

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 571

FISCAL
NOTE

By Senators Hamilton, Martin, Jeffries, Taylor, Queen,

Karnes, Plymale, Nelson, and Barrett

[Introduced January 26, 2024; referred

to the Committee on Economic Development; and

then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §5B-11-1, §5B-11-2, and §5B-11-3, all relating to creating the West Virginia
 3 Advanced Energy and Economic Corridor Authority Commission; legislative findings; and
 4 requiring annual reporting to the Joint Committee on Government and Finance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11. WEST VIRGINIA ADVANCED ENERGY AND ECONOMIC CORRIDOR

AUTHORITY COMMISSION.

§5B-11-1.	Legislative	Findings.
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1 The Legislature finds that the Advanced Energy and Economic Corridor, once known as
 2 Tug-Ohio-Levisa-Sandy Improvement Association (TOLSIA) and the Corridor H, which runs
 3 through the counties of Lewis, Upshur, Barbour, Randolph, Tucker, Grant, and Hardy, has
 4 undergone significant challenges owing to widespread changes in the national and global
 5 economies; and every effort should be made to assist the transformation of these regional
 6 economies by providing guidance to local governments, business, and industries which may
 7 maximize the economic development and diversification of those economies. Part of the National
 8 Highway System’s I-73/74 corridor from northern Michigan to eastern South Carolina, the
 9 Advanced Energy and Economic Corridor, will not only foster greater transportation efficiencies,
 10 but it will also provide vital connectivity to burgeoning markets, resulting in both job creation and
 11 economic expansion in southern West Virginia.

12 The economic development agencies along this corridor are aligning efforts to embrace
 13 the expansion of the energy and economic development policies adopted by the West Virginia
 14 Legislature as a tool for economic development and are focused on efforts to transform and
 15 revitalize the region by fostering partnerships and initiatives which are complementary and
 16 supportive of existing successful industries in West Virginia.

17 The Legislature, by enactment of this article, intends to facilitate implementation of critical

18 and time-sensitive opportunities for economic development along the Advanced Energy and
19 Economic Corridor by establishing an authority, known as the Advanced Energy and Economic
20 Corridor Authority Commission, to facilitate assistance to these local entities comprised of the
21 economic development agencies of Lewis, Upshur, Barbour, Randolph, Tucker, Grant, and Hardy
22 counties which shall act as an independent body corporate, and which shall be created as a
23 501(c)3 entity.

§5B-11-2. Advanced Energy and Economic Corridor Authority Commission created.

1 (a) The Advanced Energy and Economic Corridor Authority Commission is hereby created
2 as an independent body corporate. The commission shall consist of 16 members, who shall be
3 residents and citizens of the state, or non-state residents who are involved in economic,
4 commercial, or industrial development in the geographic region of the Authority. The WVAEEC
5 Authority (Authority) shall consist of the following members:

- 6 (1) A representative of the economic development agency of Lewis, County;
- 7 (2) A representative of the economic development agency of Upshur County;
- 8 (3) A representative of the economic development agency of Barbour County;
- 9 (4) A representative of the economic development agency of Randolph County;
- 10 (5) A representative of the economic development agency of Tucker County;
- 11 (6) A representative of the economic development agency of Grant County;
- 12 (7) A representative of the economic development agency of Hardy County;
- 13 (8) A representative from businesses and industries within the state;
- 14 (9) An economic development representative from a utility company which serves within
15 the region of the corridor;
- 16 (10) Three private sector representatives from the technology, energy, and advanced
17 manufacturing sectors within the region of the corridor;
- 18 (11) A representative of the Region 7 Planning and Development Council;
- 19 (12) A representative of the Region 8 Planning and Development Council;

20 (13) Two members at large appointed by the Secretary of the Department of Economic
21 Development from regions and counties along the corridor who have knowledge and experience
22 in local issues, economic development, or other areas of expertise within the directive of the
23 authority.

24 (b) Each member shall serve a term of five years. Of the two appointed members, one shall
25 be appointed for a term ending December 31, 2025, and one for a term ending one and two years
26 later, respectively. Authority members may be reappointed to additional terms, and although their
27 terms may have expired shall continue to serve until their successor has been appointed. The
28 chairperson and officers shall be selected annually by the appointed Authority members.

