

#4503

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

HOUSE BILL No. 4503

(By Mr. Speaker, Mr. Chambers, & Del. Humphreys)



Passed March 9, 1988

In Effect From Passage

ENROLLED
H. B. 4503

(By MR. SPEAKER, MR. CHAMBERS, and DELEGATE HUMPHREYS)

[Passed March 9, 1988; in effect from passage.]

AN ACT to amend and reenact section two, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to intergovernmental relations; providing that county commissions may participate in area development corporations as provided by law.

Be it enacted by the Legislature of West Virginia:

That section two, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 32. INTERGOVERNMENTAL RELATIONS—CONTRIBUTIONS TO OR INVOLVEMENT WITH NONSTOCK, NONPROFIT CORPORATIONS OR HEALTH INSTITUTIONS FOR PUBLIC PURPOSES.

PART II. AREA DEVELOPMENT CORPORATIONS.

§8-32-2. Membership and participation in area development corporations.

1 Every municipality and county commission is hereby
2 empowered and authorized to become associated with
3 and to participate as a member of any area development
4 corporation chartered as a nonstock, nonprofit corpora-
5 tion under the laws of this state for the purposes of
6 promoting, developing and advancing the business
7 prosperity and economic welfare of the area embraced,
8 its citizens and its industrial complex; encouraging and

9 assisting through loans, investments or other business
10 transactions in locating new business and industry
11 within such area and rehabilitating and assisting
12 existing businesses and industries therein; stimulating
13 and promoting the expansion of all kinds of business and
14 industrial activity which will tend to advance, develop
15 and maintain economic stability and provide maximum
16 opportunities for employment in such area; cooperating
17 and acting in conjunction with other organizations,
18 federal, state or local, in the promotion and advance-
19 ment of industrial, commercial, agricultural and
20 recreational developments within such area; and
21 furnishing money and credit, land and industrial sites,
22 technical assistance and such other aid as may be
23 deemed requisite for the promotion, development and
24 conduct of all types of business, agricultural and
25 recreational activities within each area: *Provided*, That
26 it is specified in the charter of such corporation that no
27 member trustee or member of the board of directors (by
28 whatever name the same may be called) of the corpo-
29 ration shall receive any compensation, gain or profit
30 from such corporation, and such corporation is operated
31 in compliance with all charter provisions. The Legisla-
32 ture hereby finds that the aforesaid purposes of such
33 nonstock, nonprofit area development corporations are
34 for the general welfare of the public and are public
35 purposes. This section is enacted in view of this finding
36 and shall be liberally construed in the light thereof.

37 Every municipality and county commission is hereby
38 empowered and authorized to contribute to the cost of
39 the operations and projects of such area development
40 corporation by appropriating for such purposes money
41 from its general funds not otherwise appropriated.
42 Every municipality and county commission is hereby
43 empowered and authorized, notwithstanding any other
44 provision of this chapter to the contrary, to transfer and
45 convey to such area development corporation property
46 of any kind heretofore acquired by such municipality or
47 county commission for or adaptable to use in industrial
48 and economic development, such transfers or conveyan-
49 ces to be without consideration or for such price and
50 upon such terms and conditions as such municipality or

51 county commission shall deem proper.

52 Every municipality or county commission shall
53 require as a condition of any such appropriation,
54 transfer or conveyance that the area development
55 corporation receiving the same shall upon demand at
56 any time by such municipality or county commission
57 make a full and complete accounting thereto of all
58 receipts and disbursements and shall in every event
59 without demand, within thirty days after the close of the
60 quarter, make to such municipality or county commis-
61 sion a report containing an itemized statement of its
62 receipts and disbursements during the preceding
63 quarter, and make available to audit and examination
64 by the office of the state tax commissioner and any other
65 proper public official or body its books, records and
66 accounts.

67 Under no circumstances whatever shall any action
68 taken by any municipality or county commission under
69 the authority of this section give rise to or create any
70 indebtedness on the part of the municipality or county
71 commission, the governing body of such municipality or
72 county commission, any member of such governing body
73 or any municipal or county commission official or
74 employee: *Provided*, That any public entity holding title
75 to real property, and considering transfer of such real
76 property to any municipality or county commission for
77 the purpose of conveying real property to any such area
78 development corporation will publish notice by a Class
79 II-O legal advertisement in compliance with the
80 provisions of article three, chapter fifty-nine of this code,
81 and the publication area will be the municipality or
82 county involved. This notice will include the property to
83 be transferred, and the area development corporation
84 receiving such property, and the date, time, and place
85 when such public entity will conduct an open hearing
86 to consider public comment regarding the intended
87 transfer. Such notice shall be published initially at least
88 sixty days prior to the published date of the public
89 hearing.

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

George O. Williams

Chairman Senate Committee

Bernard V. Kelly

Chairman House Committee

Originating in the House.

Takes effect from passage.

Jack C. Witts

Clerk of the Senate

Donald L. Hoop

Clerk of the House of Delegates

Sam Tomberlin

President of the Senate

W. J. Hall

Speaker of the House of Delegates

The within *approved* this the *28th*
March day of _____, 1988.

Arch A. Shaw Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 4:41 p.m.

RECEIVED

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SECRETARY OF STATE