

No. 2073

DEPT. 11/11/85

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OFFICE OF THE CLERK  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

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## ENROLLED

Com. Sub. for  
HOUSE BILL No. 2073

(By ~~Mr.~~ Del. Hutchinson & Del. Ryan)

—●—

Passed April 13, 1985

In Effect From Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 2073**

(By DELEGATE HUTCHINSON and DELEGATE RYAN)

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[Passed April 13, 1985; in effect from passage.]

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AN ACT to establish the New River parkway authority; functions; members; appointment; powers and duties; officers; bylaws; rules and regulations; compensation; authority as corporate body; support, maintenance and operation; and severability.

*Be it enacted by the Legislature of West Virginia:*

**NEW RIVER PARKWAY AUTHORITY**

**§1. Parkway authority created; functions.**

1     There is hereby created a New River parkway authority, to  
2     coordinate with counties, municipalities, state and federal  
3     agencies, public nonprofit corporations, private corporations,  
4     associations, partnerships and individuals for the purpose of  
5     planning, assisting and establishing recreational, tourism,  
6     industrial, economic and community development of the New  
7     River parkway for the benefit of West Virginians.

**§2. Members; appointment; powers and duties generally; officers; bylaws; rules and regulations; compensation.**

1     (a) The authority consists of six voting members and five  
2     ex officio nonvoting members. All members shall be appointed  
3     before the first day of July, one thousand nine hundred eighty-  
4     five.

5     (b) Three voting members shall be appointed by the Raleigh  
6     county commission. Three voting members shall be appointed  
7     by the Summers county commission. No more than two of the

8 three voting members appointed by a county commission may  
9 be members of the same political party. The terms of the  
10 voting members initially appointed by a county commission  
11 are as follows: One member shall be appointed for a term of  
12 one year, one member shall be appointed for a term of two  
13 years and one member shall be appointed for a term of three  
14 years. All successive appointments shall be for a term of four  
15 years. Any voting member may be removed for cause by the  
16 appointing county commission.

17 (c) The five ex officio nonvoting members are the commis-  
18 sioner of highways or his designee, the director of natural  
19 resources or his designee, the commissioner of agriculture or  
20 his designee, and, if they choose to serve after being invited  
21 to do so by the county commissions of Raleigh and Summers  
22 Counties, the district engineer of the United States Army  
23 Corps of Engineers or his designee and the supervisor of the  
24 New River gorge national river office or his designee. If either  
25 or both of the latter two decline to serve, then the county  
26 commissions of Raleigh and Summers Counties shall each  
27 appoint one nonvoting member. All terms of ex officio  
28 nonvoting members are for four years.

29 (d) Should a vacancy occur, the person appointed to fill the  
30 vacancy shall serve only for the unexpired portion thereof. All  
31 members are eligible for reappointment.

32 (e) There shall be an annual meeting of the authority on  
33 the second Monday in July in each year and a monthly  
34 meeting on a day and at such time as the authority may  
35 designate in its bylaws. A special meeting may be called by  
36 the president, the secretary or any two members of the  
37 authority and may be held only after all members' are given  
38 notice thereof in writing. Three members constitute a quorum  
39 for all meetings. At each annual meeting of the authority, it  
40 shall elect a president, vice president, secretary and treasurer.  
41 The authority shall adopt such bylaws, rules and regulations  
42 as are necessary for its own operation and management. The  
43 authority has all but only those powers necessary, incidental,  
44 convenient and advisable for the following purposes:

45 (1) The preparation of a plan or plans for the New River  
46 parkway.

47 (2) Advocating actions consistent with that plan or its  
48 provisions to or before any governmental entity or any private  
49 person or entity; and

50 (3) Otherwise acting in an advisory capacity with regard to  
51 any aspects of the New River parkway upon or without request  
52 to any governmental entity or private person or entity. The  
53 authority may not own any of the real estate or real property  
54 herein described for development and may not be responsible  
55 for operating or maintaining the parkway.

56 Each voting member of the authority shall be compensated  
57 monthly by the governing bodies which appointed such  
58 members in an amount to be fixed by such governing body.

**§3. Body corporate.**

1 The authority hereby created shall be a public corporation  
2 and as such it may contract and be contracted with, sue and  
3 be sued, plead and be impleaded and may have and use a  
4 corporate seal.

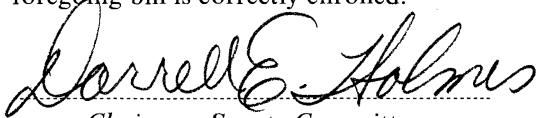
**§4. Support, maintenance and operation.**

1 The governing bodies of Raleigh and Summers Counties  
2 may provide for the support, maintenance and operation of  
3 the New River parkway authority and other related activities  
4 under jurisdiction of the authority hereby created.

**§5. Severability.**

1 If any provision hereof is held invalid, such invalidity shall  
2 not affect other provisions hereof which can be given effect  
3 without the invalid provision, and to this end the provisions  
4 of this act are declared to be severable.

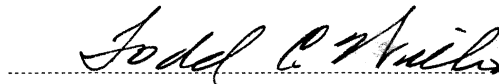
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

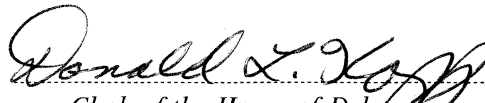
  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

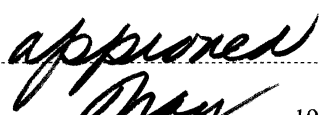
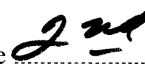

Takes effect from passage.


  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within  this the   
day of , 1985.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/85

Time 2:51 p.m.