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SENATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

## ENROLLED

SENATE BILL NO. 527

(By Senator TOMBLIN, MR. PRESIDENT, ET AL)

PASSED MARCH 10, 1995  
In Effect 90 Days From Passage

**ENROLLED**  
**Senate Bill No. 527**

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

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

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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  
2 development authority.

**§2. Definitions.**

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

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

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

7 (3) "Local entity" shall mean any county, municipality,  
8 board of education, political subdivision or other govern-  
9 mental agency or body;

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

**§3. Purposes.**

1 The purposes for which the authority is created are to  
2 promote, develop and advance the business prosperity  
3 and economic welfare of the member counties, including,  
4 but not limited to, the area adjacent to Corridor G, their  
5 citizens and their industrial complex; to encourage and  
6 assist through loans, investments or other business  
7 transactions in the locating of new business and industry  
8 within the member counties and to rehabilitate and  
9 assist existing businesses and industries therein; to  
10 stimulate and promote the expansion of all kinds of  
11 business and industrial activity which will tend to  
12 advance business and industrial development and  
13 maintain the economic stability of the member counties,  
14 provide maximum opportunities for employment,  
15 encourage thrift and improve the standard of living of

16 the citizens of the member counties; to cooperate and act  
17 in conjunction with other organizations, federal, state or  
18 local, in the promotion and advancement of industrial,  
19 commercial, agricultural and recreational developments  
20 within the member counties; and to furnish money and  
21 credit, land and industrial sites, technical assistance and  
22 such other aid as may be deemed requisite to approved  
23 and deserving applicants for the promotion, development  
24 and conduct of all kinds of business activity within the  
25 member counties.

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

1 (a) The management and control of the authority, its  
2 property, operations, business and affairs shall be lodged  
3 in a board of sixteen voting members and five nonvoting  
4 ex officio members to be appointed as follows: Each of  
5 the county commissions of the counties of Boone, Lin-  
6 coln, Logan and Mingo shall appoint four voting mem-  
7 bers to the authority, one of whom shall be a member of  
8 the county commission; the member of the county  
9 commission shall serve at the will and pleasure of the  
10 county commission; the initial terms of the other voting  
11 members appointed by a county commission are as  
12 follows: One member shall be appointed for a term of  
13 one year; one member shall be appointed for a term of  
14 two years; and one member shall be appointed for a term  
15 of three years; all successive appointments shall be for a  
16 term of three years. A member may be reappointed for  
17 such additional term or terms as the appointing agency  
18 may deem proper. If a member resigns, is removed or for  
19 any other reason his or her membership terminates  
20 during his or her term of office, a successor shall be  
21 appointed by the appointing county to fill out the  
22 remainder of the term. Members in office at the expira-  
23 tion of their respective terms shall continue to serve until  
24 their successors have been appointed and have qualified.

25 (b) The directors of the county development authorities  
26 of each of the member counties and the president of  
27 southern West Virginia community college, or his or her  
28 designee, shall be ex officio nonvoting members.

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

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

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

#### **§5. Qualifications of members.**

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

#### **§6. Authority to be a public corporation.**

1 The authority and the members thereof shall constitute  
2 and be a public corporation under the name provided for  
3 in section one of this article, and as such shall have  
4 perpetual succession, may contract and be contracted  
5 with, sue and be sued, plead and be pleaded and have  
6 and use a common seal.

#### **§7. Powers generally.**

1 The authority is hereby given power and authority as  
2 follows: (1) To make and adopt all necessary bylaws,  
3 rules for its organization and operations not inconsistent  
4 with laws; (2) to elect its own officers, to appoint com-  
5 mittees and to employ and fix compensation for person-  
6 nel necessary for its operation; (3) to enter into contracts

7 with any person, agency, governmental department, firm  
8 or corporation, including both public and private corpo-  
9 rations, and generally to do any and all things necessary  
10 or convenient for the purpose of promoting, developing  
11 and advancing the business prosperity and economic  
12 welfare of the member counties, their citizens and  
13 industrial complex, including, without limiting any of  
14 the foregoing, the construction of any building or  
15 structure for lease to the federal government or any of its  
16 agencies or departments, and in connection therewith to  
17 prepare and submit bids and negotiate with the federal  
18 government or such agencies or departments in accor-  
19 dance with plans and specifications and in the manner  
20 and on the terms and conditions and subject to any  
21 requirements, regulations, rules and laws of the United  
22 States of America for the construction of said buildings  
23 or structures and the leasing thereof to the federal  
24 government or such agencies or departments; (4) to  
25 amend or supplement any contracts or leases or to enter  
26 into new, additional or further contracts or leases upon  
27 such terms and conditions, for such consideration and  
28 for such term of duration, with or without option of  
29 renewal, as may be agreed upon by the authority and  
30 such person, agency, governmental department, firm or  
31 corporation; (5) unless otherwise provided for in, and  
32 subject to the provisions of, such contracts, or leases, to  
33 operate, repair, manage and maintain such buildings and  
34 structures and provide adequate insurance of all types,  
35 and in connection with the primary use thereof and  
36 incidental thereto to provide such services or other  
37 authorizations to any person or persons, upon such terms  
38 and conditions, for such consideration and for such term  
39 of duration as may be agreed upon by the authority and  
40 such person, agency, governmental department, firm or  
41 corporation; (6) to delegate any authority given to it by  
42 law to any of its officers, committees, agents or employ-  
43 ees; (7) to apply for, receive and use grants-in-aid,  
44 donations and contributions from any source or sources,  
45 and to accept and use bequests, devises, gifts and dona-

