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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993

ENROLLED

SENATE BILL NO. 55

(By Senator Whitlow, et al)

PASSED April 3, 1993
In Effect 90 days from Passage

E N R O L L E D

Senate Bill No. 55

(SENATORS WHITLOW, ANDERSON, WOOTON,
BAILEY, WAGNER AND CHAFIN)

[Passed April 3, 1993; in effect ninety days from passage.]

AN ACT to establish the Shawnee 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:

SHAWNEE PARKWAY AUTHORITY.

§1. Parkway authority created; functions.

1 There is hereby created a Shawnee Parkway author-
2 ity, to promote and advance the construction of a
3 scenic parkway through parts of McDowell, Mercer,
4 Mingo, Raleigh, Summers and Wyoming counties and
5 to coordinate with counties, municipalities, state and
6 federal agencies, public nonprofit corporations, private
7 corporations, associations, partnerships and individuals
8 for the purpose of planning, assisting and establishing
9 recreational, tourism, industrial, economic and com-
10 munity development of the Shawnee Parkway for the
11 benefit of West Virginians.

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

1 (a) The authority consists of twelve voting members

2 and three ex officio nonvoting members. All members
3 shall be appointed before the first day of July, one
4 thousand nine hundred ninety-three.

5 (b) Each of the county commissions of the counties
6 of McDowell, Mercer, Mingo, Raleigh, Summers and
7 Wyoming shall appoint two voting members to the
8 commission. The terms of the voting members initially
9 appointed by a county commission are as follows: One
10 member shall be appointed for a term of one year and
11 one member shall be appointed for a term of two
12 years. All successive appointments shall be for a term
13 of four years. Any voting member may be removed
14 for cause by the appointing county commission.

15 (c) The three ex officio nonvoting members are the
16 commissioner of highways or designee, the secretary
17 of commerce, labor and environmental resources or
18 designee and the executive director of the West
19 Virginia development office or designee. All terms of
20 ex officio nonvoting members are for four years.

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

25 (e) There shall be an annual meeting of the author-
26 ity on the third Monday in July in each year and a bi-
27 monthly meeting on a day and at a time as the
28 authority may designate in its bylaws. A special
29 meeting may be called by the president, the secretary
30 or any seven members of the authority and may be
31 held only after all members are given notice of the
32 meeting in writing. Seven voting members constitute
33 a quorum for all meetings. At each annual meeting of
34 the authority, it shall elect a president, vice president,
35 secretary and treasurer. The authority shall adopt
36 bylaws, rules and regulations as may be necessary for
37 its operation and management. The authority has all,
38 but only, those powers necessary, incidental, conve-
39 nient and advisable for the following purposes:

40 (1) The preparation of a plan or plans for the
41 Shawnee Parkway;

42 (2) The promotion, advancement and support of the
43 construction of a scenic parkway along the general
44 courses of Flattop Mountain and Indian Ridge areas of
45 McDowell, Mercer, Mingo, Raleigh, Summers and
46 Wyoming counties;

47 (3) The promotion of economic development and
48 tourism along the Shawnee Parkway;

49 (4) Advocating actions consistent with that plan or
50 its provisions to or before any governmental entity or
51 any private person or entity; and

52 (5) Otherwise acting in an advisory capacity with
53 regard to any aspects of the Shawnee Parkway at the
54 request of or without the request of any governmental
55 entity or private person or entity.

56 The authority may not own any of the real estate or
57 real property herein described for development and
58 may not be responsible for operating or maintaining
59 the parkway.

60 Each voting member of the authority may be reim-
61 bursed for travel expenses by the governing bodies
62 which appointed the members in an amount to be
63 fixed by the governing body.

§3. Body corporate.

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

§4. Support, maintenance and operation.

1 The county commissions of the counties of McDo-
2 well, Mercer, Mingo, Raleigh, Summers and Wyoming
3 may provide for the support, maintenance and opera-
4 tion of the Shawnee Parkway authority and other
5 related activities under the jurisdiction of the author-
6 ity hereby created.

§5. Severability.

1 If any provision hereof is held invalid, such invalid-
2 ity shall not affect other provisions hereof which can

3 be given effect without the invalid provision, and to
4 this end the provisions of this act are declared to be
5 severable.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within *is approved* this the *13th*
day of *April*, 1993.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/7/93

Time 2:30 pm