

# **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]

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.**

<b>§5B-11-1.</b>	<b>Legislative</b>	<b>Findings.</b>
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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 King Coal Highway, which  
 3 runs through the counties of McDowell, Mercer, Mingo, and Wayne, has undergone significant  
 4 challenges owing to widespread changes in the national and global economies; and every effort  
 5 should be made to assist the transformation of these regional economies by providing guidance to  
 6 local governments, business, and industries which may maximize the economic development and  
 7 diversification of those economies. Part of the National Highway System’s I-73/74 corridor from  
 8 northern Michigan to eastern South Carolina, the Advanced Energy and Economic Corridor, will  
 9 not only foster greater transportation efficiencies, but it will also provide vital connectivity to  
 10 bourgeoning markets, resulting in both job creation and economic expansion in southern West  
 11 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 McDowell, Mercer, Mingo, and Wayne counties which shall  
22 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.**

1 (a) The Advanced Energy and Economic Corridor Authority Commission is hereby created  
2 as an independent body corporate. The commission shall consist of 13 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 McDowell County;
- 7 (2) A representative of the economic development agency of Mercer County;
- 8 (3) A representative of the economic development agency of Mingo County;
- 9 (4) A representative of the economic development agency of Wayne County;
- 10 (5) A representative from businesses and industries within the state;
- 11 (6) An economic development representative from a utility company which serves within  
12 the region of the corridor;
- 13 (7) Three private sector representatives from the technology, energy, and advanced  
14 manufacturing sectors within the region of the corridor;
- 15 (8) A representative of the Region 1 Planning and Development Council;
- 16 (9) A representative of the Region 2 Planning and Development Council;
- 17 (10) Two members at large appointed by the Secretary of the Department of Economic  
18 Development from regions and counties along the corridor who have knowledge and experience  
19 in local issues, economic development, or other areas of expertise within the directive of the  
20 authority.

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

27 (c) The Authority shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 (9) Without in any way limiting any other subdivision of this section, accept grants and

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

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

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

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

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

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