

No: 2024

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1985 MAY -3 AM 10:43

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

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ENROLLED

HOUSE BILL No. 2024

(By Mr. Del Burke + Del Seacrist)

—●—

Passed April 13, 1985

In Effect 90 Days From Passage

ENROLLED

H. B. 2024

(By DELEGATE BURKE and DELEGATE SEACRIST)

[Passed April 13, 1985; in effect ninety 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

3 roads and highways are of great importance to the economic
4 and industrial growth and development and well-being of the
5 state and to the health, education, welfare and prosperity of
6 its citizens;

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

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

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

28 (b) The Legislature further declares that it recognizes that
29 the provisions of section 1, article V of the Constitution of
30 West Virginia prohibit any person from exercising the powers
31 of more than one branch or department of government at the
32 same time; however, it is the express purpose, intent and
33 finding of the Legislature that those members of the
34 commission who are members of the Legislature are acting as
35 such while serving on the commission and in the furtherance
36 of the Legislature's inherent right and power to investigate and
37 inquire into and report on those matters which are legitimately
38 within its powers, and that since the commission's role and
39 duties are investigative and reportive in nature, the service
40 upon the commission by its legislative members is not violative
41 of nor inimical to the constitutional mandate with respect to
42 the separation of governmental powers.

§17-2B-2. Toll road study commission created; composition; appointment of members; chairman.

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

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

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

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

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

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

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

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

6 (b) Except as to those members of the commission who are
7 members of the Legislature, the reimbursement of expenses
8 provided for in subsection (a) of this section shall be paid from
9 legislative appropriations to the state department of highways,
10 account number 6700, line item number 7, "Toll Road
11 Examination."

12 (c) As to those members of the commission who are
13 members of the Legislature, the reimbursement of expenses
14 provided for in subsection (a) of this section shall be paid from
15 legislative appropriations to the joint committee on govern-
16 ment and finance, under "Account No. 103—Joint Expenses."

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

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

§17-2B-4. Powers and duties of the commission.

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

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

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

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

22 (d) To file its final report with respect to its findings and
23 conclusions, together with any legislation it deems appropriate

24 to recommend and as it deems necessary to carry its findings
25 and conclusions into effect with the governor, the president
26 of the Senate and the speaker of the House of Delegates not
27 later than the second Wednesday in January in the year one
28 thousand nine hundred eighty-seven;

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

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

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

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

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

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

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

1 (a) The provisions of this article shall be liberally construed
2 in order to permit the commission sufficient latitude for the
3 orderly completion of its studies and duties.

4 (b) The commission shall cease its existence upon the sine
5 die adjournment of the Legislature at its regular session held
6 in the year one thousand nine hundred eighty-seven.

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

Harrell E. Holmes

Chairman Senate Committee

Floyd Fulber

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Isaac C. Smith

Clerk of the Senate

Donald L. Voff

Clerk of the House of Delegates

Don Tomlinson

President of the Senate

Joseph F. Albright

Speaker of the House of Delegates

The within *approved* this the *2nd*
May
day of _____, 1985.

Archie P. Hargis

Governor



PRESENTED TO THE

GOVERNOR

Date 11/25/85

Time 2:48 p.m.