WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED
SENATE BILL NO. 165

(Passed)

PASSED ___ April 13, ___ 1973

In Effect 90 Days from Passage

Veto - 165

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73
AN ACT to amend and reenact sections two, four, five, six, seven, seven-a, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen, article fifteen, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia industrial development authority; increasing the powers thereof; setting forth legislative findings; defining terms; relating to membership on the industrial development authority; relating to the appointment of and terms of its members; relating to vacancies on the authority; authorizing the delegation of authority by certain members; relating to voting, compensation, expenses and general powers of the authority; relating to loans to industrial development agencies for industrial development projects and industrial subdivision project acquisition and improvements; relating to conditions in connection with such loans; relating to liens; relating to loan application requirements; providing for hearings; relating to the industrial development fund and requisitions therefrom; relating to excess moneys in such fund; relating to the governing body of the authority; relating to the organization, officers, meetings, quorum, voting and powers of such governing body; relating to the money of the authority; relating to conflict of interest; making certain contracts void; providing an agreement with federal agencies not to alter or limit rights and powers of the authority; giving the legislative auditor the authority to audit the accounts and
enr. com. sub. for s. b. no. 165  2
books of such authority; providing a rule of construction; and
providing a severability clause.

be it enacted by the legislature of west virginia:

that sections two, four, five, six, seven, seven-a, eight, nine,
ten, eleven, twelve, thirteen, fourteen and fifteen, article fifteen,
chapter thirty-one of the code of west virginia, one thousand
nine hundred thirty-one, as amended, be amended and reenacted,
all to read as follows:

article 15. west virginia industrial development
authority.

§31-15-2. legislative findings.

1 the legislature hereby finds and declares: (a) that
2 unemployment exists in many areas of the state and may
3 well come about from time to time in other areas of the
4 state; (b) that in some areas of the state unemployment
5 is a serious problem and has been for so long a period of
6 time that, without remedial measures, it may become so
7 in other areas of the state; (c) that economic insecurity due
8 to unemployment is a serious menace to the health, safety,
9 morals and general welfare of the people of the entire
10 state; (d) that widespread industry unemployment pro-
11 duces indigency which falls with crushing force upon all
12 unemployed workers and ultimately upon the state in the
13 form of welfare and unemployment compensation; (e) that
14 the absence of employment and business opportunities for
15 youth is a serious threat to the strength and permanence of
16 their faith in american political and economic institutions
17 and the philosophy of freedom on which those institutions
18 are based; (f) that lack of employment and business oppor-
19 tunities has resulted in thousands of workers and their
20 families leaving the state to find such opportunities else-
21 where and that this exodus has adversely affected the tax
22 base of counties and municipalities, resulting in an impair-
23 ment of their financial ability to support education and
24 other local government services; (g) that security against
25 unemployment, the spread of indigency and economic stag-
26 nation can best be provided by the promotion, attraction,
27 stimulation, rehabilitation and revitalization of commerce,
28 industry and manufacturing; (h) that the present and future
29 health, safety, morals, right to gainful employment and
30 general welfare of the people of the state require as a public
purpose the promotion and development of new and expanded industrial, tourist and manufacturing enterprises within this state; (i) that the device under which private community industrial development organizations in the state acquire or build industrial buildings or sites with funds raised through popular subscription, loans or otherwise for lease and sale to new or expanding industries has proven effective in creating new employment and business opportunities locally, is in accord with the American tradition of community initiative and enterprise and requires and deserves encouragement and support from the state as a means toward alleviation of unemployment and economic distress; (j) that community industrial development corporations in the state have invested substantial funds in successful industrial development projects and are experiencing difficulty in undertaking additional projects by reason of the partial inadequacy of their own funds potentially available from local subscription sources and by reason of limitations of local financial institutions in providing additional and sufficiently sizeable first deed of trust or mortgage loans; (k) that an urgent need exists to stimulate a larger flow of private investment funds from banks, investment houses, insurance companies and other financial institutions into community industrial building programs, and (l) that by increasing the number of community industrial building projects presenting attractive opportunities for private investment, a larger portion of the private capital available in this state for investment can be put to use for the general economic development of the state.


1 Unless the context clearly indicates otherwise, as used in this article:

3 (a) “Authority” means the West Virginia industrial development authority.

5 (b) “Board” means the governing body of the authority.

6 (c) “County” means any county of this state.

