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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006

ENROLLED

SENATE BILL NO. 557

(By Senator Helmick, et al)

PASSED March 11, 2006

In Effect from Passage

FILED

2006 APR -5 P 3: 10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 557

(BY SENATORS HELMICK, SHARPE, CHAFIN, PREZIOSO, PLYMALE,
EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER, MINEAR,
BOLEY, FACEMYER, YODER, GUILLS AND SPROUSE)

[Passed March 11, 2006; in effect from passage.]

AN ACT to amend and reenact §17-16A-1, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-18, §17-16A-18a, §17-16A-20, §17-16A-21, §17-16A-22 and §17-16A-29 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §17-16A-13a, all relating to the West Virginia Parkways, Economic Development and Tourism Authority; eliminating the authority of the authority to issue certain additional revenue bonds after the effective date of the amendments to the section; placing certain limitations on the authority of the authority to issue revenue refunding bonds; limiting the purposes for which the authority may issue revenue refunding bonds; limiting the authority of the authority to acquire, hold or lease real property; limiting the ability of placement of new tolls; requiring public notice and hearings in certain circumstances; requiring certain procedures prior to any increase in rates, tolls or charges, approve certain contracts or proposals,

issue refunding bonds or take any action that would result in or require an increase in rates, tolls or charges; requiring applications for commuter passes at every Division of Motor Vehicles office in the state; eliminating the authority to pledge state road funds in certain circumstances; and providing for a discount program.

Be it enacted by the Legislature of West Virginia:

That §17-16A-1, §17-16A-6, §17-16A-10, §17-16A-11, §17-16A-18, §17-16A-18a, §17-16A-20, §17-16A-21, §17-16A-22 and §17-16A-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §17-16A-13a, all to read as follows:

ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND TOURISM AUTHORITY.

§17-16A-1. Constructing, operating, financing, etc., parkway, economic development and tourism projects.

1 In order to remove the present handicaps and hazards on
2 the congested highways and roads in the state of West
3 Virginia, to facilitate vehicular traffic throughout the
4 state, to promote and enhance the tourism industry and to
5 develop and improve tourist facilities and attractions in
6 the state, to promote the agricultural, economic and
7 industrial development of the state and to provide for the
8 construction of modern express highways, including center
9 divisions, ample shoulder widths, long sight distances, the
10 bypassing of cities, multiple lanes in each direction and
11 grade separations at all intersections with other highways
12 and railroads, to provide for the development, construc-
13 tion, improvement and enhancement of state parks, tourist
14 facilities and attractions and to provide for the improve-
15 ment and enhancement of state parks presently existing,
16 the West Virginia Parkways, Economic Development and
17 Tourism Authority (hereinafter created) is hereby autho-
18 rized and empowered to construct, reconstruct, improve,

19 maintain, repair and operate parkway projects, economic
20 development projects and tourism projects (as those terms
21 are hereinafter defined in section five of this article) at
22 such locations as shall be approved by the state Depart-
23 ment of Transportation.

§17-16A-6. Parkways authority's powers.

1 (a) The parkways authority is hereby authorized and
2 empowered:

3 (1) To adopt bylaws for the regulation of its affairs and
4 the conduct of its business;

5 (2) To adopt an official seal and alter the same at
6 pleasure;

7 (3) To maintain an office at such place or places within
8 the state as it may designate;

9 (4) To sue and be sued in its own name, plead and be
10 impleaded. Any and all actions against the parkways
11 authority shall be brought only in the county in which the
12 principal office of the parkways authority shall be located;

13 (5) To construct, reconstruct, improve, maintain, repair
14 and operate projects at such locations within the state as
15 may be determined by the parkways authority: *Provided*,
16 That the parkways authority shall be prohibited from
17 constructing motels or any other type of lodging facility
18 within five miles of the West Virginia Turnpike;

19 (6) To issue parkway revenue bonds of the State of West
20 Virginia, payable solely from revenues, for the purpose of
21 paying all or any part of the cost of any one or more
22 projects, which costs may include, with respect to the West
23 Virginia Turnpike, such funds as are necessary to repay to
24 the State of West Virginia all or any part of the state funds
25 used to upgrade the West Virginia Turnpike to federal
26 interstate standards: *Provided*, That upon the effective
27 date of the amendments to this section enacted during the
28 regular session of the Legislature in two thousand six, the

29 authorization to issue bonds pursuant to this subsection is
30 limited to that of refunding bonds pursuant to subdivision
31 seven of this subsection;

