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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999

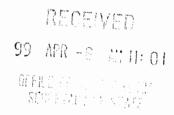
ENROLLED

House Bill No. 2856

(By Delegates Flanigan, Frederick, Kominar, H. White, Perdue, Yeager and Wright)

Passed March 13, 1999

In Effect Ninety Days from Passage



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H. B. 2856

(By Delegates Flanigan, Frederick, Kominar, H. White, Perdue, Yeager and Wright)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to establish the King Coal Highway (173/74) Authority; functions; members; appointment; powers and duties; officers; bylaws; rules; compensation; authority as corporate body; support, maintenance and operation; and severability.

Be it enacted by the Legislature of West Virginia:

KING COAL HIGHWAY AUTHORITY.

§1. Highway authority created; functions.

- There is hereby created a King Coal Highway (I73/74)
- 2 Authority, to promote and advance the construction of a modern
- 3 highway through McDowell, Mercer, Mingo, Wyoming and
- 4 Wayne counties along currently existing state route fifty-two
- 5 and to coordinate with counties, municipalities, state and
- 6 federal agencies, public nonprofit corporations, private corpora-
- 7 tions, associations, partnerships and individuals for the purpose
- 8 of planning, assisting and establishing recreational, tourism,
- 9 industrial, economic and community development of the King
- 10 Coal Highway (I73/74) for the benefit of West Virginians.
- §2. Members; appointment; powers and duties generally; officers; bylaws; rules; compensation.

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- (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, two thousand one. No more than ten members of the authority may be from the same political party.
- (b) Each of the county commissions of the counties of McDowell, Mercer, Mingo, Wyoming and Wayne shall appoint three voting members to the commission. 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 and two members from each county 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 his or her designee, the director of natural resources or his or her designee and the executive director of the West Virginia development office or his or her 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 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 two members of the authority and may be held only after all members are given notice of the meeting in writing. Five 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. The authority has all, but only, those powers necessary, incidental, convenient and advisable for the follow-ing purposes:

- 38 (1) The preparation of a plan or plans for the King Coal Highway (I73/74);
- 40 (2) The promotion of economic development and tourism 41 along the King Coal Highway (I73/74);
- 42 (3) Advocating actions consistent with that plan or its 43 provisions to or before any governmental entity or any private 44 person or entity; and
- 45 (4) Otherwise acting in an advisory capacity with regard to 46 any aspects of the King Coal Highway (I73/74) at the request 47 of or without the request of any governmental entity or private 48 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 King Coal Highway (173/74).
- Each voting member of the authority shall be compensated monthly 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
- 2 and as such it may contract and be contracted with, sue and be
- 3 sued, plead and be impleaded and may have and use a corporate
- 4 seal.

§4. Support, maintenance and operation.

- 1 The county commissions of the counties of McDowell,
- 2 Mercer, Mingo, Wyoming and Wayne may provide for the
- 3 support, maintenance and operation of the King Coal Highway
- 4 (I73/74) Authority and other related activities under the
- 5 jurisdiction of the authority hereby created.

§5. Severability.

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

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
Red Schoonova
Chairman Senate Committee
Chair dan House Committee
Originating in the House.
Takes effect ninety days from passage Clerk of the Senate
Clerk of the House of Delegates Of Pay Jonehan President of the Senate
Speaker of the House of Delegates
The within this the sud day of , 1999.

PRESENTED TO THE

GOVERNOR

Date 9

Time