

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 398

(By Mr. Buck ^{and} Mr. Michaels)



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

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House Bill No. 398

(By MR. BUCK and MR. MICHELS)

[Passed March 7, 1963; in effect from passage.]

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

2 Authorized.—There is hereby created a public corporation, 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-

2 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 boundaries of the counties of Doddridge, Pleasants and Tyler.

Sec. 3. Public Corporation's Authority.—The authority

2 is authorized to develop the watershed basin of Middle Island Creek for any of the following purposes:

- 4 a. Recreational areas and recreation.**
5 b. Tourist facilities and promotion of tourism within the

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6 area.

7 c. Preventing floods.

8 d. Arresting erosion.

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

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

Sec. 4. Government, Operation and Management of the
2 **Authority.**—The government, management and operation
3 of the authority, its property, operations, business and af-
4 fairs, shall be lodged in a board of directors composed of
5 three persons, one each appointed by the county courts of
6 Doddridge, Pleasants and Tyler counties, who shall be res-
7 idents of the respective counties. Within thirty days after
8 the effective date of this act, the county court of Dodd-
9 ridge county shall appoint one of said directors for a term
10 of three years; the county court of Pleasants county shall
11 appoint one of said directors for a term of five years;
12 and the county court of Tyler county shall appoint one
13 of said directors for a term of seven years. At the
14 expiration of their respective terms of office, appoint-

15 ments shall be made by the county court whose appointee
16 is vacating his office for terms of five years. Any vacancy
17 shall be filled forthwith by the respective county court
18 who originally filled the office for which the vacancy
19 exists, for the unexpired term. A member may be re-
20 appointed for such additional term or terms as the county
21 court may deem proper. Members in office at the expira-
22 tion of their respective terms shall continue to serve
23 until their successors shall have been appointed and
24 qualified. The county court may at any time remove
25 its appointee to said board of directors for good cause
26 shown, and may appoint a successor member for said
27 removed member. No member of the board of direc-
28 tors shall be a public officer, public official, candidate
29 for public office, or employee of any public officer or
30 public official, and any board member shall automati-
31 cally vacate his office when he belongs to one of the above
32 prohibited classifications.

Sec. 5. Compensation of Directors.— No member of the
2 board of directors shall receive any compensation, wheth-
3 er in form of salary, per diem allowance or otherwise,

4 for or in connection with his services as such member,
5 but each member shall be entitled to reimbursement
6 for any necessary expenditures in connection with the
7 performance of his general duties as such member.

Sec. 6. Authority to Be a Public Corporation.—The au-
2 thority 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 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
4 its organization and operations not inconsistent with
5 law; (2) to elect its own officers, to appoint committees
6 and to employ and fix compensation for personnel
7 necessary for its operation; (3) to enter into contracts
8 with any person, agency, governmental department, firm
9 or corporation, including both public and private cor-
10 porations, and generally to do any and all things neces-
11 sary or convenient for the purpose of promoting, de-

12 veloping and advancing the recreational facilities of the
13 counties in which it is intended to operate; (4) to dele-
14 gate any authority given to it by law to any of its offi-
15 cers, committees, agents or employees; (5) to apply for,
16 receive and use grants-in-aid, donations and contribu-
17 tions from any source or sources, and to accept and use
18 bequests, devises, gifts and donations from any person,
19 firm or corporation; (6) to acquire lands and hold title
20 thereto in its own name; (7) to purchase, own, hold,
21 sell and dispose of personal property and to sell, lease
22 or otherwise dispose of any real estate which it may own;
23 (8) to borrow money and execute and deliver negotiable
24 notes, mortgages, bonds, debentures, and other evidences
25 of indebtedness therefor, and give such security there-
26 for as shall be requisite, including giving a mortgage
27 or deed of trust on its real or personal property and
28 facilities in connection with the issuance of mortgage
29 bonds; (9) to raise funds by the issuance and sale of
30 revenue bonds in the manner provided by the applicable
31 provisions of article four-a, chapter eight of the code
32 of West Virginia, one thousand nine hundred thirty-one,

33 as amended, it being hereby expressly provided that a
34 development authority created under this act is a 'mu-
35 nicipal authority' within the definitions of that term
36 as used in said article four-a, chapter eight of the code;
37 and (10) to expend its funds in the execution of the
38 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 authority.
9 No indebtedness of any nature of the authority shall con-
10 stitute an indebtedness of the county courts of the coun-
11 ties in which the commission is intended to operate or any
12 municipality situate therein, or a charge against any
13 property of any of the county courts, municipalities, or
14 other appointing agencies. The rights of creditors of the
15 authority shall be solely against the authority as a cor-

16 porate body and shall be satisfied only out of property
17 held by it in its corporate capacity.

Sec. 9. Agreement in Connection with Obtaining Funds.

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

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

Sec. 11. Participation and Appropriations Authorized.—

2 The county courts of the counties of Doddridge, Pleas-
3 ants and Tyler are hereby authorized and empowered

4 to appoint members of the said authority and such county
5 courts and any municipalities therein, or any one or
6 more of them, jointly and severally, are hereby author-
7 ized and empowered to contribute by appropriation from
8 their respective general funds not otherwise appropri-
9 ated to the cost of the operation and projects of the
10 authority.

11 Such county courts or municipal corporations there-
12 in are hereby authorized and empowered to transfer and
13 convey to the said authority property of any kind here-
14 tofore acquired by said county courts or municipal cor-
15 porations for or adaptable to use in industrial and eco-
16 nomic development, such transfers or conveyances to be
17 without consideration or for such price and upon such
18 terms and conditions as said county courts or municipal
19 corporations shall deem proper.

Sec. 12. Funds and Accounts of the Authority.—Contri-
2 butions made to the authority from time to time by the
3 county courts of the counties of Doddridge, Pleasants
4 and Tyler, or any municipal corporation therein, and by
5 any persons, firms or corporations which shall desire

6 to do so, and all other funds received by the authority,
7 shall be deposited in such bank or banks as the authority
8 may direct and shall be withdrawn therefrom in such
9 manner as the authority may direct. The authority shall
10 keep strict account of all its receipts and expenditures
11 and shall each quarter make a quarterly report to the
12 county courts of such counties containing an itemized
13 statement of its receipts and disbursements during the
14 preceding quarter. Within sixty days after the end of
15 each fiscal year, the authority shall make an annual
16 report containing an itemized statement of its receipts
17 and disbursements for the preceding year, and such
18 annual report shall be published once a week for two
19 successive weeks in two newspapers of opposite politics
20 of general circulation in such counties. The books, rec-
21 ords and accounts of the authority shall be subject to
22 audit and examination by the office of the state tax
23 commissioner of West Virginia and by any other proper
24 public official or body in 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
5 and determine. Upon dissolution of the authority, all
6 of its assets and property shall revert to and become
7 the property of the counties for which said authority
8 was created.

Sec. 14. Employees to Be Covered by Workmen's Com-
2 **pensation.**—All eligible employees of the authority shall
3 be deemed to be within the workmen's compensation
4 act of West Virginia, and premiums on their compensa-
5 tion shall be paid by the authority as required by law.

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

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

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

O Ray Parker

Chairman Senate Committee

Ethel L. Randall

Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer

Clerk of the Senate

W Blankenship

Clerk of the House of Delegates

Howard W. Carson

President of the Senate

Julius K. Singleton Jr

Speaker House of Delegates

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

W W Barron

Governor

