WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4174

By Delegate Kump

[Introduced January 14, 2026; referred to the

Committee on Finance]

A BILL to amend and reenact §31-15-6 of the Code of West Virginia, 1931, as amended, and to amend the Code of West Virginia, 1931, as amended, by adding a new section, §31-15-6d, relating to creating a legislative oversight committee to approve all West Virginia Economic Development Authority contracts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. WEST VIRGINIA ECONOMIC DEVELOPMENT AUTHORITY.

§31-15-6. General powers of authority.

The authority, as a public corporation and governmental instrumentality exercising public powers of the state, shall have and may exercise all powers necessary or appropriate to carry out the purposes of this article, <u>subject to approval by a Legislative oversight committee</u>, including the power:

(1) To cooperate with industrial development agencies in efforts to promote the expansion of industrial, commercial, manufacturing, and tourist activity in this state.

(2) To determine, upon the proper application of an industrial development agency or an enterprise, whether the declared public purposes of this article have been or will be accomplished by the establishment by such agency or enterprise of a project in this state.

(3) To conduct examinations and investigations and to hear testimony and take proof, under oath or affirmation, at public or private hearings, on any matter relevant to this article and necessary for information on the establishment of any project.

(4) To issue subpoenas requiring the attendance of witnesses and the production of books and papers relevant to any hearing before such authority or one or more members appointed by it to conduct any hearing.

(5) To apply to the circuit court having venue of such offense to have punished for contempt any witness who refuses to obey a subpoena, to be sworn or affirmed, or to testify or who commits any contempt after being summoned to appear.

(6) To authorize any member of the authority to conduct hearings, administer oaths, take

affidavits, and issue subpoenas.

(7) To financially assist projects by insuring obligations in the manner provided in this article through the use of the insurance fund: *Provided,* That the legislative oversight committee for the Economic Development Authority must approve all contracts prior to Economic Development Authority entering into any financial contracts with any entity.

(8) To finance any projects by making loans to industrial development agencies or enterprises upon such terms as the authority shall deem appropriate: *Provided*, That nothing contained in this subsection or under any other provision in this article shall be construed as permitting the authority to make loans for working capital: *Provided, however*, That nothing contained in this article shall be construed as prohibiting the authority from insuring loans for working capital made to industrial development agencies or to enterprises by financial institutions: *Provided,* ~~*further*~~ *however*, That nothing contained in this subsection or any other provision of this article shall be construed as permitting the authority to refinance existing debt except when such refinancing will result in the expansion of the enterprise whose debt is to be refinanced or in the creation of new jobs: ~~And~~ *Provided further*, That nothing contained in this subsection or any other provision of this article shall be construed as prohibiting the authority from making working capital loans from a revolving loan fund capitalized with federal grant funds including, but not limited to, federal grant funds received from the United States Economic Development Administration: *And provided further:* That the legislative oversight committee for the Economic Development Authority must approve all contracts prior to Economic Development Authority entering into any financial contracts with any entity.

(9) To issue revenue bonds or notes to fulfill the purposes of this article, and to secure the payment of such bonds or notes, all as hereinafter provided.

(10) To issue and deliver revenue bonds or notes in exchange for a project.

(11) ~~To~~ With the approval of the legislative oversight committee for the Economic Development Authority, to borrow money for its purposes and issue bonds or notes for the money

and provide for the rights of the holders of the bonds or notes or other negotiable instruments, to secure the bonds or notes by a deed of trust on, or an assignment or pledge of, any or all of its property and property of the project, including any part of the security for loans, and the authority may issue and sell its bonds and notes, by public or private sale, in such principal amounts as it shall deem necessary to provide funds for any purposes under this article, including the making of loans for the purposes set forth in this article.

(12) To maintain such sinking funds and reserves as the board shall determine appropriate for the purposes of meeting future monetary obligations and needs of the authority.

(13) To sue and be sued, implead and be impleaded, and complain and defend in any court.

(14) To adopt, use, and alter a corporate seal.

(15) To make, amend, repeal, and adopt both bylaws and rules and regulations for the management and regulation of its affairs.

(16) To appoint officers, agents, and employees and to contract for and engage the services of consultants.

(17) To, with approval of the legislative oversight committee for the Economic Development Authority, make contracts and to execute all instruments necessary to carry out the powers and duties of the authority, as provided in this article: *Provided*, That the provisions of §5A-3-3 of this code do not apply to contracts made pursuant to this subdivision: *Provided, however*, That nothing in this article authorizes the authority to enter into contracts or agreements with financial institutions, as that term is defined in §31A-1-2 of this code, for banking goods and services without approval of the State Treasurer, in accordance with §12-1-1 *et seq*. of this code.

(18) To accept grants and loans from and enter into contracts and other transactions with any federal agency, with the approval of the legislative oversight committee for the Economic Development Authority.

(19) To take title by conveyance or foreclosure to any project where acquisition is

necessary to protect any loan previously made by the authority and to sell, by public or private sale, transfer, lease, or convey such project to any enterprise with the approval of the legislative oversight committee for the Economic Development Authority.

(20) To participate in any reorganization proceeding pending pursuant to the United States Code (being the act of Congress establishing a uniform system of bankruptcy throughout the United States, as amended) or in any receivership proceeding in a state or federal court for the reorganization or liquidation of an enterprise. The authority may file its claim against any such enterprise in any of the foregoing proceedings, vote upon any questions pending therein which requires the approval of the creditors participating in any reorganization proceeding or receivership, exchange any evidence of such indebtedness for any property, security, or evidence of indebtedness offered as a part of the reorganization of such enterprise or of any other entity formed to acquire the assets thereof and may compromise or reduce the amount of any indebtedness owing to it as a part of any such reorganization.

