WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

ENROLLED

SENATE BILL NO. 86

(Originating in the Committee on
Government Organization)

PASSED March 27, 1997

In Effect Ninety Days From Passage
ENROLLED

Senate Bill No. 86

(ORIGINATING IN THE COMMITTEE ON GOVERNMENT ORGANIZATION.)

[Passed March 27, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the West Virginia parkways, economic development and tourism authority until the first day of July, one thousand nine hundred ninety-eight.

Be it enacted by the Legislature of West Virginia:

That section three, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY.

§17-16A-3. Dissolution and termination of West Virginia turnpike commission; West Virginia parkways, economic development and tourism authority generally.
On and after the first day of June, one thousand nine
hundred eighty-nine, the West Virginia turnpike commis-
sion is hereby abolished in all respects, and there is hereby
created the "West Virginia Parkways, Economic Develop-
ment and Tourism Authority", and by that name the
parkways authority may sue and be sued and plead and be
impleaded. The parkways authority is hereby constituted
an agency of the state, and the exercise by the parkways
authority of the powers conferred by this article in the
construction, reconstruction, improvement, operation and
maintenance of parkway, economic development and
tourism projects shall be deemed and held to be an
essential governmental function of the state.

The West Virginia parkways, economic development and
tourism authority shall consist of seven members, includ-
ing the transportation secretary, who shall serve as
chairman of the parkways authority, and six members,
including no less than one from each of the counties which
have land bordering parkway projects, appointed by the
governor, by and with the advice and consent of the
Senate. The appointed members shall be residents of the
state, and shall have been qualified electors therein for a
period of at least one year next preceding their appoint-
ment. Upon the effective date of this legislation, the
governor shall forthwith appoint six members of the
parkways authority for staggered terms. The terms of the
parkways authority members first taking office on or after
the effective date of this legislation shall expire as desig-
nated by the governor at the time of the nomination, one
at the end of the first year, one at the end of the second
year, one at the end of the third year, one at the end of the
fifth year, one at the end of the sixth year and one at the
end of the seventh year, after the first day of June, one
thousand nine hundred eighty-nine. As these original
appointments expire, each subsequent appointment shall
be for a full eight-year term. Any member whose term has
expired shall serve until his successor has been duly
appointed and qualified. Any person appointed to fill a
vacancy shall serve only for the unexpired term. Any
member shall be eligible for reappointment. The term of
any person serving as a member of the West Virginia
turnpike commission immediately preceding the effective
date of this legislation shall cease and otherwise expire
upon such effective date: *Provided, That any such mem-
ber shall be eligible for reappointment. Each appointed
member of the parkways authority before entering upon
his duties shall take an oath as provided by section five,
article IV of the constitution of the state of West Virginia.

The parkways authority shall elect one of the appointed
members as vice chairman, and shall also elect a secretary
and treasurer who need not be members of the parkways
authority. Four members of the parkways authority shall
constitute a quorum and the vote of a majority of mem-
bers present shall be necessary for any action taken by the
parkways authority. No vacancy in the membership of the
parkways authority shall impair the right of a quorum to
exercise all the rights and perform all the duties of the
parkways authority. The parkways authority shall meet
at least monthly and either the chairman or any four
members shall be empowered to call special meetings for
any purpose or purposes: *Provided, That notice of any
such meeting shall be given to all members of the park-
ways authority not less than ten days prior to said special
meetings.

Before the issuance of any parkway revenue bonds or
revenue refunding bonds under the provisions of this
article, each appointed member of the parkways authority
shall execute a surety bond in the penal sum of twenty-
five thousand dollars and the secretary and treasurer shall
execute a surety bond in the penal sum of fifty thousand
dollars, each such surety bond to be conditioned upon the
faithful performance of the duties of his office, to be
executed by a surety company authorized to transact
business in the state of West Virginia as surety and to be
approved by the governor and filed in the office of the
secretary of state.

The members of the parkways authority shall not be
entitled to compensation for their services, but each
member shall be reimbursed for his actual expenses
necessarily incurred in the performance of his duties. All
expenses incurred in carrying out the provisions of this
article shall be payable solely from funds provided under the authority of this article and no liability or obligation shall be incurred by the parkways authority hereunder beyond the extent to which moneys shall have been provided under the authority of this article.

Pursuant to the provisions of article ten, chapter four of this code, the West Virginia parkways, economic development and tourism authority shall continue to exist until the first day of July, one thousand nine hundred ninety-nine.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Neil Favreau

Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Clerk of the Senate

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Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Speaker House of Delegates

The within bill is hereby approved this the 04th day of April, 1997.

Governor