WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

HOUSE BILL No. 628

(By Mr. Skeff, Mr. Priessley, and Mr. Watson)

PASSED        Jul 3, 1970

In Effect       Passage

628
AN ACT to amend and reenact sections three and five, article fourteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the capital stock and corporate powers of West Virginia business development corporations.

Be it enacted by the Legislature of West Virginia:

That sections three and five, article fourteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 14. WEST VIRGINIA BUSINESS DEVELOPMENT CORPORATIONS.

§31-14-3. Authorized capital stock; description of shares; consideration for sale of shares.

The agreement of incorporation shall set forth the
total amount of authorized capital stock, the number of
shares in which it is divided, the par value of each of
such shares and the amount of capital stock with which
it will commence business and, if there be more than
one class of stock, the total number of shares of all
classes of stock which the corporation shall have author-
ity to issue, with a description of the different classes
and all other information with respect thereto required
by section six, article one of this chapter. No corpora-
tion organized hereunder shall sell its shares for any
consideration other than money.

§31-14-5. Corporate powers.

In furtherance of the purposes set out in section two
of this article, and to aid in providing an effective pro-
gram to alleviate conditions of substantial and persistent
unemployment, underemployment, and lack of stable
economic development, by taking effective steps in plan-
ing and financing economic redevelopment, utilizing
such facilities and resources as are provided by the
provisions of the federal “Area Redevelopment Act of
1961,” as amended, the federal “Public Works and Eco-
nomic Development Act of 1965,” as amended, the federal “Appalachian Regional Development Act of 1965,” as amended, the federal “Housing Act of 1968,” as amended, the “West Virginia Housing Fund Development Act of 1968,” as amended, and the “West Virginia Industrial Development Authority Act of 1961,” as amended, and in addition to the powers conferred on business corporations by the provisions of this chapter, such corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

(a) To enter into contracts and incur liabilities for any purposes of the corporation; except that the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint-stock company, association or trust, or in any other manner.

(b) To borrow money for any of the purposes of the corporation, including, but without implied limitation, the right to obtain loans under the provisions of “Title V of the Small Business Investment Act of 1958,”
as amended, or from any other similar governmental agency; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval.

(c) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and services connected therewith; however, no loans shall be made hereunder unless the loan applied for is not otherwise available through ordinary banking channels, private lenders, or other governmental agencies, on reasonable terms.

(d) To purchase, receive, hold, lease, or otherwise acquire and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurte-
nant thereto and the use thereof, including, but not re-
stricted to, any real or personal property acquired by
the corporation from time to time in the satisfaction
of debts or enforcement of obligations.
(e) To acquire, by gift or purchase, the good will,
business, rights, real and personal property, both tan-
gible and intangible, and other assets, or any part
thereof, or interest therein, from any persons, firms,
partnerships, corporations, joint-stock companies, asso-
ciations or trusts, and to assume, undertake or pay the
obligations, debts and liabilities of any such person, firm,
partnership, corporation, joint-stock company, associa-
tion or trust; to acquire improved or unimproved real
estate for the purpose of constructing industrial plants
or other business establishments thereon or for the pur-
pose of disposing of such real estate to others for the
construction of industrial plants or other business estab-
lishments; and to acquire, construct or reconstruct, alter,
repair, maintain, operate, sell, convey, transfer, lease
or otherwise dispose of industrial plants or business
establishments.
(f) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership, including the right to vote any such shares of stock.

(g) To mortgage, pledge, or otherwise encumber any property, right or thing of value, acquired pursuant to the powers contained in subdivisions (d), (e), or (f), as security for the payment of any part of the purchase price thereof.

(h) To cooperate with and avail itself of the facilities of the department of commerce and the office of commissioner of commerce of this state, the West Virginia industrial development authority, the federal area redevelopment administrator, and any similar federal and state governmental agencies and officers; and to cooperate with and assist, and otherwise encourage
organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or any part thereof.

(i) To do all acts and things necessary or convenient to carry out the powers expressly granted in this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tomp "Chairman Senate Committee"

Clayton C. Davidson "Chairman House Committee"

Originated in the House.

Takes effect from passage.

Hannah Magee "Clerk of the Senate"

Clara Blankenship "Clerk of the House of Delegates"

E. T. Barbour "President of the Senate"

Jim T. Beckendorf "Speaker House of Delegates"

The within approved this the 9th day of February, 1970.

Walter Swoope Jr. "Governor"
PRESENTED TO THE GOVERNOR

Date 2/6/70
Time 1:35 p.m.