7 (d) “Federal agency” means the United States of America, and any department, corporation, agency or instrumentality created, designated or established by the United States of America.
(e) "Government" means state and federal government, and any political subdivision, agency or instrumentality thereof, corporate or otherwise.

(f) "Industrial development agency" means any incorporated organization, foundation, association or agency to whose members or shareholders no profit inures, which has as its primary function the promotion, encouragement and development of industrial, manufacturing and tourist facility enterprises in this state.

(g) "Fund" means the industrial development fund provided for in section nine of this article.

(h) "Industrial development project" means any land or water site, structure, facility or undertaking comprising or being connected with or a part of an industrial, manufacturing or tourist facility enterprise established, to be established or proposed to be acquired by an industrial development agency in this state.

(i) "Industrial subdivision project" means any tract of land or area of water and includes, where appropriate, related utilities, services and access roads, the clear and marketable legal title to which is held or is proposed to be acquired by an industrial development agency for sale or lease for an industrial development project.

(j) "Industrial subdivision project improvements" means site preparation, grading, planting and the installation of utilities, sewage disposal facilities, dock facilities, internal driveways, curbs, walks, parking areas, lighting, shell buildings and rail spurs upon an industrial subdivision project.

(k) "Municipality" means any city or town in this state.

(l) "Responsible buyer" means government and any person, partnership, firm, company or corporation organized for profit deemed by the authority, after proper investigation, to be financially responsible to assume all obligations prescribed by it in the acquisition of an industrial development project from an industrial development agency and in the operation of an industrial, manufacturing or tourist facility enterprise thereon.

(m) "Responsible tenant" means government and any
person, partnership, firm, company or corporation organized for profit deemed by the authority, after proper investigation, to be financially responsible to assume all rental and other obligations prescribed by it in the leasing of an industrial development project and in the operation of an industrial, manufacturing or tourist facility enterprise thereon.

(n) "Cost of establishing an industrial development project" means cost of construction, cost of all lands, water areas, property rights and easements, financing charges, interest prior to and during construction, cost of engineering and legal services, plans, specifications and surveys, estimates of costs and any other expenses necessary or incident to determining the feasibility or practicability of any industrial development project, together with such other expenses as may be necessary or incidental to the financing and the construction of the industrial development project and the placing of the same in operation.

(o) "Cost of industrial subdivision project improvements" means construction cost of site preparation, cost of planting and grading, construction cost of utilities, sewage disposal facilities, access roads and dock facilities, construction cost of internal streets and roads, curbs, walks, parking areas, lighting, shell buildings and rail spurs, cost of acquiring easements and property rights in other lands and, in connection therewith, financing charges, interest prior to and during the construction of such improvements, cost of engineering and legal services, preparation of plans, specifications, surveys and estimates of costs, together with such other expenses as may be necessary or incidental to the financing and construction of industrial subdivision project improvements.

§31-15-5. West Virginia industrial development authority; composition; appointment; terms; delegation of authority by certain members; voting; compensation and expenses.

The West Virginia industrial development authority heretofore created is hereby continued as a body corporate and politic, constituting a public corporation and government instrumentality. The authority shall be composed of a board of members consisting of the commissioner of com-
merce, state treasurer, tax commissioner, commissioner of banking, director of the department of natural resources and eight additional members who shall be appointed by the governor, by and with the advice and consent of the Senate. Four of these additional members shall come from the general public and shall represent the public interest, and of these four members, one shall be appointed from each of the congressional districts. The four other additional members shall be full-time industrial development consultants and shall represent industrial development within the state. The terms of the five members of the board heretofore appointed by the governor to represent the public interest and now in office shall expire on the thirtieth day of June, one thousand nine hundred seventy-three, and on or before that date, the governor shall appoint eight members of the board, as aforesaid, for terms of four years, commencing on the first day of July, one thousand nine hundred seventy-three, except that as to the original appointments, the terms shall be staggered so that the term of one public interest member and the term of one industrial development member shall expire each year. As these original appointments expire, each subsequent appointment shall be for a full four-year term. Any member whose term has expired shall serve until his successor has been duly appointed and qualified. Any person appointed to fill a vacancy shall serve only for the unexpired term. Any member shall be eligible for reappointment.

