

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2818**

By Delegates D. Cannon and Hillenbrand

[Introduced February 24, 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 any municipal or county-board  
3 commission, authority, or committee are West Virginia residents with at least five years of  
4 West Virginia residency immediately preceding the appointment; and requiring that such  
5 members are residents of the county or municipality in which the development authority to  
6 which they are appointed is situated; and residency requirements for persons serving at  
7 the pleasure of any county, board, commission, or committee.

*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 of this code, who shall be appointed by the county commission and be known as  
4 members of the authority. The county commission shall appoint one member to represent the  
5 county commission on the board. Members of the board shall be appointed by the county  
6 commission. The members of the authority first appointed shall serve respectively for terms of one  
7 year, two years and three years, divided equally or as nearly equal as possible between these  
8 terms. 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.

Other persons, firms, unincorporated associations, and corporations, who reside, maintain offices, or have economic interests in the county, are eligible to participate in and request the county commission to appoint members to the development authority as the said authority shall by its bylaws provide.

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

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

In addition to the appointing agencies hereinbefore named, such other persons, firms, unincorporated associations, and corporations, who reside, maintain offices, or have economic interests, as the case may be, in the municipality, are eligible to participate in and request the 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 shall 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) may not be  
9 grandfathered in.

10 ~~(a)(c)~~ In addition to the appointing agencies as provided for in §7-12-3 of this code, such  
11 other persons, firms, unincorporated associations and corporations, which reside or maintain  
12 offices in the county of the development authority, are eligible to participate in and request the  
13 governing body to appoint members to the development authority as the said authority by its  
14 bylaws provides. ~~Members can also be drawn from citizens of a county contiguous to the county in~~  
15 ~~which the county 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 §24-1-2 of this code or bank as defined in §31A-1-2 of this code may  
18 serve as a board member and shall not be disqualified from serving as a board member because  
19 of conflict of interest as defined in §61-10-15 of this code and shall not be subject to prosecution  
20 under the provisions of said section when the violation is created solely as a result of his or her  
21 relationship with the bank or public utility. This member must recuse himself or herself from board  
22 participation regarding the conflicting issue as provided for in §7-12-5 of this code.

23 (e) Any county board, commission, authority, or committee serving at the pleasure of the  
24 county commission shall have had residency in the state for a minimum of five years and

25 residency in the county for at least one year.

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.