

SB 409

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

RECEIVED
96 MAR 28 PM 4:25
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

SENATE BILL NO. 409

(By Senator Wooton, et al)

PASSED March 8, 1996

In Effect ninety days from Passage

RECEIVED

96 MAR 28 PM 4: 26

OFFICE OF HONORARY
SECRETARY OF STATE

ENROLLED

Senate Bill No. 409

(BY SENATORS WOOTON, BAILEY, WAGNER, CHAFIN,
ROSS, HELMICK, SHARPE, BUCKALEW, LOVE AND OLIVERIO)

[Passed March 8, 1996; in effect ninety days from passage.]

AN ACT to establish the coalfields expressway authority;
functions; members; appointment; powers and duties;
officers; bylaws; rules and regulations; compensation;
authority as corporate body; and severability.

Be it enacted by the Legislature of West Virginia:

COALFIELDS EXPRESSWAY AUTHORITY.

§1. Parkway authority created; functions.

1 There is hereby created a Coalfields Expressway
2 authority, to promote and advance the construction of a
3 modern highway through McDowell, Raleigh and Wyo-
4 ming counties and to coordinate with counties, munic-
5 palities, state and federal agencies, public nonprofit
6 corporations, private corporations, associations, partner-
7 ships and individuals for the purpose of planning,
8 assisting and establishing recreational, tourism, indus-
9 trial, economic and community development of the
10 coalfields expressway 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 nine voting members and
2 three ex officio nonvoting members. All members shall
3 be appointed before the first day of July, one thousand
4 nine hundred ninety-six.

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

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

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

23 (e) There shall be an annual meeting of the authority
24 on the third Monday in July in each year and a monthly
25 meeting on a day and at a time as the authority may
26 designate in its bylaws. A special meeting may be called
27 by the president, the secretary or any two members of
28 the authority and may be held only after all members are
29 given notice of the meeting in writing. Five voting
30 members constitute a quorum for all meetings. At each
31 annual meeting of the authority, it shall elect a presi-
32 dent, vice president, secretary and treasurer. The
33 authority shall adopt bylaws, rules and regulations as
34 may be necessary for its operation and management. The

35 authority has all, but only, those powers necessary,
36 incidental, convenient and advisable for the following
37 purposes:

38 (1) The promotion of economic development and
39 tourism along the coalfields expressway;

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

43 (3) Otherwise acting in an advisory capacity with
44 regard to any aspects of the coalfields expressway at the
45 request of or without the request of any governmental
46 entity or private person or entity.

47 The authority may not own any of the real estate or
48 real property herein described for development and may
49 not be responsible for operating or maintaining the
50 parkway.

51 Each voting member of the authority shall be compen-
52 sated monthly by the governing bodies which appointed
53 the members in an amount to be fixed by the governing
54 body.

§3. Body corporate.

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

§4. Severability.

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

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

Randy Kroencke
.....
Chairman Senate Committee

Randy Seacrest
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Barrell Stokes
.....
Clerk of the Senate

Bugary W. King
.....
Clerk of the House of Delegates

Earl Ray Imbler
.....
President of the Senate

Robert C. Bell
.....
Speaker House of Delegates

The within *is approved* this the *28th*
day of *March*, 1996.

Gaston Caputo
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/96

Time 2:54 pm