

HB 2856

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WEST VIRGINIA LEGISLATURE  
OF THE STATE

# 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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SENATE OF WEST VIRGINIA

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# H. B. 2856

(BY DELEGATES FLANIGAN, FREDERICK, KOMINAR,  
H. WHITE, PERDUE, YEAGER AND WRIGHT)

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AN ACT to establish the King Coal Highway (I73/74) 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.**

1       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.**

1 (a) The authority consists of fifteen voting members and  
2 three ex officio nonvoting members. All members shall be  
3 appointed before the first day of July, two thousand one. No  
4 more than ten members of the authority may be from the same  
5 political party.

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

16 (c) The three ex officio nonvoting members are the com-  
17 missioner of highways or his or her designee, the director of  
18 natural resources or his or her designee and the executive  
19 director of the West Virginia development office or his or her  
20 designee. All terms of ex officio nonvoting members are for  
21 four years.

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

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

38 (1) The preparation of a plan or plans for the King Coal  
39 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.

49 The authority may not own any of the real estate or real  
50 property herein described for development and may not be  
51 responsible for operating or maintaining the King Coal High-  
52 way (I73/74).

53 Each voting member of the authority shall be compensated  
54 monthly by the governing bodies which appointed the members  
55 in an amount to be fixed by the governing body.

### **§3. Body corporate.**

1 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.

*Randy Schoonover*  
Chairman Senate Committee

*Jeff Smith*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Russell E. White*  
Clerk of the Senate

*Suzanne M. Bay*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*Frank*  
Speaker of the House of Delegates

The within *approved* this the *2nd*  
day of *April*, 1999.

*Jeff D. Anderson*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/4/99

Time 2:49 pm