

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5545

By Delegate D. Cannon

[Introduced February 16, 2026; 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 half of all members of any municipal or county-board
3 commission, authority, or committee are West Virginia residents with at least six months 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 (a) The management and control of a county authority, its property, operations, business,
2 and affairs shall be lodged in a board of not fewer than seven nor more than 21 qualified persons,
3 as set forth in §7-12-4 of this code, who shall be appointed by the county commission and be
4 known as members of the authority. The county commission shall appoint one member to
5 represent the county commission on the board. Members of the board shall be appointed by the
6 county commission. The members of the authority first appointed shall serve respectively for
7 terms of one year, two years and three years, divided equally or as nearly equal as possible
8 between these terms. Thereafter, members shall be appointed for terms of three years each. A
9 member may be reappointed for such additional term or terms as the county commission may
10 deem proper. If a member resigns, is removed or for any other reason his or her membership
11 terminates during his or her term of office, a successor shall be appointed by the county
12 commission to fill out the remainder of his or her term. Members in office at the expiration of their
13 respective terms shall continue to serve until their successors have been appointed and have
14 qualified. The county commission may at any time remove any member of the board by an order
15 duly entered of record and may appoint a successor member for any member so removed.

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

20 **(c)** A member of the board shall be a state resident for at least six months.

**§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 of this code, who shall be appointed by the governing body and be known as
4 members of the authority. One member of the authority shall also be a member of the governing
5 body appointed to represent it on the board. Other members shall be appointed by the governing
6 body and shall include representatives of business, industry and labor. The members of the
7 authority first appointed shall serve respectively for terms of one year, two years and three years,
8 divided 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) At least half of the members of a county or municipal development authority shall be:

2 (1) A West Virginia resident that has maintained continuous West Virginia residency for a
3 minimum of six months 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 (4) A county commissioner on a board or authority shall be a voting member.

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

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

20 ~~(b)(d)~~ Any person employed by, owning an interest in, or otherwise associated with a public
21 utility company as defined in §24-1-2 of this code or bank as defined in §31A-1-2 of this code may
22 serve as a board member and shall not be disqualified from serving as a board member because
23 of conflict of interest as defined in §61-10-15 of this code and shall not be subject to prosecution

24 under the provisions of said section when the violation is created solely as a result of his or her
25 relationship with the bank or public utility. This member must recuse himself or herself from board
26 participation regarding the conflicting issue as provided for in §7-12-5 of this code.

27 (e) Any county board, commission, authority, or committee serving at the pleasure of the
28 county commission shall have had residency in the state for a minimum of six months and
29 residency in the county for at least six months.

NOTE: The purpose of this bill is to require that a minimum of half the members of county and municipal development authorities are West Virginia residents with at least six months 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.