

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 571

BY SENATORS HAMILTON, MARTIN, JEFFRIES, TAYLOR,

QUEEN, KARNES, PLYMALE, AND NELSON

[Originating in the Committee on Economic

Development; reported February 1, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §5B-12-1, §5B-12-2, §5B-12-3, and §5B-12-4, all relating to creating the
3 Corridor H Advanced Energy and Economic Corridor Authority; providing for legislative
4 findings; appointing authority members; providing for terms of membership; providing for
5 certain membership and meeting requirements; providing that members are not
6 compensated; providing for certain powers and duties; and requiring annual reporting to
7 the Joint Committee on Government and Finance.

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. CORRIDOR H ADVANCED ENERGY AND ECONOMIC CORRIDOR

AUTHORITY.

§5B-12-1. Legislative Findings.

1 The Legislature finds that the Advanced Energy and Economic Corridor, known as
2 Corridor H, which runs through the counties of Lewis, Upshur, Barbour, Randolph, Tucker, Grant,
3 and Hardy, has undergone significant challenges owing to widespread changes in the national
4 and global economies. Therefore, every effort should be made to assist the transformation of the
5 regional economies along Corridor H by providing guidance to local governments, business, and
6 industries which may maximize the economic development and diversification of those
7 economies. This will not only foster greater transportation efficiencies, but it will also provide vital
8 connectivity to burgeoning markets, resulting in both job creation and economic expansion in
9 northeastern West Virginia.

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

15 The Legislature, by enactment of this article, intends to facilitate implementation of critical
16 and time-sensitive opportunities for economic development along the Advanced Energy and
17 Economic Corridor by establishing an authority, known as the Corridor H Advanced Energy and
18 Economic Corridor Authority (Corridor H Authority) to facilitate assistance to the local entities
19 comprised of the economic development agencies of Lewis, Upshur, Barbour, Randolph, Tucker,
20 Grant, and Hardy counties which shall act as an independent body corporate.

§5B-12-2. Corridor H Advanced Energy and Economic Corridor Authority created;
membership; terms; meetings; quorum; recusal; compensation.

1 (a) The Corridor H Authority is hereby created as an independent body corporate. It shall
2 consist of the following 16 members who are involved in economic, commercial, or industrial
3 development in the geographic region of the Corridor H Authority:

- 4 (1) A representative of the economic development agency of Lewis, County;
- 5 (2) A representative of the economic development agency of Upshur County;
- 6 (3) A representative of the economic development agency of Barbour County;
- 7 (4) A representative of the economic development agency of Randolph County;
- 8 (5) A representative of the economic development agency of Tucker County;
- 9 (6) A representative of the economic development agency of Grant County;
- 10 (7) A representative of the economic development agency of Hardy County;
- 11 (8) A representative of the Region 7 Planning and Development Council;
- 12 (9) A representative of the Region 8 Planning and Development Council;
- 13 (10) The following seven members appointed by the Governor, or his or her designee:
 - 14 (A) A representative from businesses and industries located in the state;
 - 15 (B) An economic development representative from a utility company that provides service
16 to the Corridor H region;
 - 17 (C) Three private sector representatives from the technology, energy, and advanced
18 manufacturing sectors in the Corridor H region; and

19 (D) Two at-large members from regions and counties along the corridor who have
20 knowledge and experience in local issues, economic development, and other areas of expertise.

21 (b) Each member shall serve a term of five years. Members may be reappointed to
22 additional terms and, upon expiration of their respective terms, shall continue to serve until their
23 successor has been appointed. The chair, vice-chair, and officers shall be selected annually by a
24 majority vote of the members. The chair shall schedule meetings and set the agenda for each
25 meeting.

26 (c) A majority of members, in person or by real-time electronic communication, constitutes
27 a quorum to conduct business at a meeting.

28 (d) If a member of the authority must recuse himself or herself because of a perceived or
29 actual conflict of interest, a majority of the remaining members of the authority without a conflict
30 shall be sufficient for the conduct of authority business.

31 (e) Members are not entitled to compensation for their services.

§5B-12-3. Powers and duties.

1 (a) The Corridor H Authority shall have, but not be limited to, the following powers and
2 duties:

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

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

7 (3) Seek out private-public partnerships to achieve its vision;

8 (4) Foster partnerships with groups in other states to help build broad support for the
9 economic development and infrastructure projects undertaken in the geographic region of the
10 Corridor H Authority;

11 (5) Propose legislation for bonding and tax credits to facilitate economic development
12 along Corridor H;

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

15 (7) Utilize cutting-edge technologies and innovation platforms where their applications will
16 be most beneficial;

17 (8) Propose legislation to allow regulatory flexibility along corridor expanded boundaries;

18 (9) Develop a memorandum of understanding with the Appalachian Regional Commission
19 in areas of economic development, transportation, tourism, infrastructure, technology, and other
20 areas beneficial to the member counties and communities, and the state;

21 (10) Develop economic and tourism asset portfolios for inclusion of the authority's vision;
22 and

23 (11) Apply for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

24 (b) The authority may also exercise all powers necessary or appropriate to carry out the
25 purposes of this article including, but not limited to, the following:

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

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

30 (3) Mortgage or otherwise grant security interests on its property;

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

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

36 (6) Contract for the provision of legal services by private counsel and, notwithstanding any
37 other provision of the code to the contrary, the counsel may, in addition to the provisions of other
38 legal services, represent the authority in court, negotiate contracts and other agreements on

39 behalf of the authority, render advice to the authority on any matter relating to the authority,
40 prepare contracts and other agreements, and provide such other legal services as may be
41 requested by the authority;

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

44 (8) Make contracts of every kind and nature, and to execute all instruments necessary or
45 convenient for carrying on its business, including contracts with any other governmental agency
46 of this state or of the federal government, or with any person, individual, partnership, or
47 corporation to effect any or all of the purposes of this article;

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

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

55 (c) No liability or obligation is incurred by the authority beyond the extent to which money
56 is awarded for grant acquisition facilitation.

§5B-12-4. Report to the Legislature.

1 On or before December 1, 2024, and annually thereafter, the authority shall prepare and
2 submit to the Joint Committee on Government and Finance a written report, which may be
3 transmitted electronically, detailing its undertakings for the past year, including, but not limited to,
4 all projects and any private-public partnerships entered into, as well as any recommended
5 legislation or policy actions needed to facilitate greater economic development along the corridor.