WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

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ENROLLED

HOUSE BILL No. 398

(By Mr. Buck and Mr. Michaels)

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PASSED March 7, 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

# 398
AN ACT creating a public corporation to be known as the Middle Island Creek Development Authority; specifying the purposes of the authority; providing for the government, operation and management of the authority; providing for the appointment and compensation of the members of the board of directors of the authority; specifying the powers of the authority; authorizing the issuance of notes, bonds and other securities by the authority and the giving of security for the payment thereof; providing that the authority shall be tax exempt; authorizing the county courts of Doddridge, Pleasants and Tyler coun-
ties to make contributions of money and other property
to the authority; providing for the accounting of the
funds of the authority; and providing for the covering of
employees of the authority by workmen's compensation.

Be it enacted by the Legislature of West Virginia:

Section 1. Middle Island Creek Development Authority

Authorized.—There is hereby created a public corpora-
tion, to be known and designated as the middle island
creek development authority, for the purposes and with
the authority hereinafter set forth.

Sec. 2. Geographic and Territorial Limits of the Author-
ity.—The authority is hereby authorized to do and perform
all acts, consistent with the purposes as hereinafter set
forth, within that portion of the watershed basin of middle
island creek and its tributaries located within the bounda-
ries of the counties of Doddridge, Pleasants and Tyler.

Sec. 3. Public Corporation's Authority.—The authority
is authorized to develop the watershed basin of Middle
Island Creek for any of the following purposes:

a. Recreational areas and recreation.

b. Tourist facilities and promotion of tourism within the
c. Preventing floods.

d. Arresting erosion.

e. Regulating the flow of streams and conserving the water thereof.

f. Regulating stream channels by changing, widening and deepening the same.

Sec. 4. Government, Operation and Management of the Authority.—The government, management and operation of the authority, its property, operations, business and affairs, shall be lodged in a board of directors composed of three persons, one each appointed by the county courts of Doddridge, Pleasants and Tyler counties, who shall be residents of the respective counties. Within thirty days after the effective date of this act, the county court of Doddridge county shall appoint one of said directors for a term of three years; the county court of Pleasants county shall appoint one of said directors for a term of five years; and the county court of Tyler county shall appoint one of said directors for a term of seven years. At the expiration of their respective terms of office, appoint-
ments shall be made by the county court whose appointee is vacating his office for terms of five years. Any vacancy shall be filled forthwith by the respective county court who originally filled the office for which the vacancy exists, for the unexpired term. A member may be re-appointed for such additional term or terms as the county court may deem proper. Members in office at the expiration of their respective terms shall continue to serve until their successors shall have been appointed and qualified. The county court may at any time remove its appointee to said board of directors for good cause shown, and may appoint a successor member for said removed member. No member of the board of directors shall be a public officer, public official, candidate for public office, or employee of any public officer or public official, and any board member shall automatically vacate his office when he belongs to one of the above prohibited classifications.

Sec. 5. Compensation of Directors.—No member of the board of directors shall receive any compensation, whether in form of salary, per diem allowance or otherwise,
for or in connection with his services as such member, but each member shall be entitled to reimbursement 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, 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, de-
veloping and advancing the recreational facilities of the counties in which it is intended to operate; (4) to dele-
gate any authority given to it by law to any of its offi-
cers, committees, agents or employees; (5) to apply for, receive and use grants-in-aid, donations and contribu-
tions 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, mortgages, bonds, debentures, and other evidences of indebtedness therefor, and give such security there-
for 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, it being hereby expressly provided that a development authority created under this act is a 'municipal authority' within the definitions 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 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 the counties in which the commission is intended to operate or any municipality situate therein, or a charge against any property of any of the county courts, municipalities, or other appointing agencies. The rights of creditors of the authority shall be solely against the authority as a cor-
porate 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 evidences 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 courts of the counties of Doddridge, Pleasants and Tyler are hereby authorized and empowered
to appoint members of the said authority and such county
courts and any municipalities therein, or any one or
more of them, jointly and severally, are hereby author-
ized and empowered to contribute by appropriation from
their respective general funds not otherwise appropri-
ated to the cost of the operation and projects of the
authority.

Such county courts or municipal corporations there-
in are hereby authorized and empowered to transfer and
convey to the said authority property of any kind here-
tofore acquired by said county courts or municipal cor-
porations for or adaptable to use in industrial and eco-

tomic development, such transfers or conveyances to be
without consideration or for such price and upon such
terms and conditions as said county courts or municipal
corporations shall deem proper.

Sec. 12. Funds and Accounts of the Authority.—Contri-
butions made to the authority from time to time by the
county courts of the counties of Doddridge, Pleasants
and Tyler, or any municipal corporation therein, and by
any persons, firms or corporations which shall desire
to do so, 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 courts of such counties 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 disbursements for the preceding year, and such annual report shall be published once a week for two successive weeks in two newspapers of opposite politics of general circulation in such counties. 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 Virginia 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 dissolution of the authority, all of its assets and property shall revert to and become the property of the counties for which said authority was created.

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

Sec. 15. Liberal Construction of Act.—It is the purpose of this act to provide for the promotion, development and advancement of the business prosperity and economic welfare of the counties of Doddridge, Pleasants and Tyler, and this act shall be liberally construed to effect such purpose.

Sec. 16. 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 nevertheless remain valid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker
Chairman Senate Committee

Ethel L. Randell
Chairman House Committee

Originated in the House.

Takes effect from passage.

John W. Holder
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard J. Carver
President of the Senate

Julius W. Hargraves, Jr.
Speaker House of Delegates

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

T. M. Godwin
Governor