 property of the county for which said authority was
8 created.

Sec. 14. Employees to Be Covered by Workmen's
2 **Compensation.**—All employees of the authority 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 authority as required
6 by law.

Sec. 15. Liberal Construction of Article.—It is the pur-
2 pose of this article to provide for promotion, development
3 and advancement of the business prosperity and economic
4 welfare of the county, its citizens and its industrial com-
5 plex, and this article shall be liberally construed as giving
6 to the authority full and complete power reasonably re-
7 quired to give effect to the purposes hereof.

Sec. 16. Provisions Severable.—The several sections
2 and provisions of this article are severable, and if any
3 section or provisions hereof shall be held unconstitutional,
4 all the remaining sections and provisions of this article
5 shall nevertheless remain valid.

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

Okey Parker
Chairman Senate Committee

Ethel L. Randall
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Roberson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approved this the 14th
day of March, 1963.

W. M. Barron
Governor

