WEST VIRGINIA LEGISLATURE

Regular Session, 2004

ENROLLED
Committee Substitute for
SENATE BILL NO. 516

(By Senator ___ Unger, et al ___)

PASSED March 13, 2004

In Effect 90 days from Passage
AN ACT to establish the West Virginia eastern panhandle transportation authority to include representatives from Berkeley, Jefferson and Morgan counties; appointment of officers; and powers of authority.

Be it enacted by the Legislature of West Virginia:

WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY.

§1. West Virginia eastern panhandle transportation authority created; purposes.

1 There is hereby created a West Virginia eastern panhandle transportation authority to promote and advance the construction of a modern highway through Berkeley, Jefferson and Morgan counties and to coordinate with counties, municipalities, state and federal agencies, public nonprofit corporations, private corporations, associations,
partnerships and individuals for the purpose of planning, assisting and establishing recreational, tourism, industrial, economic and community development of West Virginia Route 9 and the new Route 9 proposals and construction from the Virginia line to Berkeley Springs, Interstate 81, Route 11, Route 522, Route 340 and also any existing and proposed by-passes around any municipalities, as well as any other highways in those counties for the benefit of West Virginians.

§2. Members; appointment; officers.

(a) The authority consists of nine voting members and three ex officio nonvoting members. All members shall be appointed before the first day of July, two thousand four.

(b) Each of the county commissions of the counties of Berkeley, Jefferson, and Morgan shall appoint three voting members to the authority. The terms of the voting members initially appointed by a county commission are as follows: One member shall be appointed for a term of two years and two members shall be appointed for terms of four years. All successive appointments shall be for four-year terms. 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 the parkways, economic development and tourism authority or his or her designee and the executive director of the West Virginia development office or his or her designee.

(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) The authority shall meet annually on the third Monday in July and at such other times designated by the authority 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 mem-
bers 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 opera-
tion and management.

§3. Powers.

(a) The authority has all but only those powers necessary,
incidental, convenient and advisable for the following
purposes:

(1) Promoting economic development and tourism along
West Virginia Route 9 and the new Route 9 proposals and
construction from the Virginia line to Berkeley Springs,
Interstate 81, Route 11, Route 522, Route 340 and also any
existing and proposed by-passes around any municipali-
ties, as well as any other highways in Berkeley, Jefferson
and Morgan counties;

(2) Advocating actions consistent with that plan or its
provisions to or before any governmental entity or any
private person or entity; and

(3) Otherwise acting in an advisory capacity with regard
to any aspects of West Virginia Route 9 and new Route 9
construction and design and other highways in those
counties at the request of or without the request of any
governmental entity or private person or entity.

(b) 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
highways described herein.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman 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 is approved this the 2nd Day of April, 2004.

Governor