46 tions from any person, firm or corporation; (8) to acquire  
47 lands and other real property by gift, purchase or  
48 construction or in any other lawful manner, and hold  
49 title thereto in its own name; (9) to purchase or otherwise  
50 acquire, own, hold, sell and dispose of personal property  
51 and real estate, and to own, hold, sell, lease or otherwise  
52 dispose of all or part of such personal property and any  
53 real property which it may own; (10) pursuant to a  
54 determination by the board that there exists a continu-  
55 ing need for programs to alleviate and prevent unem-  
56 ployment within any or all of the member counties in  
57 which the authority is intended to operate or aid in the  
58 rehabilitation of areas in said county or counties which  
59 are underdeveloped, decaying or otherwise economically  
60 depressed, and that moneys or funds of the authority are  
61 necessary therefor, to borrow money and execute and  
62 deliver the authority's negotiable notes, mortgage bonds,  
63 other bonds, debentures and other evidences of indebt-  
64 edness therefor, on such terms as the authority shall  
65 determine, and give such security therefor as shall be  
66 requisite, including giving a mortgage or deed of trust on  
67 its real or personal property and facilities in connection  
68 with the issuance of mortgage bonds; (11) to raise funds  
69 by the issuance and sale of revenue bonds in the manner  
70 provided by the applicable provisions of article sixteen,  
71 chapter eight of the code, it being hereby expressly  
72 provided that a development authority created under  
73 this bill is a "governing body" within the definition of  
74 that term as used in article sixteen, chapter eight of this  
75 code; and (12) to expend its funds in the execution of the  
76 powers and authority herein given, which expenditures,  
77 by the means authorized herein, are hereby determined  
78 and declared as a matter of legislative finding to be for  
79 a public purpose and use, in the public interest, and for  
80 the general welfare of the people of West Virginia, to  
81 alleviate and prevent economic deterioration and to  
82 relieve the existing critical condition of unemployment  
83 existing within the state.

**§8. Compensation of members; expenses; excusal of member from voting where conflict of interest involved.**

1 (a) No member of the authority shall receive any  
2 compensation, whether in formal salary, per diem  
3 allowance or otherwise, in connection with his or her  
4 services as such member. Each member shall, however,  
5 be entitled to reimbursement by the authority for any  
6 necessary expenditures in connection with the perfor-  
7 mance of his or her general duties as such member, but  
8 only insofar as the authority shall authorize.

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

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

1 (a) It is hereby found and determined by the Legisla-  
2 ture that in fulfilling its prescribed purposes and exer-  
3 cising its powers, including the purpose of promoting,  
4 developing and advancing the business prosperity and  
5 economic welfare of the member counties for which  
6 created by acquiring lands and other real property to be  
7 furnished by lease, sale or other disposition as industrial  
8 sites, the authority is performing essential public pur-  
9 poses; that the performance of such essential public  
10 purposes are frequently impeded, unduly delayed, or  
11 wholly frustrated by the refusal of the owner or owners  
12 of property to convey title thereto, by imperfections in  
13 the title to essential land and other real properties, by



14 lost heirs or widely scattered owners of undivided  
15 interests in essential lands and other real properties and  
16 by owners of relatively small but essential parcels of a  
17 proposed land development site who refuse to sell their  
18 land or other real property to the county; and, that the  
19 exercise by the authority of the right of eminent domain  
20 within the limitations herein provided is therefore  
21 necessary and appropriate to achieve the said public  
22 purposes of the authority.