The commissioner of commerce, state treasurer, tax commissioner, commissioner of banking and director of the department of natural resources may, by written notice filed with the secretary of the authority, from time to time, delegate to any subordinate the power to represent them at any meeting of the authority. In such case, the subordinate shall have the same power and privileges as the official he represents and may vote on any question. No member of the authority who is a full-time industrial development consultant shall vote on any matter of policy or otherwise participate in the making of any decision relating to any matter on which he has worked or been involved with in any way in the course of his regular employment.

Members of the authority shall not be entitled to compensation for services performed as members, but shall be
entitled to reimbursement for all reasonable and necessary expenses actually incurred in the performance of their duties.


The authority, as a public corporation and governmental instrumentality exercising public powers of the state, shall have and may exercise all powers necessary or appropriate to carry out the purposes of this article, including the power:

(a) To cooperate with industrial development agencies in efforts to promote the expansion of industrial, manufacturing and tourist activity in this state.

(b) To determine, upon the proper application of an industrial development agency, whether the declared public purposes of this article have been or will be accomplished by the establishment by such agency of an industrial development project in this state.

(c) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter relevant to this article and necessary for information on the establishment of any industrial development project.

(d) To issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum requiring the production of books and papers relevant to any hearing before such authority or one or more members appointed by it to conduct any hearing.

(e) To apply to the circuit court having venue of such offense to have punished for contempt any witness who refuses to obey a subpoena, to be sworn or affirmed or to testify, or who commits any contempt after being summoned to appear.

(f) To authorize any member of the authority to conduct hearings, administer oaths, take affidavits and issue subpoenas and subpoenas duces tecum.

(g) To make, upon proper application of any industrial development agency, loans to such agency for industrial development projects, industrial subdivision projects and industrial subdivision project improvements, and to provide
Enr. Com. Sub. for S. B. No. 165] 8

for the repayment and redeposit of such loans in the man-
ner provided in this article.

(h) To have existence for a term of fifty years.

(i) To sue and be sued, implead and be impleaded, com-
plain and defend in any court.

(j) To adopt, use and alter at will a corporate seal.

(k) To make bylaws for the management and regulation
of its affairs.

(l) To appoint officers, agents, employees and servants.

(m) To make contracts of every kind and nature and to
execute all instruments necessary or convenient for carry-
ing on its business.

(n) Without in any way limiting any other subdivision of
this section, to accept grants from and enter into contracts
and other transactions with any federal agency.

(o) To take title by foreclosure to any industrial develop-
ment project or any industrial subdivision project where
acquisition is necessary to protect any loan previously
made by the authority and to sell, transfer and convey such
project to any responsible buyer. In the event such sale,
transfer and conveyance cannot be effected with reasonable
promptness, the authority may, in order to minimize finan-
cial losses and sustain employment, lease such project to a
responsible tenant. The authority shall not lease an indus-
trial development project or industrial subdivision project,
except under the conditions and for the purposes cited in
this section: Provided, That the authority shall have no
power at any time to borrow money or in any manner
pledge the credit or taxing power of the state or any munic-
ipality or political subdivision thereof and none of its
obligations shall be deemed to be an obligation of the state
or any municipality or political subdivision thereof.

(p) To participate in any reorganization proceeding
pending pursuant to Title 11 of the United States Code
(being the act of Congress entitled “An act to establish
a uniform system of bankruptcy throughout the United
States,” approved July 1, 1898, as amended) or in any
receivership proceeding in a state or federal court for the
reorganization or liquidation of a responsible buyer or
responsible tenant. The authority may file its claim against any such responsible buyer or responsible tenant in any of the foregoing proceedings, vote upon any question pending therein which requires the approval of the creditors participating in any reorganization proceeding or receivership, exchange any evidence of said indebtedness for any property, security or evidence of indebtedness offered as a part of the reorganization of such responsible buyer or responsible tenant or of any other entity formed to acquire the assets thereof and may compromise or reduce the amount of any indebtedness owing to it as a part of any such reorganization.

§31-15-7. Loans to industrial development agencies for industrial development projects.

When it has determined upon application of an industrial development agency and upon hearing in the manner hereinafter provided that the establishment or acquisition of a particular industrial development project has accomplished or will accomplish the public purposes of this article, the authority may contract to loan such agency an amount not in excess of forty percent of the cost or estimated cost of such project, as established, to be established or proposed to be acquired, subject to the following conditions:

(a) Industrial development projects to be established or acquired.

(1) The authority shall have first determined that the industrial development agency holds funds in an amount equal to or property of a value equal to not less than ten percent of the estimated cost of establishing or acquiring the industrial development project, which funds or property are available for and shall be applied to the establishment or acquisition of such project.

