WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 527

(By Senator Tomblin, Mr. President, Yeatman)

PASSED MARCH 10, 1995
In Effect 90 DAYS FROM PASSAGE
ENROLLED
Senate Bill No. 527

(BY SENATORS TOMBLIN, MR. PRESIDENT, CHAFIN, WAGNER AND JACKSON)

[Passed March 10, 1995; in effect ninety days from passage.]

AN ACT to establish the Corridor G regional development authority; provide for its functions; definitions; purposes; management and control of authority vested in board; appointment and terms of members; vacancies and removals; qualifications of members; powers generally; compensation of members; expenses; authority to be a public corporation; findings respecting necessity for exercise of right of eminent domain; incurring indebtedness; rights of creditors; agreements in connection with obtaining funds; property, bonds and obligations of authority exempt from taxation; participation and appropriations authorized; transfers and conveyances of property; contributions by member counties, local entity and others; funds and accounts; reports; audit and examination of books, records and accounts; sale or lease of property; reversion of assets upon dissolution; liberal construction; and severability of provisions.

Be it enacted by the Legislature of West Virginia:
Corridor G Regional Development Authority.

§1. Corridor G regional development authority created; functions.

1 There is hereby created the Corridor G regional development authority.

§2. Definitions.

1 For purposes of this article the following terms shall have the following meanings:

2 (1) "Authority" shall mean the Corridor G regional development authority;

3 (2) "Member counties" shall mean the counties of Boone, Lincoln, Logan and Mingo;

4 (3) "Local entity" shall mean any county, municipality, board of education, political subdivision or other governmental agency or body;

5 (4) "Corridor G" shall mean that part of United States route 119 which passes through the West Virginia counties of Boone, Lincoln, Logan and Mingo.

§3. Purposes.

1 The purposes for which the authority is created are to promote, develop and advance the business prosperity and economic welfare of the member counties, including, but not limited to, the area adjacent to Corridor G, their citizens and their industrial complex; to encourage and assist through loans, investments or other business transactions in the locating of new business and industry within the member counties and to rehabilitate and assist existing businesses and industries therein; to stimulate and promote the expansion of all kinds of business and industrial activity which will tend to advance business and industrial development and maintain the economic stability of the member counties, provide maximum opportunities for employment, encourage thrift and improve the standard of living of
the citizens of the member counties; to cooperate and act
in conjunction with other organizations, federal, state or
local, in the promotion and advancement of industrial,
commercial, agricultural and recreational developments
within the member counties; and to furnish money and
credit, land and industrial sites, technical assistance and
such other aid as may be deemed requisite to approved
and deserving applicants for the promotion, development
and conduct of all kinds of business activity within the
member counties.

§4. Management and control of county authority vested in
board; appointment and terms of members; vacancies;
removal of members.

(a) The management and control of the authority, its
property, operations, business and affairs shall be lodged
in a board of sixteen voting members and five nonvoting
ex officio members to be appointed as follows: Each of
the county commissions of the counties of Boone, Lin-
coln, Logan and Mingo shall appoint four voting mem-
bers to the authority, one of whom shall be a member of
the county commission; the member of the county
commission shall serve at the will and pleasure of the
county commission; the initial terms of the other voting
members appointed by a county commission are as
follows: One member shall be appointed for a term of
one year; one member shall be appointed for a term of
two years; and one member shall be appointed for a term
of three years; all successive appointments shall be for a
term of three years. A member may be reappointed for
such additional term or terms as the appointing agency
may deem proper. If a member resigns, is removed or for
any other reason his or her membership terminates
during his or her term of office, a successor shall be
appointed by the appointing county to fill out the
remainder of the term. Members in office at the expira-
tion of their respective terms shall continue to serve until
their successors have been appointed and have qualified.
(b) The directors of the county development authorities of each of the member counties and the president of southern West Virginia community college, or his or her designee, shall be ex officio nonvoting members.

(c) Should a vacancy occur, the person appointed to fill the vacancy shall serve only for the unexpired portion thereof.

(d) Any voting member appointed to the authority by a county commission may be removed by the appointing county commission for such causes and reasons as a member of such county commission may be removed from office.

(e) All initial members shall be appointed on or before the first day of July, one thousand nine hundred ninety-five.

§5. Qualifications of members.

All members of the board of the authority shall be citizens of the county in which the authority is intended to operate and bona fide residents of the county by which they are appointed.

§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 of this article, and as such shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be pleaded and have and use a common seal.


