WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 367

(By Mr. Speaker, Mrs. Singleton, Mrs. Almanzar)

PASSED March 8, 1963

In Effect from Passage

Filed in Office of the Secretary of State of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE
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:

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

Sec. 3. Members of Authority.—The management and control of the authority, its property, operations, business and affairs, shall be lodged in a board of not fewer than twelve or more than twenty-one persons who shall be appointed by the county court and be known as members of the authority. One member shall be appointed by the county court to represent it on the board. The city and town council of each municipality located within the county shall submit to the county court the name of one representative to be appointed to the board. Other members shall be appointed by the county court and shall include representatives of business, industry and labor. The members of the commission first appointed shall serve respectively for terms of one year, two years and three years, divided equally or as nearly equal as possible between these terms. Thereafter, members shall be appointed for terms of three years each. A member may be reappointed for such additional term or terms as the appointing agency may deem proper. If a member re-
signs, is removed or for any other reason his membership 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 expiration 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 appointed member of the commission by an order duly entered 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 the county, shall be eligible to participate in and request the county court to appoint members to the development authority as the said authority shall by its by-laws provide.

Sec. 4. Qualification of Members of Authority.—All members of the board of the authority shall be citizens
of the county in which the authority is intended to operate, and bona fide residents of the municipality by which they are appointed.

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

No member of the authority 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 authority for any necessary expenditures in connection with the performance of his general duties as such member.

Sec. 6. Authority to Be a Public Corporation.—The authority and the members thereof shall constitute and be a public corporation under the name provided for in section one, 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 development authority 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 economic welfare of the county in which it is intended to operate, its 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 secur-
ity 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 mort-
gage bonds; (9) to raise funds by the issuance and sale
of revenue bonds in the manner provided by the appli-
cable 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 pro-
vided that a development authority created under this
act 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 Authority.—The authority
may incur any proper indebtedness and issue any obliga-
tions 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 court of the county in which the commission is intended to operate or any municipality situated therein, or a charge against any property of said county court, municipalities, or other appointing agencies. The rights of creditors of the authority shall be solely against the authority 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 authority may, in connection with obtaining funds for its purposes, enter into any agreement with any person, firm or corporation, including the federal government; or any agency or subdivision thereof, containing such provisions, covenants, terms and conditions as the authority may deem advisable.

Sec. 10. Property, Bonds and Obligations of Authority Exempt From Taxation.—The authority shall be exempt
from the payment of any taxes or fees to the state or any subdivision thereof or to any officer or employee of the state or other subdivision thereof. The property of the authority shall be exempt from all local and municipal taxes. Bonds, notes, debentures and other evidence of indebtedness of the authority are declared to be issued for a public purpose and to be public instrumentalities, and shall be exempt from taxes.

Sec. 11. Participation and Appropriations Authorized.

The county court is hereby authorized and empowered to appoint members of the said authority and the county court and any municipality therein, or any one or more of them, jointly and severally, are hereby authorized and empowered to contribute by appropriation from their respective general funds not otherwise appropriated to the cost of the operation and projects of the authority. The county court of the county or municipal corporations therein are hereby authorized and empowered to transfer and convey to the said authority property of any kind heretofore acquired by said county court or municipal 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 court or municipal corporations shall deem proper.

Sec. 12. Contributions to Authority by County Court and Municipalities; Funds and Accounts of the Authority.—Contributions may be made to the authority from time to time by the county court of the county or any municipal corporation therein, and by any persons, firms or corporations which shall desire to do so. All such funds and all other funds received by the authority shall be deposited in such bank or banks as the authority may direct and shall be withdrawn therefrom in such manner as the authority may direct. The authority shall keep strict account of all its receipts and expenditures and shall each quarter make a quarterly report to the county court 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 authority shall make an annual report containing an itemized statement of its receipts and dis-
bornebents for the preceding year, and such annual re-
port shall be published once a week for two successive
weeks in two newspapers of opposite politics of general
circulation in the county. The books, records and accounts
of the authority shall be subject to audit and examination
by the office of the state tax commissioner of West Vir-
ginia and by any other proper public official or body in
the manner provided by law.

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

Sec. 14. Employees to Be Covered by Workmen's
Compensation.—All employees of the authority eligible
thereto shall be deemed to be within the workmen's com-
ensation act of West Virginia, and premiums on their
compensation shall be paid by the authority as required by law.

Sec. 15. Liberal Construction of Article.—It is the purpose of this article to provide for promotion, development and advancement of the business prosperity and economic welfare of the county, its citizens and its industrial complex, and this article shall be liberally construed as giving to the authority full and complete power reasonably required to give effect to the purposes hereof.

Sec. 16. Provisions Severable.—The several sections and provisions of this article are severable, and if any section or provisions hereof shall be held unconstitutional, all the remaining sections and provisions of this article shall nevertheless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ___________________________ passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the ________

day of ________, 1963.

Governor