WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED

SENATE BILL NO. 184

(By Senator Bailey, et al.)

PASSED February 24, 1999
In Effect ninety days from Passage
ENROLLED

Senate Bill No. 184

(By Senators Bailey, Bowman, Ball, Jackson, Kessler, McCabe, Minard, Redd, Schoonover, Snyder, Walker, Wooton and Boley)

[Passed February 24, 1999; 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.

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 commission is hereby abolished in all respects, and there is hereby created the "West Virginia Parkways, Economic Development 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, including 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 appointment. 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 designated 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 or her 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 member
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 members
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 mem-
ers 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 parkways
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 or her 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 or her actual expenses
necessarily incurred in the performance of his or her
duties. All expenses incurred in carrying out the provi-
82. Sions of this article shall be payable solely from funds
83. provided under the authority of this article and no liability
84. or obligation shall be incurred by the parkways authority
85. hereunder beyond the extent to which moneys shall have
86. been provided under the authority of this article.

87. Pursuant to the provisions of article ten, chapter four of
88. this code, the West Virginia parkways, economic develop-
89. ment and tourism authority shall continue to exist until
90. the first day of July, two thousand five.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

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

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 3rd
Day of... 1999

Governor