The authority is hereby given power and authority as follows: (1) To make and adopt all necessary bylaws, rules for its organization and operations not inconsistent with laws; (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, developing and advancing the business prosperity and economic welfare of the member counties, their citizens and industrial complex, including, without limiting any of the foregoing, the construction of any building or structure for lease to the federal government or any of its agencies or departments, and in connection therewith to prepare and submit bids and negotiate with the federal government or such agencies or departments in accordance with plans and specifications and in the manner and on the terms and conditions and subject to any requirements, regulations, rules and laws of the United States of America for the construction of said buildings or structures and the leasing thereof to the federal government or such agencies or departments; (4) to amend or supplement any contracts or leases or to enter into new, additional or further contracts or leases upon such terms and conditions, for such consideration and for such term of duration, with or without option of renewal, as may be agreed upon by the authority and such person, agency, governmental department, firm or corporation; (5) unless otherwise provided for in, and subject to the provisions of, such contracts, or leases, to operate, repair, manage and maintain such buildings and structures and provide adequate insurance of all types, and in connection with the primary use thereof and incidental thereto to provide such services or other authorizations to any person or persons, upon such terms and conditions, for such consideration and for such term of duration as may be agreed upon by the authority and such person, agency, governmental department, firm or corporation; (6) to delegate any authority given to it by law to any of its officers, committees, agents or employees; (7) to apply for, receive and use grants-in-aid, donations and contributions from any source or sources, and to accept and use bequests, devises, gifts and dona-
(8) to acquire lands and other real property by gift, purchase or construction or in any other lawful manner, and hold title thereto in its own name; (9) to purchase or otherwise acquire, own, hold, sell and dispose of personal property and real estate, and to own, hold, sell, lease or otherwise dispose of all or part of such personal property and any real property which it may own; (10) pursuant to a determination by the board that there exists a continuing need for programs to alleviate and prevent unemployment within any or all of the member counties in which the authority is intended to operate or aid in the rehabilitation of areas in said county or counties which are underdeveloped, decaying or otherwise economically depressed, and that moneys or funds of the authority are necessary therefor, to borrow money and execute and deliver the authority's negotiable notes, mortgage bonds, other bonds, debentures and other evidences of indebtedness therefor, on such terms as the authority shall determine, and give such security therefor 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; (11) to raise funds by the issuance and sale of revenue bonds in the manner provided by the applicable provisions of article sixteen, chapter eight of the code, it being hereby expressly provided that a development authority created under this bill is a "governing body" within the definition of that term as used in article sixteen, chapter eight of this code; and (12) to expend its funds in the execution of the powers and authority herein given, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest, and for the general welfare of the people of West Virginia, to alleviate and prevent economic deterioration and to relieve the existing critical condition of unemployment existing within the state.
§8. Compensation of members; expenses; excusal of member from voting where conflict of interest involved.

(a) No member of the authority shall receive any compensation, whether in formal salary, per diem allowance or otherwise, in connection with his or her services as such member. Each member shall, however, be entitled to reimbursement by the authority for any necessary expenditures in connection with the performance of his or her general duties as such member, but only insofar as the authority shall authorize.

(b) Each member present during any meeting of the authority when any question is put, shall vote unless he or she is immediately and particularly interested therein. Before such a question is put, any member having direct personal or pecuniary interest therein shall announce this fact and request to be excused from voting. The presiding officer of the meeting or a majority of the members present may then excuse the member from voting upon the question. The disqualifying interest must be such as affects the members directly, and not as one of a class.

§9. Findings respecting necessity for exercise of right of eminent domain; authorization to exercise right of eminent domain.

(a) It is hereby found and determined by the Legislature that in fulfilling its prescribed purposes and exercising its powers, including the purpose of promoting, developing and advancing the business prosperity and economic welfare of the member counties for which created by acquiring lands and other real property to be furnished by lease, sale or other disposition as industrial sites, the authority is performing essential public purposes; that the performance of such essential public purposes are frequently impeded, unduly delayed, or wholly frustrated by the refusal of the owner or owners of property to convey title thereto, by imperfections in the title to essential land and other real properties, by
lost heirs or widely scattered owners of undivided interests in essential lands and other real properties and by owners of relatively small but essential parcels of a proposed land development site who refuse to sell their land or other real property to the county; and, that the exercise by the authority of the right of eminent domain within the limitations herein provided is therefore necessary and appropriate to achieve the said public purposes of the authority.

(b) The authority is hereby authorized and empowered to exercise the right of eminent domain if an order of the county commission in which the property to be acquired by eminent domain authorizes exercise of the right of eminent domain as to any proposed acquisition: Provided, That prior to the issuance of the order by the county commission, it shall hold a public hearing on the public necessity of the exercise of eminent domain and shall cause a Class II legal advertisement to be published in accordance with the provisions of section two, article three, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, prior to the hearing: Provided, however, That a separate hearing must be held and a separate order promulgated for each parcel over which the authority wishes to exercise the power of eminent domain.

§10. Incurring indebtedness; rights of creditors.

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, interest rate or duration 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 governing body of the member counties, or a charge against any property of
said county commissions or other appointing agencies. The rights of creditors of the authority shall be solely against the authority as a corporate body and shall be satisfied only out of property held by it in its corporate capacity.

§11. Agreements 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.

§12. 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 evidence 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.

§13. Participation and appropriations authorized; transfers and conveyances of property.

The member counties, or any one or more of them, jointly and severally, are hereby authorized and empowered to contribute by appropriation from their respective general funds not otherwise appropriated to the cost of the operation and projects of the authority. The member counties and any local entity are hereby authorized and empowered to transfer and convey to the authority property of any kind acquired by said county or local entity for or adaptable to use in industrial, economic and recreational development, such transfers or conveyances to be without consideration or for such
Contributions by member counties, local entity and others; funds and accounts; reports; audit and examination of books, records and accounts.

Contributions may be made to the authority from time to time by the member counties or local entities, and by any persons, firms or corporations which shall desire to do so. All such funds 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 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 delivered to the county commission of each member county and shall be published as a Class I legal advertisement in compliance with the provisions of section two, article three, chapter fifty-nine of the code of West Virginia, and the publication area for such publication shall be the member 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.

Sale or lease of property; reversion of assets upon dissolution.

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 the dissolution of the authority, all of its assets and property shall revert to and become the property of the member counties, unless otherwise agreed to in writing by the board.
§16. Liberal construction.

1 It is the purpose of this bill to provide for promotion,
2 development and advancement of the business prosperity
3 and economic welfare of the member counties, their
4 citizens and their industrial complex, and this bill shall
5 be liberally construed as giving to the authority full and
6 complete power reasonably required to give effect to the
7 purposes hereof.

§17. Provisions severable.

1 The several sections and provisions of this bill are
2 severable, and if any section or provisions hereof shall be
3 held unconstitutional, all the remaining sections and
4 provisions of this bill shall nevertheless remain valid.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In 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 is approved this the 24th day of March, 1995.

Governor