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

**§10. Incurring indebtedness; rights of creditors.**

1 The authority may incur any proper indebtedness and  
2 issue any obligations and give any security therefor  
3 which it may deem necessary or advisable in connection  
4 with carrying out its purposes as hereinbefore men-  
5 tioned. No statutory limitation with respect to the  
6 nature, or amount, interest rate or duration of indebted-  
7 ness which may be incurred by municipalities or other  
8 public bodies shall apply to indebtedness of the author-  
9 ity. No indebtedness of any nature of the authority shall  
10 constitute an indebtedness of the governing body of the  
11 member counties, or a charge against any property of

12 said county commissions or other appointing agencies.  
13 The rights of creditors of the authority shall be solely  
14 against the authority as a corporate body and shall be  
15 satisfied only out of property held by it in its corporate  
16 capacity.

**§11. Agreements in connection with obtaining funds.**

1 The authority may, in connection with obtaining funds  
2 for its purposes, enter into any agreement with any  
3 person, firm or corporation, including the federal  
4 government; or any agency or subdivision thereof,  
5 containing such provisions, covenants, terms and condi-  
6 tions as the authority may deem advisable.

**§12. Property, bonds and obligations of authority exempt from taxation.**

1 The authority shall be exempt from the payment of any  
2 taxes or fees to the state or any subdivision thereof or to  
3 any officer or employee of the state or other subdivision  
4 thereof. The property of the authority shall be exempt  
5 from all local and municipal taxes. Bonds, notes, deben-  
6 tures and other evidence of indebtedness of the authority  
7 are declared to be issued for a public purpose and to be  
8 public instrumentalities and shall be exempt from taxes.

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

1 The member counties, or any one or more of them,  
2 jointly and severally, are hereby authorized and empow-  
3 ered to contribute by appropriation from their respective  
4 general funds not otherwise appropriated to the cost of  
5 the operation and projects of the authority.

6 The member counties and any local entity are hereby  
7 authorized and empowered to transfer and convey to the  
8 authority property of any kind acquired by said county  
9 or local entity for or adaptable to use in industrial,  
10 economic and recreational development, such transfers  
11 or conveyances to be without consideration or for such

12 price and upon such terms and conditions as the said  
13 county or local entity deems proper.

**§14. Contributions by member counties, local entity and  
others; funds and accounts; reports; audit and exami-  
nation of books, records and accounts.**

1 Contributions may be made to the authority from time  
2 to time by the member counties or local entities, and by  
3 any persons, firms or corporations which shall desire to  
4 do so. All such funds and all other funds received by the  
5 authority shall be deposited in such bank or banks as the  
6 authority may direct and shall be withdrawn therefrom  
7 in such manner as the authority may direct. The author-  
8 ity shall keep strict account of all its receipts and  
9 expenditures and within sixty days after the end of each  
10 fiscal year, the authority shall make an annual report  
11 containing an itemized statement of its receipts and  
12 disbursements for the preceding year, and such annual  
13 report shall be delivered to the county commission of  
14 each member county and shall be published as a Class I  
15 legal advertisement in compliance with the provisions of  
16 section two, article three, chapter fifty-nine of the code  
17 of West Virginia, and the publication area for such  
18 publication shall be the member counties. The books,  
19 records and accounts of the authority shall be subject to  
20 audit and examination by the office of the state tax  
21 commissioner of West Virginia and by any other proper  
22 public official or body in the manner provided by law.

**§15. Sale or lease of property; reversion of assets upon  
dissolution.**

1 In the event the board of the authority shall so deter-  
2 mine, the authority may lease or sell all of its property  
3 and equipment on such terms and conditions as the  
4 authority may fix and determine. Upon the dissolution  
5 of the authority, all of its assets and property shall revert  
6 to and become the property of the member counties,  
7 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.;

*[Faint handwritten text: "Approved and passed by the Senate..."]*

*[Faint handwritten signature]*

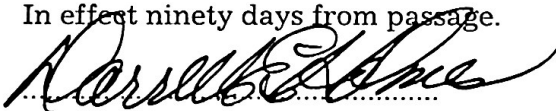
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

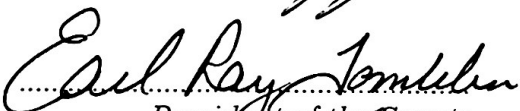
  
.....  
Chairman House Committee


Originated in the Senate.


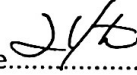
In effect ninety days from passage.

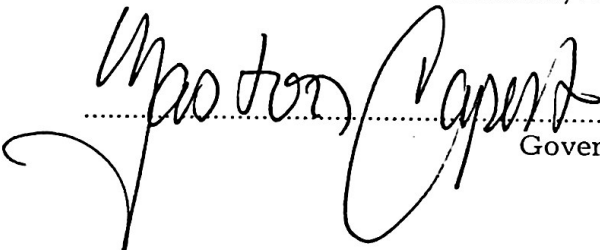
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within  is approved this the  day of  1995.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/95

Time 3:36pm