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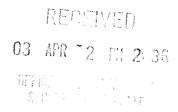
WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

Common SENATE BI	nittee Substitute for LL NO. 404	
(By Senator ₋	Facemyer, et al)
PASSED _	March 8, 2003	

In Effect ninety days From Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 404

(By Senators Facemyer, Smith, Minard, Sharpe, Edgell, Boley, Deem and Kessler, original sponsors)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to establish the blue and gray intermodal highway authority; functions; members; appointment; powers and duties; officers; bylaws; rules; compensation; and authority as corporate body.

Be it enacted by the Legislature of West Virginia:

BLUE AND GRAY INTERMODAL HIGHWAY AUTHORITY.

§1. Intermodal highway authority created; functions.

- 1 There is created a blue and gray intermodal highway
- 2 authority, to promote and advance the construction of a
- 3 modern highway which would connect Interstate 79 and
- 4 Interstate 77. The highway must travel through Jackson,

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- 5 Roane, Calhoun, Gilmer, Braxton and Lewis counties. The
- 6 authority shall coordinate with counties, municipalities,
- 7 state and federal agencies, public nonprofit corporations,
- 8 private corporations, associations, partnerships and
- 9 individuals for the purpose of planning, assisting and
- 10 establishing recreational, tourism, industrial, economic
- 11 and community development of the blue and gray
- 12 intermodal highway for the benefit of the region and all
- 13 West Virginians.

§2. Members; appointment; officers; bylaws; rules; compensation.

- 1 (a) The authority shall consist of twelve voting members
- 2 and two ex officio nonvoting members. All members shall
- 3 be appointed before the first day of July, two thousand
- 4 three.
- 5 (b) Each of the county commissions of the counties of
- 6 Jackson, Roane, Calhoun, Gilmer, Braxton and Lewis shall
- 7 appoint two voting members to the commission. The terms
- 8 of the voting members initially appointed by a county
- 9 commission are as follows: One member from each county
- 10 shall be appointed for two years and the other member
- 11 appointed from each county shall be appointed for four
- 12 years. All successive appointments are for terms of four
 - 3 years. Any voting member may be removed for cause by
- 14 the appointing county commission.
- 15 (c) The two ex officio nonvoting members are the
- 16 commissioner of highways or his or her designee and the
- 17 executive director of the West Virginia development office
- 18 or his or her designee. All terms of ex officio nonvoting
- 19 members are for four years.
- 20 (d) If a vacancy occurs, the person appointed to fill the
- 21 vacancy shall serve only for the unexpired portion of the
- 22 term. All members are eligible for reappointment.
- 23 (e) The authority shall meet annually on the third
- 24 Monday in July and at other times that the authority

- 25 designates in its bylaws. A special meeting may be called
- 26 by the president, the secretary or any four members of the
- 27 authority and may be held only after all members are
- 28 given notice of the meeting in writing. The presence of
- 29 seven voting members constitutes a quorum for all meet-
- 30 ings. At each annual meeting of the authority, the mem-
- 31 bers shall elect a president, secretary and treasurer. The
- 32 authority shall adopt bylaws and rules that are necessary
- 33 for its operation and management.

§3. Powers of authority.

- 1 The authority, as a public corporation and governmental
- 2 instrumentality exercising public powers of the state, may
- 3 exercise all powers necessary or appropriate to carry out
- 4 the purposes of this article, including, but not limited to,
- 5 the power to:
- 6 (1) Acquire, own, hold and dispose of property, real and
- 7 personal, tangible and intangible;
- 8 (2) Lease property, whether as lessee or lessor, and to
- 9 acquire or grant through easement, license or other
- 10 appropriate legal form the right to develop and use
- 11 property and open it to the use of the public;
- 12 (3) Sue and be sued;
- 13 (4) Adopt, use and alter a corporate seal;
- 14 (5) Promote economic development and tourism along
- 15 the blue and gray intermodal highway;
- 16 (6) Advocate actions consistent with its plan of economic
- 17 development and tourism or its provisions to or before any
- 18 governmental entity or any private person or entity;
- 19 (7) Otherwise act in an advisory capacity with regard to
- 20 any aspects of the blue and gray intermodal highway at
- 21 the request of or without the request of any governmental
- 22 entity or private person or entity;

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- 23 (8) Zone property adjacent to the intermodal highway;
- 24 (9) Regulate advertising along the intermodal highway;
- 25 and
- 26 (10) Regulate the speed limit on the intermodal highway.
- 27 The authority may own any of the real estate or real
- 28 property described in this section for development and is
- 29 responsible for operating or maintaining the blue and gray
- 30 intermodal highway.
- 31 Each voting member of the authority shall be compen-
- 32 sated monthly by the governing body that appointed him
- 33 or her in an amount to be fixed by the governing body.

§4. Body corporate.

- 1 The authority created in this article is a public corpora-
- 2 tion with all the powers and duties of a public corporation.

5 [Enr. Com. Sub. For S. B. No. 404
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.
My / M? Chairman Senate Committee
Chairman Benate Committee
Ghairman House Committee
Originated 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 10 approved this the 2d
Day of
Governor

FRESENTED TO THE GOVERNOR

Date 3/19/03

Time

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