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HOUSE BILL NO. 619

Offered January 25, 1994

A BILL to amend and reenact §§ 15.1-1399.20, 15.1-1638 and 15.1-1646 of the Code of Virginia and to repeal § 15.1-1646.1 of the Code of Virginia, relating to the Virginia Coalfield Economic Development Authority.

Patron—Phillips

Referred to Committee on Mining and Mineral Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.1-1399.20, 15.1-1638 and 15.1-1646 of the Code of Virginia are amended and reenacted as follows:

§ 15.1-1399.20. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

The Authority shall be governed by a board of directors in which all powers of the Authority shall be vested and which board shall be composed of the eight chairmen of the local Tourism Development Committees established in § 15.1-1399.19. *In addition, the executive director of the Virginia Coalfield Economic Development Authority shall serve on the board as a nonvoting member.* The eight directors shall be appointed initially for terms of one, two, three and four years: the representatives of Buchanan and Dickenson being appointed for one-year terms; the representatives of Lee and Norton being appointed for two-year terms; the representatives of Russell and Scott being appointed for three-year terms; and the representatives of Tazewell and Wise being appointed for four-year terms. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the Authority, and thereafter, in accordance with the provisions of the preceding sentence. If, at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but the directors may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed fifty dollars per meeting, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties. Five members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 2.1-164, it shall arrange to have the same audited annually. Copies of each such audit shall be furnished to the governing bodies of the municipalities and shall be open to public inspection.

§ 15.1-1638. Board of Authority; members and officers; staff; annual report.

All powers, rights and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Virginia Coalfield Economic Development Authority, hereinafter referred to as the Board or the Board of the Authority. Board members shall serve for terms of four years except that all vacancies shall be filled for the unexpired term. All terms shall commence July 1 of the year of appointment. Initial appointments shall begin July 1, 1988. The Board shall consist of ~~fifteen~~*eighteen* members, residents of the Commonwealth, as follows:

Three initial members shall be the sitting chairmen of the county boards of supervisors of the three counties which are the three largest contributors to the coal and gas road improvement fund for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected counties and city. Every four years thereafter, the ~~three~~*Three* members shall be appointed by and from the sitting chairmen of the county boards of supervisors of the ~~three~~*coal* counties which are the three largest contributors to the Virginia Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in which new terms of members are to begin. *These members shall serve at the pleasure of their respective governing bodies.*

Three at-large members shall be selected by the boards of supervisors of the counties which are the

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HB619

60 *three largest contributors to the Virginia Coalfield Economic Development Fund for the fiscal year*
61 *immediately preceding July 1 of the year in which new terms of members are to begin. These*
62 *appointments shall take effect July 1, 1994, and the appointee shall be seated at the Authority's next*
63 *regular meeting thereafter.*

64 Five members shall be appointed by the Governor at large, provided that if there be any participating
65 county or city in which there resides no member of the Board appointed by the other methods herein
66 specified, the Governor shall include at least one member who is a resident of each such county or city
67 among his appointees. For the first four-year terms these five members shall be selected to the extent
68 possible from former members of the Southwest Virginia Economic Development Commission who
69 reside in Planning District 1 or 2 and are to be selected from a list of not less than three nominees from
70 each of the remaining four coalfield counties of Tazewell, Russell, Scott and Lee, and the City of
71 Norton. Such lists shall be solicited by the Governor from the governing body of such counties and city
72 prior to the expiration of the terms of office of the board members serving as gubernatorial appointees
73 as of July 1, 1994. If a county or city fails to submit its list within sixty days after the Governor's
74 request, the Governor shall appoint a board member to fill such vacancy provided such appointee
75 resides within the Authority's participating counties or city.

76 One member shall be a representative of the Virginia Department of Economic Development, as
77 designated by the Director of the Department.

78 One member shall be a representative named by the Virginia Coal Association.

79 Two members shall be the Executive Directors of the LENOWISCO and Cumberland Plateau
80 Planning District Commissions.

81 Three initial members shall be representatives named by the three largest coal producers determined
82 by the dollar value of their contribution to the respective county coal and gas road improvement funds
83 for the fiscal year immediately preceding July 1, 1988, as reported by the treasurers of the affected
84 counties and city. Every four years thereafter, the threeThree members shall be representatives named by
85 the three largest coal producers determined by the dollar value of their contributions to the Virginia
86 Coalfield Economic Development Fund for the fiscal year immediately preceding July 1 of the year in
87 which new terms of members are to begin.

88 Should a member who is a member solely by virtue of his office as ~~chairman~~ a member of a board
89 of supervisors or executive director of a planning district commission cease to hold such office, then an
90 immediate vacancy shall occur, and the vacancy shall be filled for the remainder of the term by his
91 ~~successor as chairman~~ of another member of the board of supervisors to be appointed by the board of
92 supervisors or by the successor to the as executive director of a planning district commission.

93 Each member of the Board shall, before entering upon the discharge of the duties of this office, take
94 and subscribe the oath prescribed in § 49-1. They shall receive their expenses spent on business of the
95 Authority.

96 ~~Ten~~Eleven members of the Authority shall constitute a quorum and the affirmative vote of a majority
97 of the quorum present shall be necessary for any action taken by the Authority. No vacancy in the
98 membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all
99 the duties of the Authority.

100 The Board shall elect from its membership a chairman, a vice-chairman, a treasurer and a secretary
101 for each calendar year. The secretary shall keep the minutes of the Board and affix the seal of the
102 Authority.

103 *The board of supervisors members of the counties which are the three largest contributors to the*
104 *Authority's fund shall be standing members of the project review and budget committees.*

105 The Board may also appoint an executive director, an assistant treasurer and an assistant secretary,
106 and staff to assist same, who shall discharge such functions as may be directed by the Board.

107 Staff functions of the Authority may be undertaken by the LENOWISCO and Cumberland Plateau
108 Planning District Commissions, as agreed by the Board and participating Commissions.

109 The Board, promptly following the close of the calendar year, shall submit an annual report of the
110 Authority's activities for the preceding year to the Governor, the General Assembly, the boards of
111 supervisors of the seven coalfield counties and the Norton City Council. Each such report shall set forth
112 a complete operating and financial statement covering the operation of the Authority during such year.
113 The Authority shall cause an audit of its books and accounts to be made at least once each year by a
114 certified public accountant and the cost thereof may be treated as part of the expense of operation.

115 § 15.1-1646. Eligible use of funds.

116 The Authority is hereby empowered to *pledge its funds and* make loans and grants to or for the
117 benefit of ~~qualified~~ private, for-profit enterprises, ~~and public governmental enterprises, including any~~
118 *political subdivision of the Commonwealth,* or not-for-profit enterprises, nonprofit industrial development
119 corporations, or industrial development authorities for financing the following:

- 120 1. Purchase of real estate;
- 121 2. Grading of site(s);

- 122 3. Construction of flood control dams;
123 4. Water, sewer, natural gas and/or electrical line replacement and/or extensions;
124 5. Construction or rehabilitation or expansion of buildings;
125 6. Construction of parking facilities;
126 7. Access roads construction and street improvements;
127 8. Purchase or lease of machinery and tools;
128 9. *Mapping, business or tourism certifications, and natural resource inventories;*
129 *10. Micro-business financing; and*
130 *11. Performing any Such other improvements as are deemed necessary by the Authority to meet its*
131 *objectives accomplish the purposes for which it was created; and.*
132 10. Construction of improvements at the Breaks Interstate Park as set forth in §15.1-1646.1.
133 2. That § 15.1-1646.1 of the Code of Virginia is repealed.