(2) The authority shall have also determined that the industrial development agency has obtained from other independent and responsible sources, such as banks and insurance companies, a firm commitment for all other funds over and above the loan of the authority and such funds or property as the agency may hold, necessary for payment of all the estimated cost of establishing or acquiring the industrial development project, and that the sum of all
(b) Industrial development projects established or acquired with initial authority loan participation.

(1) The authority shall have first determined that the industrial development agency has expended funds in an amount equal to, or has applied property of a value equal to, not less than ten percent of the cost of establishing or acquiring the industrial development project.

(2) The authority shall have also determined that the industrial development agency obtained from other independent and responsible sources, such as banks and insurance companies, other funds necessary for payment of all the cost of establishing or acquiring the industrial development project and that the industrial development agency participation and these funds have been adequate to insure completion and operation or acquisition of the industrial development project: Provided, That the proceeds of any loan made by the authority to the industrial development agency pursuant to this subdivision (b) shall be used only for the establishment or acquisition of industrial development projects in furtherance of the public purposes of this article.

The loan of the authority shall be for such period of time and shall bear interest at such rate as the authority determines and it shall be secured by the negotiable promissory note of the industrial development agency and by deed of trust on the industrial development project for which the loan was made or by assignment of any deed of trust and negotiable promissory note and other security taken by the industrial development agency on the industrial development project, such deed of trust and note, assignment of deed of trust, and note and other security to be second and subordinate only to the deed of trust securing the first lien obligation issued to secure the commitment of funds from the independent and responsible sources and used in the financing of the industrial development project.

Money loaned by the authority to an industrial development agency shall be withdrawn from the fund and paid over to the agency in such manner as is provided for by rules and regulations of the authority.
The authority shall deposit all payments of interest on loans and the principal thereof in the fund. When any federal agency participates, the authority may adjust the required ratios of financial participation by the industrial development agency, the source of independent funds and the authority in such manner as to insure the maximum benefit available to the industrial development agency, the authority, or both, by the participation of the federal agency. When ratios are adjusted as aforesaid, no such adjustment shall be made which shall cause the authority to grant a loan to the industrial development agency in excess of forty percent of the cost or estimated cost of the industrial development project.

Where any federal agency participating in the financing of an industrial development project is not permitted to take as security for such participation a deed of trust or assignment of deed of trust and other security the lien of which is junior to the deed of trust or assignment of deed of trust and other security of the authority, the authority is authorized to take as security for its loan to the industrial development agency a deed of trust or assignment of deed of trust and other security junior in lien to that of the federal agency.

§31-15-7a. Loans to industrial development agencies for industrial subdivision project acquisitions and improvements.

When it has determined upon application of an industrial development agency and upon hearing in the manner hereinafter provided that the acquisition or improvement of a particular industrial subdivision project by such agency will accomplish the public purposes of this article, the authority may contract to loan such industrial development agency an amount not in excess of fifty percent of the cost or estimated cost of such industrial subdivision project acquisition or improvement, subject to the following conditions:

(1) The authority shall have determined that the industrial development agency has obtained from other independent and responsible sources, such as banks and insurance companies, a firm commitment for all other funds, over and above the loan of the authority, necessary for payment of
all the estimated cost of the industrial subdivision project
acquisition or improvement, and that the sum of all these
funds is adequate to insure completion of the project
acquisition or improvement.

(2) The authority shall have also determined that the
industrial development agency has or proposes to acquire
clear and marketable legal title to the industrial subdivi-
sion project to be improved or acquired.

(3) The industrial development agency shall covenant in
writing with the authority that, as long as any loan made by
the authority to the agency for the acquisition or improve-
ment of any industrial subdivision project remains unpaid,
no portion of such industrial subdivision project shall be
sold, leased or otherwise encumbered except for the pur-
pose of establishing an industrial development project on such
land by the agency.

The loan of the authority shall be for such period of
time and shall bear interest at such rate as the authority
determines and it shall be secured by the negotiable pro-
missory note of the industrial development agency and by
deed of trust on the industrial subdivision project for which
the loan was made, such deed of trust to be second and sub-
ordinate only to the deed of trust securing the first lien
obligation issued to secure the commitment of funds from
the independent and responsible sources and used in the
financing of the industrial subdivision project acquisition
or improvement.