29 (c) The Authority shall:

30 (1) Set specific tactical goals and demonstrable objectives via input from member counties
31 and communities;

32 (2) Maintain an inclusive, rather than constraining, geographic focus on economic
33 development;

34 (3) Seek out Private-Public Partnerships (P3s) to achieve its vision;

35 (4) Foster partnerships with groups in other states that follow the I-73/74/75 alignment to
36 help build broad support for the economic development and infrastructure projects undertaken;

37 (5) Allow bonding and tax credits to facilitate economic development along the corridor;

38 (6) Seek governmental engagement for guidance on local, state, regional or national
39 initiatives to achieve economic development objectives;

40 (7) Utilize cutting edge technologies and innovation platforms where their applications will
41 be most beneficial;

42 (9) Consider legislative action to allow regulatory flexibility along corridor expanded
43 boundar8es;

44 (9) Develop a memorandum of understanding (MOU) with the Appalachian Regional
45 Commission (ARC) in areas of economic development, transportation, tourism, infrastructure,

46 technology, and other areas beneficial to the member counties and communities, and the state;

47 and

48 (10) Develop economic and tourism asset portfolios for inclusion of the Authority's vision.

49 (d) The authority may exercise all powers necessary or appropriate to carry out the
50 purposes of this article including, but not limited to, the power to:

51 (1) Acquire, own, hold, and dispose of property, real and personal, tangible and intangible;

52 (2) Lease property, whether as lessee or lessor, and to acquire or grant through easement,
53 license, or other appropriate legal form, the right to develop and use property and open it to the use
54 of the public;

55 (3) Mortgage or otherwise grant security interests in its property;

56 (4) Procure insurance against any losses in connection with its property, license or
57 easements, contracts, including hold-harmless agreements, operations, or assets in such
58 amounts and from such insurers as the authority considers desirable;

59 (5) Maintain such sinking funds and reserves as the board determines appropriate for the
60 purposes of meeting future monetary obligations and needs of the authority;

61 (6) Contract for the provision of legal services by private counsel and, notwithstanding the
62 provisions of §3-5-1 et seq. of this code, the counsel may, in addition to the provisions of other
63 legal services, represent the authority in court, negotiate contracts and other agreements on
64 behalf of the authority, render advice to the authority on any matter relating to the authority,
65 prepare contracts and other agreements, and provide such other legal services as may be
66 requested by the authority;

67 (7) Appoint officers, agents, and employees and to contract for and engage the services of
68 consultants;

69 (8) Make contracts of every kind and nature and to execute all instruments necessary or
70 convenient for carrying on its business, including contracts with any other governmental agency of
71 this state or of the federal government or with any person, individual, partnership, or corporation to

72 effect any or all of the purposes of this article;

73 (9) Without in any way limiting any other subdivision of this section, accept grants and
74 loans from, and enter into contracts and other transactions with, any federal agency; and

75 (10) Accept gifts or grants of property, funds, security interests, money, materials, labor,
76 supplies, or services from the federal government or from any governmental unit or any person,
77 firm, or corporation and to carry out the terms or provisions of or make agreements with respect to
78 or pledge any gifts or grants and to do any and all things necessary, useful, desirable, or
79 convenient in connection with the procuring, acceptance, or disposition of gifts or grants.

80 (e) The Department of Economic Development shall assist the commission in its functions
81 and operations including, but not limited to, providing administrative, clerical, and technical
82 support.

83 (f) Members of the Authority Commission are not entitled to compensation for services
84 performed as members. Each member is entitled to reimbursement for reasonable expenses
85 incurred in the discharge of their official duties. All expenses incurred by members shall be paid in
86 a manner consistent with guidelines of the Travel Management Office of the Department of
87 Administration and are payable solely from the funds of the Department of Economic
88 Development or from funds appropriated for that purpose by the Legislature.

89 (g) No liability or obligation is incurred by the Authority beyond the extent to which money is
90 awarded for grant acquisition facilitation.

91 (h) Members shall meet as designated and scheduled by the chairperson. The presence of
92 a majority of commission members, in person or by real-time electronic communication,
93 constitutes a quorum to conduct business at a meeting.

94 (i) When a member of the commission must recuse himself or herself because of a
95 perceived or actual conflict of interest regarding a proposed grant assistance award, a majority of
96 the remaining members of the commission without a conflict shall be sufficient for the conduct of
97 commission business.

§5B-11-3. Report to the Legislature.

1 The Authority Commission shall provide, by December first of each year to the Joint
2 Committee on Government and Finance, an annual electronic report that details the Authority's
3 undertakings for the past year, including but not limited to all projects undertaken and any private
4 public partnerships entered into, as well as any recommended legislation or policy actions needed
5 to facilitate greater economic development along the Advanced Energy and Economic Corridor.

NOTE: The purpose of this bill is to create the West Virginia Advanced Energy and Economic Corridor Authority Commission comprised of the economic development agencies of Lewis, Upshur, Barbour, Randolph, Tucker, Grant, and Hardy, counties.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.