ENROLLED

Com. Jub. for

HOUSE BILL No. 2073

(By Del. Hutchinson, Del. Ryan)

Passed April 13, 1985

In Effect From Passage
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.

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

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

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

(b) Three voting members shall be appointed by the Raleigh county commission. Three voting members shall be appointed by the Summers county commission. No more than two of the
three voting members appointed by a county commission may be members of the same political party. The terms of the voting members initially appointed by a county commission are as follows: One member shall be appointed for a term of one year, one member shall be appointed for a term of two years and one member shall be appointed for a term of three years. All successive appointments shall be for a term of four years. Any voting member may be removed for cause by the appointing county commission.

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

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

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

(1) The preparation of a plan or plans for the New River parkway.
(2) Advocating actions consistent with that plan or its provisions to or before any governmental entity or any private person or entity; and

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

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

§3. Body corporate.

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

§4. Support, maintenance and operation.

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

§5. Severability.

If any provision hereof is held invalid, such invalidity shall not affect other provisions hereof which can be given effect without the invalid provision, and to this end the provisions of this act are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

The within ________________ this the ________________ day of ________________, 1985.

[Signature]

Governor
PRESENTED TO THE
GOVERNOR

Date 4/30/65
Time 3:51 p.m.