WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1993

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ENROLLED

SENATE BILL NO. 55

(By Senator Whitlow, et al.)

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PASSED April 3, 1993

In Effect 90 days from Passage
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.

There is hereby created a Shawnee Parkway authority, to promote and advance the construction of a scenic parkway through parts of McDowell, Mercer, Mingo, Raleigh, Summers and Wyoming counties and 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 Shawnee 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 twelve voting members
and three ex officio nonvoting members. All members shall be appointed before the first day of July, one thousand nine hundred ninety-three.

(b) Each of the county commissions of the counties of McDowell, Mercer, Mingo, Raleigh, Summers and Wyoming shall appoint two voting members to the commission. 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 and one member shall be appointed for a term of two 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 three ex officio nonvoting members are the commissioner of highways or designee, the secretary of commerce, labor and environmental resources or designee and the executive director of the West Virginia development office or designee. 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 third Monday in July in each year and a bi-monthly meeting on a day and at a time as the authority may designate in its bylaws. A special meeting may be called by the president, the secretary or any seven members of the authority and may be held only after all members are given notice of the meeting in writing. Seven voting 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 bylaws, rules and regulations as may be necessary for its 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 Shawnee Parkway;
(2) The promotion, advancement and support of the construction of a scenic parkway along the general courses of Flattop Mountain and Indian Ridge areas of McDowell, Mercer, Mingo, Raleigh, Summers and Wyoming counties;

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

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

(5) Otherwise acting in an advisory capacity with regard to any aspects of the Shawnee Parkway at the request of or without the request of 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 may be reimbursed for travel expenses by the governing bodies which appointed the members in an amount to be fixed by the 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 county commissions of the counties of McDowell, Mercer, Mingo, Raleigh, Summers and Wyoming may provide for the support, maintenance and operation of the Shawnee Parkway authority and other related activities under the 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.

Chairman Senate Committee

Ernest Moore

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

President of the Senate

Speaker House of Delegates

The within ............. this the ...................... day of ......................, 1993.

Governor
PRESENTED TO THE
GOVERNOR

Date: 4/2/63
Time: 2:30 PM