

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 459**

By Senator Thorne

[Introduced February 13, 2025; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §7-12-3, §7-12-3a, and §7-12-4 of the Code of West Virginia, 1931,  
 2 as amended, relating to requiring that members of county and municipal development  
 3 authorities are West Virginia residents with at least five years of West Virginia residency  
 4 immediately preceding the appointment; and requiring that such members are residents of  
 5 the county or municipality in which the development authority to which they are appointed  
 6 is situated.

*Be it enacted by the Legislature of West Virginia:*

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

**§7-12-3. Management and control of county authority vested in board; appointment and  
 terms of members; vacancies; removal of members.**

1 The management and control of a county authority, its property, operations, business, and  
 2 affairs shall be lodged in a board of not fewer than 12 nor more than 21 qualified persons, as set  
 3 forth in §7-12-4, who shall be appointed by the county commission and be known as members of  
 4 the authority. The county commission shall appoint one member to represent the county  
 5 commission on the board. Members of the board shall be appointed by the county commission.  
 6 The members of the authority first appointed shall serve respectively for terms of one year, two  
 7 years and three years, divided equally or as nearly equal as possible between these terms.  
 8 Thereafter, members shall be appointed for terms of three years each. A member may be  
 9 reappointed for such additional term or terms as the county commission may deem proper. If a  
 10 member resigns, is removed or for any other reason his or her membership terminates during his  
 11 or her term of office, a successor shall be appointed by the county commission to fill out the  
 12 remainder of his or her term. Members in office at the expiration of their respective terms shall  
 13 continue to serve until their successors have been appointed and have qualified. The county  
 14 commission may at any time remove any member of the board by an order duly entered of record  
 15 and may appoint a successor member for any member so removed.

16 Other persons, firms, unincorporated associations, and corporations, who reside, maintain

17 offices, or have economic interests in the county, are eligible to participate in and request the  
18 county commission to appoint members to the development authority as the said authority shall by  
19 its bylaws provide.

**§7-12-3a. Management and control of municipal authority vested in board; appointment  
and terms of members; vacancies; removal of members.**

1 The management and control of a municipal authority, its property, operations, business  
2 and affairs shall be lodged in a board of not fewer than 12 nor more than 21 qualified persons, as  
3 set forth in §7-12-4, who shall be appointed by the governing body and be known as members of  
4 the authority. One member of the authority shall also be a member of the governing body  
5 appointed to represent it on the board. Other members shall be appointed by the governing body  
6 and shall include representatives of business, industry and labor. The members of the authority  
7 first appointed shall serve respectively for terms of one year, two years and three years, divided  
8 equally or as nearly equal as possible between these terms. Thereafter, members shall be  
9 appointed for terms of three years each. A member may be reappointed for such additional term or  
10 terms as the appointing agency may deem proper. If a member resigns, is removed or for any  
11 other reason his or her membership terminates during his or her term of office, a successor shall  
12 be appointed by the appointing agency to fill out the remainder of his or her term. Members in  
13 office at the expiration of their respective terms shall continue to serve until their successors have  
14 been appointed and have qualified. The appointing agency may at any time remove its appointed  
15 member of the authority by an order duly entered of record or by other action appropriate for such  
16 appointing agency and may appoint a successor member for any member so removed.

17 In addition to the appointing agencies hereinbefore named, such other persons, firms,  
18 unincorporated associations, and corporations, who reside, maintain offices, or have economic  
19 interests, as the case may be, in the municipality, are eligible to participate in and request the  
20 governing body to appoint members to the development authority as the said authority by its  
21 bylaws provides.

**§7-12-4. Qualifications of members.**

1 (a) Members of a county or municipal development authority must be:

2 (1) A West Virginia resident that has maintained continuous West Virginia residency for the  
3 five years preceding his or her appointment; and either

4 (2) A resident of the county in which the development authority is situated, if the  
5 appointment is to a county development authority; or

6 (3) A resident of the municipality in which the development authority is situated, if the  
7 appointment is to a municipal development authority.

8 (b) Any member that does not meet the requirements in subsection (a) shall not be  
9 grandfathered in.

10 ~~(a)(c)~~ In addition to the appointing agencies as provided for in §7-12-3, such other persons,  
11 firms, unincorporated associations and corporations, which reside or maintain offices in the county  
12 of the development authority, are eligible to participate in and request the governing body to  
13 appoint members to the development authority as the said authority by its bylaws provides.  
14 ~~Members can also be drawn from citizens of a county contiguous to the county in which the county~~  
15 ~~development authority is located regardless of their state of residence~~

16 ~~(b)(d)~~ Any person employed by, owning an interest in, or otherwise associated with a public  
17 utility company as defined in ~~section two, article one, chapter twenty-four~~ §24-1-2 of this code or  
18 bank as defined in ~~section two, article one, chapter thirty-one-a~~ §31A-1-2 of this code may serve  
19 as a board member and shall not be disqualified from serving as a board member because of  
20 conflict of interest as defined in ~~section fifteen, article ten, chapter sixty-one~~ §61-10-15 of this code  
21 and shall not be subject to prosecution under the provisions of said section when the violation is  
22 created solely as a result of his or her relationship with the bank or public utility. This member must  
23 recuse himself or herself from board participation regarding the conflicting issue as provided for in  
24 ~~section~~ five §7-12-5 of this article code.

NOTE: The purpose of this bill is to require that members of county and municipal development authorities are West Virginia residents with at least five years of continuous West Virginia residency immediately preceding the appointment and residents of the county or municipality in which the development authority is situated.

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