

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

Com. Sub. for House Bill No. 4307

(By Mr. Speaker, Mr. Kiss, and Delegates Ashley,
Staton and Trump)



Passed March 14, 1998

In Effect from Passage



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COMMITTEE SUBSTITUTE
FOR
H. B. 4307

(BY MR. SPEAKER, MR. KISS, AND DELEGATES ASHLEY
STATON AND TRUMP)

[Passed March 14, 1998; in effect from passage.]

AN ACT to amend and reenact sections seven and thirteen, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to allowing county and municipal development authorities to sell, lease or otherwise dispose of real or personal property which they may own either by contract or at public auction; clarifying legislative intent; retroactive provisions.

Be it enacted by the Legislature of West Virginia:

That sections seven and thirteen, article twelve, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 12. COUNTY AND MUNICIPAL DEVELOPMENT
AUTHORITIES.**

§7-12-7. Powers generally.

- 1 The development authority is hereby given power and
- 2 authority as follows: (1) To make and adopt all necessary
- 3 bylaws and rules for its organization and operations not

4 inconsistent with laws; (2) to elect its own officers, to
5 appoint committees and to employ and fix compensation
6 for personnel necessary for its operation; (3) to enter into
7 contracts with any person, agency, governmental
8 department, firm or corporation, including both public
9 and private corporations, and generally to do any and all
10 things necessary or convenient for the purpose of
11 promoting, developing and advancing the business
12 prosperity and economic welfare of the county in which it
13 is intended to operate, its citizens and industrial complex,
14 including, without limiting any of the foregoing, the
15 construction of any building or structure for lease to the
16 federal government or any of its agencies or departments,
17 and in connection therewith to prepare and submit bids
18 and negotiate with the federal government or such
19 agencies or departments in accordance with plans and
20 specifications and in the manner and on the terms and
21 conditions and subject to any requirements, regulations,
22 rules and laws of the United States of America for the
23 construction of said buildings or structures and the leasing
24 thereof to the federal government or such agencies or
25 departments; (4) to amend or supplement any contracts or
26 leases or to enter into new, additional or further contracts
27 or leases upon such terms and conditions, for such
28 consideration and for such term of duration, with or
29 without option of renewal, as may be agreed upon by the
30 authority and such person, agency, governmental
31 department, firm or corporation; (5) unless otherwise
32 provided for in, and subject to the provisions of, such
33 contracts, or leases, to operate, repair, manage, and
34 maintain such buildings and structures and provide
35 adequate insurance of all types, and in connection with the
36 primary use thereof and incidental thereto to provide such
37 services, such as barber shops, newsstands, drugstores and
38 restaurants, and to effectuate such incidental purposes,
39 grant leases, permits, concessions or other authorizations
40 to any person or persons, upon such terms and conditions,
41 for such consideration and for such term of duration as
42 may be agreed upon by the authority and such person,
43 agency, governmental department, firm or corporation;
44 (6) to delegate any authority given to it by law to any of
45 its officers, committees, agents or employees; (7) to apply

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

88 The amendment of this section enacted in the year one
89 thousand nine hundred ninety-eight, is intended to clarify
90 the intent of the Legislature as to the manner in which an
91 authority may sell, lease or otherwise dispose of real and
92 personal property owned by an authority, and shall be
93 retroactive to the date of the prior enactment of this
94 section.

**§7-12-13. Sale or lease of property; reversion of assets upon
dissolution.**

1 In the event the board of the authority shall so
2 determine, the authority may lease or sell all of its
3 property and equipment, either by contract or at public
4 auction, on such terms and conditions as the authority
5 may fix and determine. Upon the dissolution of the
6 authority, all of its assets and property shall revert to and
7 become the property of the county or municipality for
8 which said authority was created.

9 The amendment of this section in the year one
10 thousand nine hundred ninety-eight, is intended to clarify
11 the intent of the Legislature as to the manner in which an
12 authority may sell, lease or otherwise dispose of real and
13 personal property owned by an authority, and shall be
14 retroactive to the date of the prior enactment of this
15 section.

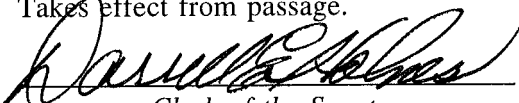
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

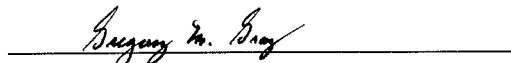

Chairman Senate Committee

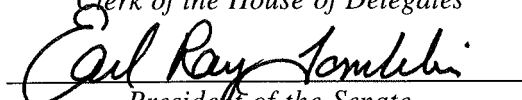

Chairman House Committee

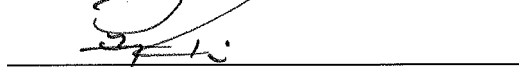
Originating in the House.

Takes effect from passage.

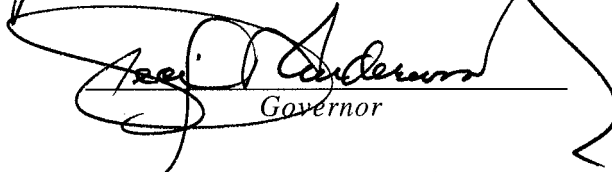

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 21st
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/98

Time 2:36 pm