WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985

ENROLLED

HOUSE BILL No. 2024

(By Mr. Del. Burket Del. Generost)

Passed April 13, 1985

In Effect 90 Days From Passage
AN ACT to amend chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-b, relating generally to creation of the West Virginia toll road commission; providing for certain legislative findings and purposes with respect thereto; providing for the composition of the commission, its chairman and the manner of appointment of its members; providing for the compensation and reimbursement of expenses; the funds from which such reimbursed expenses and other expenses of the commission are to be paid; the powers, duties and authority of the commission; the duty of other governmental agencies to cooperate with and assist the commission; providing for meetings of the commission and defining a quorum with respect to such meetings; the interpretation of said article; and the termination of the existence of the commission.

Be it enacted by the Legislature of West Virginia:

That chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-b, to read as follows:

ARTICLE 2B. TOLL ROAD STUDY COMMISSION.

§17-2B-1. Legislative findings and purposes.

1 (a) The Legislature hereby finds and declares:

2 (1) That modern, well-constructed and properly maintained
roads and highways are of great importance to the economic
and industrial growth and development and well-being of the
state and to the health, education, welfare and prosperity of
its citizens;

(2) That due to budgetary and economic constraints, it is
frequently not feasible, desirable nor prudent to meet the costs
of construction and maintenance of a modern highways system
sufficient to meet current or future needs of the state, of its
citizens and of its industrial and commercial communities
through the utilization of current revenues, increased or
expanded taxation or general obligation bonds;

(3) That there is opinion that alternative methods of
financing the construction and maintenance of an efficient and
modern road and highways system could be desirable; that
these alternative methods may include, but not necessarily be
limited to, the utilization of tolls to be paid by the users of
such highways and other methods of financing or a combi-
nation of various methods, including tolls; and

(4) That the purpose of this article is to create a commis-
sion, as hereinafter constituted and appointed, to study various
and alternative methods of financing road and highway
construction and maintenance, with particular emphasis upon
the feasibility and desirability of adopting a system of tolls to
be paid by the users of such roads and highways either alone
or in combination with other methods of financing.

(b) The Legislature further declares that it recognizes that
the provisions of section 1, article V of the Constitution of
West Virginia prohibit any person from exercising the powers
of more than one branch or department of government at the
same time; however, it is the express purpose, intent and
finding of the Legislature that those members of the
commission who are members of the Legislature are acting as
such while serving on the commission and in the furtherance
of the Legislature's inherent right and power to investigate and
inquire into and report on those matters which are legitimately
within its powers, and that since the commission's role and
duties are investigative and reportive in nature, the service
upon the commission by its legislative members is not violative
of nor inimical to the constitutional mandate with respect to
the separation of governmental powers.
§17-2B-2. Toll road study commission created; composition; appointment of members; chairman.

The West Virginia toll road study commission is hereby created. The commission shall consist of eleven members, who are designated or to be appointed as follows:

(a) The West Virginia commissioner of highways shall serve as a voting member of the commission by virtue of that person's office and shall serve as chairman of the commission;

(b) The chairman of the West Virginia turnpike commission shall serve as a voting member of the commission by virtue of that person's office;

(c) Three members shall be appointed by the governor who shall be representative private citizens and who shall have been residents of this state for a period of at least one year immediately next preceding such persons' appointment no more than two of whom shall be members of the same political party; and

(d) Three members of the commission shall be members of the Senate, to be appointed by the president thereof; no more than two of whom shall be members of the same political party; and

(e) Three members of the commission shall be members of the House of Delegates, to be appointed by the speaker thereof; no more than two of whom shall be members of the same political party.

§17-2B-3. Compensation and expenses of commission members; expenses of commission.

(a) Members of the commission shall be reimbursed for their reasonable and necessary travel and other expenses actually incurred in connection with the performance of their duties as members of the commission, including, but not limited to, their attendance at meetings thereof.

(b) Except as to those members of the commission who are members of the Legislature, the reimbursement of expenses provided for in subsection (a) of this section shall be paid from legislative appropriations to the state department of highways, account number 6700, line item number 7, “Toll Road Examination.”
(c) As to those members of the commission who are members of the Legislature, the reimbursement of expenses provided for in subsection (a) of this section shall be paid from legislative appropriations to the joint committee on government and finance, under "Account No. 103—Joint Expenses."

(d) Members of the commission shall receive no other compensation for their services on or with the commission other than the reimbursement of expenses as provided in this section.

(e) All other expenses and costs incurred by the commission, which are not otherwise provided for in this section shall be paid from legislative appropriations to the state department of highways, account number 6700, line item number 7, "Toll Road Examination."


The commission shall have the following powers, duties and responsibilities:

(a) To conduct a thorough and comprehensive study into the various ways and means of financing the construction and maintenance of a modern and efficient system of roads and highways which would be in addition to or in augmentation of or in conjunction with already existing roads and highways, with particular, but not exclusive, emphasis upon the feasibility, desirability and prudence of utilizing the imposition of tolls upon the users of such roads and highways, either alone or together with other means and methods of financing the construction and maintenance of the same;

(b) Special attention shall be given to planning, financing and construction of a modern highway connecting the Appalachian Corridor “G” highway at Chapmanville with Interstate Highway 64 at Huntington;

(c) To file an interim report as to its progress and tentative conclusions with the governor, the president of the Senate and the speaker of the House of Delegates not later than the second Wednesday in January, in the year one thousand nine hundred eighty-six;

(d) To file its final report with respect to its findings and conclusions, together with any legislation it deems appropriate
to recommend and as it deems necessary to carry its findings
and conclusions into effect with the governor, the president
of the Senate and the speaker of the House of Delegates not
later than the second Wednesday in January in the year one
thousand nine hundred eighty-seven;

e) To employ such legal, technical, investigative, clerical,
stenographic, advisory and other personnel as it deems
necessary and needful and to fix the reasonable compensation
of such persons as may be so employed;

(f) To request such information and data from any state
officer or agency or from any political subdivision of the state
as the commission may deem necessary to assist it in the
performance of its duties and it shall be the duty of all such
officers and agencies to cooperate with and assist the
commission in and about the completion of its studies and
deliberations;

(g) To confer with representative citizens and groups of the
private, business and industrial sectors with respect to all
matters deemed relevant to the study program of the
commission; and

(h) To perform every other act necessary or desirable to
carry out any of the other powers, duties or responsibilities
enumerated in this article.

§17-2B-5. Meetings of the commission; quorum.

The commission shall meet at such times and places as its
chairman shall deem to be proper and expedient. Such
meetings shall be coordinated with and be in conjunction with
the monthly meeting of the joint committee on government
and finance insofar as the same may be practicable. Nothing
herein shall preclude the commission from meeting with such
frequency or at such times and places as it may determine.
The presence of no less than six members of the commission
shall constitute a quorum for the conducting of any business
by the commission.

§17-2B-6. Interpretation of article; termination of commission.

(a) The provisions of this article shall be liberally construed
in order to permit the commission sufficient latitude for the
orderly completion of its studies and duties.
(b) The commission shall cease its existence upon the sine die adjournment of the Legislature at its regular session held in the year one thousand nine hundred eighty-seven.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Darrell E. Helm
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. C. Smith
Clerk of the Senate

Donald L. Young
Clerk of the House of Delegates

Dean Trumbull
President of the Senate

Joseph P. Addy
Speaker of the House of Delegates

The within ................. approved ................ this the

day of ......................, 1985.

A. J. Tracey Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date  11/36/35
Time  2:48 p.m.