(21) To acquire, construct, maintain, improve, repair, replace, and operate projects within this state, as well as streets, roads, alleys, sidewalks, crosswalks, and other means of ingress and egress to and from projects located within this state with the consent of the legislative oversight committee for the Economic Development Authority.

(22) To acquire, construct, maintain, improve, repair, and replace and operate pipelines, electric transmission lines, waterlines, sewer lines, electric power substations, waterworks systems, sewage treatment and disposal facilities, and any combinations thereof for the use and benefit of any enterprise located within this state with the consent of the legislative oversight committee for the Economic Development Authority.

(23) To acquire watersheds, water and riparian rights, rights-of-way, easements, licenses, and all other property, property rights, and appurtenances for the use and benefit of any enterprise located within this state with the consent of the legislative oversight committee for the Economic Development Authority.

(24) To acquire, by purchase, lease, donation, or eminent domain, any real or personal property, or any right or interest therein, as may be necessary or convenient to carry out the purposes of the authority with the consent of the legislative oversight committee for the Economic Development Authority. Title to all property, property rights, and interests acquired by the authority shall be taken in the name of the authority.

(25) To issue renewal notes, or security interests, to issue bonds to pay notes or security interests and, whenever it deems refunding expedient, to refund any bonds or notes by the issuance of new bonds or notes, whether the bonds or notes to be refunded have or have not matured and whether the authority originally issued the bonds or notes to be refunded.

(26) To apply the proceeds from the sale of renewal notes, security interests, or refunding bonds or notes to the purchase, redemption or payment of the notes, security interests, or bonds or notes to be refunded.

(27) To accept gifts or grants of property, funds, security interests, money, materials, labor, supplies, or services from the United States of America or from any governmental unit or any person, firm, or corporation, and to carry out the terms or provisions of, or make agreements, with the consent of the legislative oversight committee for the Economic Development Authority, 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.

(28) To the extent permitted under its contracts, and subject to the approval of the legislative oversight committee for the Economic Development Authority, with the holders of bonds, security interests, or notes of the authority, to consent to any modification of the rate of interest, time of payment of any installment of principal or interest, security or any other term of any bond, security interests, note or contract or agreement of any kind to which the authority is a party.

(29) To sell loans, security interests, or other obligations in the loan portfolio of the authority. Such security interests shall be evidenced by instruments issued by the authority. Proceeds from the sale of loans, security interests, or other obligations may be used in the same

manner and for the same purposes as bond and note revenues.

(30) To procure insurance against any losses in connection with its property, operations, or assets in such amounts and from such insurers as the authority deems desirable.

(31) To sell, license, lease, mortgage, assign, pledge, or donate its property, both real and personal, or any right or interest therein to another or authorize the possession, occupancy, or use of such property or any right or interest therein by another, in such manner and upon such terms as ~~it~~ the legislative oversight committee for the Economic Development Committee deems appropriate.

(32) To participate with state and federal agencies in efforts to promote the expansion of commercial and industrial development in this state.

(33) To finance, organize, conduct, sponsor, participate, and assist in the conduct of special institutes, conferences, demonstrations, and studies relating to the stimulation and formation of business, industry, and trade endeavors, with the consent of the legislative oversight committee for the Economic Development Authority.

(34) To conduct, finance, and participate in technological, business, financial, and other studies related to business and economic development.

(35) To conduct, sponsor, finance, participate, and assist in the preparation of business plans, financing plans, and other proposals of new or established businesses suitable for support by the authority with the approval of the legislative oversight committee for the Economic Development Authority.

(36) To prepare, publish, and distribute, with or without charge, as the authority may determine, such technical studies, reports, bulletins, and other materials as it deems appropriate, subject only to the maintenance and respect for confidentiality of client proprietary information.

(37) To exercise such other and additional powers as may be necessary or appropriate for the exercise of the powers herein conferred.

(38) To exercise all the powers which a corporation may lawfully exercise under the laws of

this state.

(39) To contract, with the approval of the legislative oversight committee for the Economic Development Authority, for the provision of legal services by private counsel and, notwithstanding the provisions of §5-3-1 *et seq*. of this code, such counsel may, but is not limited to, represent the authority in court, negotiate contracts and other agreements on behalf of the authority, render advice to the authority on any matter relating thereto, prepare contracts and other agreements, and provide such other legal services as may be requested by the authority.

(40) To develop, maintain, operate, and apply for the establishment of foreign trade zones pursuant to and in accordance with all applicable provisions of federal law.

(41) To exercise the powers and responsibilities previously vested in the State Building Commission by §5-6-11a of this code, including, but not limited to, the authority to refund bonds issued in accordance with said section.

(42) To manage the Jobs Investment Trust described in §12-7-1 *et seq*. of this code, and to exercise those powers and responsibilities previously vested in the Jobs Investment Trust Board, as outlined in §12-7-6 of this code.

§31-15-6d. Legislative Oversight Committee for the Economic Development Authority.

(a) There shall be an oversight committee of seven members established to review and approve all contracts from the Economic Development Authority, comprised of four members of the House of Delegates and three members of the Senate. The Senate President shall appoint the members from the Senate and the Speaker of the House shall appoint the members of the House of Delegates.

(b) All contracts presented by the Economic Development Authority shall be addressed within a reasonable amount of time to approve or deny these contracts.

(c) This section shall take effect on January 1, 2027.

NOTE: The purpose of this bill is to create a legislative oversight committee to approve all

West Virginia Economic Development Authority contracts.

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