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
ENROLLED
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 authority as follows: (1) To make and adopt all necessary bylaws and 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 county in which it
is intended to operate, its 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, such as barber shops, newsstands, drugstores and
restaurants, and to effectuate such incidental purposes,
grant leases, permits, concessions 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 donations from any
person, firm or corporation; (8) to acquire real property
by gift, purchase, or construction, or in any other lawful
manner, and hold title thereto in its own name and to sell,
lease or otherwise dispose of all or part of such real
property which it may own, either by contract or at public
auction, upon the approval by the board of directors of
the development authority; (9) to purchase or otherwise
acquire, own, hold, sell, lease and dispose of all or part of
any personal property which it may own, either by
contract or at public auction; (10) pursuant to a
determination by the board that there exists a continuing
need for programs to alleviate and prevent unemployment
within the county in which the authority is intended to
operate or aid in the rehabilitation of areas in said county
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 this code, it being hereby
expressly provided that a development authority created
under this article is a "governing body" within the
definition of that term as used in said 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.
The amendment of this section enacted in the year one thousand nine hundred ninety-eight, is intended to clarify the intent of the Legislature as to the manner in which an authority may sell, lease or otherwise dispose of real and personal property owned by an authority, and shall be retroactive to the date of the prior enactment of this section.

§7-12-13. 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, either by contract or at public auction, 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 county or municipality for which said authority was created.

The amendment of this section in the year one thousand nine hundred ninety-eight, is intended to clarify the intent of the Legislature as to the manner in which an authority may sell, lease or otherwise dispose of real and personal property owned by an authority, and shall be retroactive to the date of the prior enactment of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker of the House of Delegates

The within ___________ day of ___________, 1998.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR

Date 3/31/98
Time 2:36 pm