The authority may, in its discretion, defer the payment
of principal and interest, or principal only, or interest only,
upon any loan made to an industrial development agency
for any industrial subdivision project acquisition or im-
provement, such deferment to be for such period as the
authority determines, not to exceed five years from the date
of the deed of trust securing the loan. If any portion of such
industrial subdivision project is sold or leased by the
agency prior to the expiration of the five-year period, all
deferred installments of the principal of the loan accrued
on the date of such sale or lease, or the proportionate part
of such deferred principal which the sold or leased portion
of the project bears to its total acreage, together with all
unpaid interest accrued on the date of such sale or lease,
shall, at the option of the authority, become due and payable immediately or subject to renegotiation by either increasing or decreasing the number and amount of each installment of principal and interest, without effecting any change in the amount of principal of the original loan or the rate of interest as originally fixed by the authority in the deed of trust and note.

Money loaned by the authority to an industrial development agency shall be withdrawn from the fund and paid over to the agency in such manner as is provided for by rules and regulations of the authority.

The authority shall deposit all payments of interest on any loans and the principal thereof in the fund.

Where any federal agency participating in the financing of industrial subdivision project acquisition or improvement is not permitted to take as security for such participation a deed of trust or assignment of deed of trust and other security the lien of which is junior to the deed of trust or assignment of deed of trust and other security of the authority, the authority is authorized to take as security for its loan to the industrial development agency a deed of trust or assignment of deed of trust and other security junior in lien to that of the federal agency.

§31-15-8. Loan application requirements; hearings.

Prior to the loaning of any funds to an industrial development agency for an industrial development project or for an industrial subdivision project acquisition or improvement, the authority shall receive from such agency a loan application in form adopted by the authority.

(1) If the loan application is for an industrial development project, the form shall contain at least the following:

(a) A general description of the project and a general description of the industrial, manufacturing or tourist enterprise for which the project has been or will be established.

(b) A legally sufficient description of all real estate necessary for the project.

(c) Such plans and other documents as may be required to show the type, structure and general character of the project.

(d) A general description of the type, classes and number
of employees employed or to be employed in the operation of the project.

(e) Cost or estimates of cost of establishing the project.

(f) A general description and statement of value of any property, real or personal, of the industrial development agency applied or to be applied to the establishment of the project.

(g) A statement of cash funds previously applied, or held by the industrial development agency, which are available for and are to be applied to the establishment of the project.

(h) Evidence of the arrangement made by the industrial development agency for the financing of all cost of the project over and above its own participation.

(i) A general description of the responsible tenant to which the industrial development agency has leased or will lease the project or of the responsible buyer to which the agency has sold or will sell the project.

(j) A general description of the form of lease or sales agreement entered into or to be entered into between the industrial development agency and its responsible tenant or responsible buyer.

(k) Evidence that the establishment of the project will not cause the removal of an industrial, manufacturing or tourist facility from one area of the state to another area of the state.

(2) If the loan application is for an industrial subdivision project acquisition or improvement, the form shall contain at least the following:

(a) A general description of the industrial subdivision project and a general description of its adaptability to industrial, manufacturing or tourist purposes, including the type of industrial development project which may be established thereon upon completion of the acquisition or improvement for which the loan is requested.

(b) A legally sufficient description of the industrial subdivision project.

(c) Such plans and other documents as may be required to show the type, structure and general character of the
proposed industrial subdivision project acquisition or improvement.

(d) Cost or estimates of cost of the proposed industrial subdivision project acquisition or improvement.

(e) Evidence of the arrangement made by the industrial development agency for the financing of all cost of the industrial subdivision project acquisition or improvement over and above its own participation.

(f) Evidence that the establishment of the project to be acquired or improved will not cause the removal of an industrial, manufacturing or tourist facility from one area of the state to another area of the state.

The board of the authority shall hold such hearings and examinations on each loan application as shall be necessary to determine whether the public purposes of this article will be accomplished by the granting of such loan.

When the board determines that a loan will accomplish the public purposes of this article, it shall grant such loan in accordance with the provisions of this article.


The industrial development fund, to which shall be credited any appropriation made by the Legislature to the authority and such other deposits as are provided for in this section, is hereby continued in the state treasury as a special account.

