WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

HOUSE BILL No. 2854

(By Delegates Boggs, Stemple, Leggett and Border)

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Passed ____________________________ April 12, 1997

In Effect ____________________________ From ____________ Passage
ENROLLED

H. B. 2854

(BY DELEGATES BOGGS, STEMPLE, LEGGETT AND BORDER)

[Passed April 12, 1997; in effect from passage.]

AN ACT to establish the Little Kanawha River Parkway Authority; functions; members; appointment; powers and duties; officers; bylaws and rules; compensation and expenses; authority as corporate body; and severability.

Be it enacted by the Legislature of West Virginia:

WEST VIRGINIA LITTLE KANAWHA RIVER PARKWAY AUTHORITY.

§1. Highway authority created; purpose.

There is hereby created the Little Kanawha River Parkway Authority, to promote and advance the construction of a modern highway through Wirt, Braxton, Gilmer, Calhoun and Wood counties, to be known as the Little Kanawha River Parkway Authority 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 Little Kanawha River Parkway for the benefit of West Virginians.

§2. Members; appointment; officers.

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

(b) Each of the county commissions of the counties of Wirt, Gilmer, Calhoun, Braxton and Wood shall appoint three voting members to the authority. The terms of the voting members initially appointed by a county commission are as follows: One member from each county shall be appointed for a term of one year, one member from each county shall be appointed for a term of two years and the rest of the members shall be appointed for a term of four 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 director of natural resources or designee and the executive director of the West Virginia development office or designee.

(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) The authority shall meet annually on the third Monday in July and at such other times designated by the authority 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 of the meeting in writing. Eight 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 and rules as may be necessary for its operation and management.

§3. Powers.

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

(1) The promotion of economic development and tourism along Little Kanawha 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 Little Kanawha River Parkway and West Virginia routes between Burnsville and Elizabeth into Mineral Wells 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 highway.


Each voting member of the authority shall receive compensation and expense reimbursement from the governing body which appointed the member in an amount to be fixed by the governing body, not to exceed the same compensation and expense reimbursement as is paid to members of the Legislature for their interim duties as recommended by the citizens legislative compensation commission and authorized by law, for each day or substantial portion thereof engaged in the performance of official duties.


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.


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

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the ______ day of May, 1997.

Governor