WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 354

By Senators Jeffries, Maynard, Swope, Phillips, Plymale, and Woodrum

[Introduced January 12, 2024; referred
to the Committee on Economic Development]

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

The Legislature finds that the Advanced Energy and Economic Corridor, once known as Tug-Ohio-Levisa-Sandy Improvement Association (TOLSIA) and the King Coal Highway, which runs through the counties of McDowell, Mercer, Mingo, and Wayne, has undergone significant challenges owing to widespread changes in the national and global economies; and every effort should be made to assist the transformation of these regional economies by providing guidance to local governments, business, and industries which may maximize the economic development and diversification of those economies. Part of the National Highway System’s I-73/74 corridor from northern Michigan to eastern South Carolina, the Advanced Energy and Economic Corridor, will not only foster greater transportation efficiencies, but it will also provide vital connectivity to bourgeoning markets, resulting in both job creation and economic expansion in southern West Virginia.

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

The Legislature, by enactment of this article, intends to facilitate implementation of critical and time-sensitive opportunities for economic development along the Advanced Energy and Economic Corridor by establishing an authority, known as the Advanced Energy and Economic Corridor Authority Commission, to facilitate assistance to these local entities comprised of the economic development agencies of McDowell, Mercer, Mingo, and Wayne counties which shall act as an independent body corporate, and which shall be created as a 501(c)3 entity.

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

(a) The Advanced Energy and Economic Corridor Authority Commission is hereby created as an independent body corporate. The commission shall consist of 13 members, who shall be residents and citizens of the state, or non-state residents who are involved in economic, commercial, or industrial development in the geographic region of the Authority. The WVAEEC Authority (Authority) shall consist of the following members:

(1) A representative of the economic development agency of McDowell County;

(2) A representative of the economic development agency of Mercer County;

(3) A representative of the economic development agency of Mingo County;

(4) A representative of the economic development agency of Wayne County;

(5) A representative from businesses and industries within the state;

(6) An economic development representative from a utility company which serves within the region of the corridor;

(7) Three private sector representatives from the technology, energy, and advanced manufacturing sectors within the region of the corridor;

(8) A representative of the Region 1 Planning and Development Council;

(9) A representative of the Region 2 Planning and Development Council;

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

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

(c) The Authority shall:

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

(2) Make a commitment to a net-zero carbon footprint for all endeavors;

(3) Maintain an inclusive, rather than constraining, geographic focus on economic development;

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

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

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

(7) Seek governmental engagement for guidance on local, state, regional or national

initiatives to achieve economic development objectives;

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

(9) Consider legislative action to allow regulatory flexibility along corridor expanded boundaries;

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

(11) Develop economic and tourism asset portfolios for inclusion of the Authority’s vision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§5B-11-3. Report to the Legislature.

The Authority Commission shall provide, by December first of each year to the Joint Committee on Government and Finance, an annual electronic report that details the Authority’s undertakings for the past year, including but not limited to all projects undertaken and any private public partnerships entered into, as well as any recommended legislation or policy actions needed 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 McDowell, Mercer, Mingo, and Wayne 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.