The authority shall requisition from the fund such amounts as are necessary to provide for the payment of the administrative expenses of this article. Whenever the authority determines it to be necessary to purchase, at a foreclosure sale, any industrial development project or industrial subdivision project pursuant to subdivision (o), section six of this article, it may requisition from the fund such amount as is necessary to pay the purchase price thereof, notwithstanding that the purchase price in the foreclosure sale of any industrial development project may exceed forty percent of the original cost of the project or that in the foreclosure sale of any industrial subdivision project the purchase price may exceed fifty percent of the original cost of the project or improvement thereon.
The authority shall requisition from the fund such amounts as are allocated and appropriated for loans to industrial development agencies for industrial development projects, industrial subdivision projects and industrial subdivision project acquisitions or improvements. As loans to industrial development agencies are repaid to the authority pursuant to the terms of mortgages and other agreements, the authority shall pay such amounts into the fund, consistent with the intent of this article that the fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied for the purposes of this article.

Whenever the authority determines that the balance in the fund is in excess of the immediate requirements for loans, it may request that such excess be invested until needed for loan purposes, in which case such excess shall be invested in a manner consistent with the investment of other temporary state funds. Interest earned on any money invested pursuant to this section shall be credited to the fund.

If the authority determines that funds held in the fund are in excess of the amount needed to carry out the purposes of this article, it shall take such action as is necessary to release such excess and transfer it to the general fund of the state treasury.

§31-15-10. Governing body; organization and meetings, quorum; powers.

The governing body of the authority shall consist of the members of the authority acting as a board, which shall exercise all the powers given to the authority in this article. The commissioner of commerce shall be chairman of the board and its chief executive officer. On the second Monday of July of each year, the board shall meet to elect a secretary and a treasurer from among its own membership.

A majority of the members shall constitute a quorum for the purpose of conducting business. Except in the case of a loan application, or unless the bylaws require a larger number, action may be taken by majority vote of the members present. Approval or rejection of a loan application shall be by majority vote of the full membership of the board. A member of the board who is an industrial development
consultant ineligible to vote or otherwise participate on a
certain matter shall be counted for the purpose of consti-
tuting a quorum but shall not be counted as a member of
the board for any other purpose while such matter is being
considered.

The board shall manage the property and business of the
authority and prescribe, amend and repeal bylaws and rules
and regulations governing the manner in which the business
of the authority is conducted.

The department of commerce shall provide staff services
to the authority for administration of this article, including
liaison between the authority and industrial development
agencies and related organizations and between the author-
ity and other state agencies whose facilities and services
may be useful to the authority in its work. The authority
may reimburse any state agency for any special expense
actually incurred in providing any service or the use of
any facility to the authority.

The authority may employ a director of acquisition loans
and a director of project and improvement loans, appoint
its own counsel and legal staff, permit one or both direc-
tors to employ such assistant or assistants as necessary
and retain such temporary engineering, financial and other
consultants or technicians as may be required for any
special study or survey consistent with the provisions of
this article.


All money accruing to the authority from whatever source
derived, except legislative appropriations, shall be collected
and received by the treasurer of the authority, who shall
pay it into the state treasury in the manner required by
section two, article two, chapter twelve of this code, which
shall be credited to the fund.

§31-15-12. Conflict of interest; when contracts void.

No member, officer or employee of the authority shall
either directly or indirectly be a party to or interested in
any manner in any contract or agreement with the authority
whereby liability or indebtedness against the authority is
in any manner created. Any contract or agreement made in
violation of the provisions of this section shall be void and
and no action thereon shall be maintained against the authority.

§31-15-13. Agreement with federal agencies not to alter or limit powers of authority.

The state hereby pledges to and agrees with each federal agency that if such agency constructs or loans or contributes any funds for the acquisition, construction, extension, improvement or enlargement of any industrial development project or industrial subdivision project or for industrial subdivision project improvements, the state will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the due performance of any agreement between the authority and such federal agency and that the authority shall continue to have and exercise all powers granted for carrying out the purposes of this article for so long as necessary.


The accounts and books of the authority, including receipts, disbursements, contracts, mortgages, deeds of trust, investments and all other matters relating to its operation, finances and affairs, shall be examined and audited from time to time by the legislative auditor in accordance with the provisions of article two, chapter four of this code.


The provisions of this article are remedial and shall be liberally construed and applied so as to promote the purposes set out in section three of this article. If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article, and to this end the provisions of this article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ this the _______ day of _______, 1973.
PRESENTED TO THE
GOVERNOR

Date  4/27/73
Time  2:05 p.m.