32 (7) To issue parkway revenue refunding bonds of the
33 state of West Virginia, payable solely from revenues, for
34 any one or more of the following purposes: (i) Refunding
35 any bonds which shall have been issued under the provi-
36 sions of this article or any predecessor thereof; and (ii)
37 repaying to the state all or any part of the state funds used
38 to upgrade the West Virginia Turnpike to federal interstate
39 standards;

40 (8) To fix and revise, from time to time, tolls for transit
41 over each parkway project constructed by it or by the West
42 Virginia Turnpike Commission;

43 (9) To fix and revise, from time to time, rents, fees or
44 other charges, of whatever kind or character, for the use of
45 each tourism project or economic development project
46 constructed by it or for the use of any building, structure
47 or facility constructed by it in connection with a parkway
48 project;

49 (10) To acquire, hold, lease and dispose of real and
50 personal property in the exercise of its powers and the
51 performance of its duties under this article: *Provided*, That
52 the authority may not finance any transaction to acquire,
53 hold or lease real property;

54 (11) To acquire in the name of the state by purchase or
55 otherwise, on such terms and conditions and in such
56 manner as it may deem proper, or by the exercise of the
57 right of condemnation in the manner hereinafter provided,
58 such public or private lands, including public parks,
59 playgrounds or reservations, or parts thereof or rights
60 therein, rights-of-way, property, rights, easements and
61 interests, as it may deem necessary for carrying out the
62 provisions of this article: *Provided*, That the authority may
63 not finance any transaction to acquire real property. No

64 compensation shall be paid for public lands, playgrounds,
65 parks, parkways or reservations so taken, and all public
66 property damaged in carrying out the powers granted by
67 this article shall be restored or repaired and placed in its
68 original condition as nearly as practicable;

69 (12) To designate the locations, and establish, limit and
70 control such points of ingress to and egress from each
71 project as may be necessary or desirable in the judgment
72 of the parkways authority to ensure the proper operation
73 and maintenance of such project, and to prohibit entrance
74 to such project from any point or points not so designated;

75 (13) To make and enter into all contracts and agreements
76 necessary or incidental to the performance of its duties
77 and the execution of its powers under this article, and to
78 employ consulting engineers, attorneys, accountants,
79 architects, construction and financial experts, trustees,
80 superintendents, managers and such other employees and
81 agents as may be necessary in its judgment, and to fix their
82 compensation. All such expenses shall be payable solely
83 from the proceeds of parkway revenue bonds or parkway
84 revenue refunding bonds issued under the provisions of
85 this article, tolls or from revenues;

86 (14) To make and enter into all contracts, agreements or
87 other arrangements with any agency, department, division,
88 board, bureau, commission, authority or other governmen-
89 tal unit of the state to operate, maintain or repair any
90 project;

91 (15) To receive and accept from any federal agency
92 grants for or in aid of the construction of any project, and
93 to receive and accept aid or contributions from any source
94 of either money, property, labor or other things of value,
95 to be held, used and applied only for the purposes for
96 which such grants and contributions may be made;

97 (16) To do all acts and things necessary or convenient to
98 carry out the powers expressly granted in this article; and

99 (17) To file the necessary petition or petitions pursuant
100 to Title 11, United States Code, Sec. 401 (being section 81
101 of the act of Congress entitled "An act to establish a
102 uniform system of bankruptcy throughout the United
103 States", approved July 1, 1898, as amended) and to
104 prosecute to completion all proceedings permitted by Title
105 11, United States Code, Secs. 401-403 (being sections 81
106 to 83, inclusive, of said act of Congress). The State of West
107 Virginia hereby consents to the application of said Title 11,
108 United States Code, Secs. 401-403, to the parkways
109 authority.

110 (b) Nothing in this article shall be construed to prohibit
111 the issuance of parkway revenue refunding bonds in a
112 common plan of financing with the issuance of parkway
113 revenue bonds: *Provided*, That upon the effective date of
114 the amendments to this section enacted during the regular
115 session of the Legislature in two thousand six, the authori-
116 zation to issue bonds pursuant to this subsection is limited
117 to that of refunding bonds pursuant to sections twenty-one
118 and twenty-two of this article.

§17-16A-10. Parkway revenue bonds generally.

1 (a) The parkways authority is authorized to provide by
2 resolution for the issuance of parkway revenue bonds of
3 the state for the purpose of paying all or any part of the
4 cost of one or more projects: *Provided*, That this section
5 shall not be construed as authorizing the issuance of
6 parkway revenue bonds for the purpose of paying the cost
7 of the West Virginia Turnpike, which parkway revenue
8 bonds may be issued only as authorized under section
9 eleven of this article. The principal of and the interest on
10 bonds shall be payable solely from the funds provided for
11 payment.

12 (b) The bonds of each issue shall be dated, shall bear
13 interest at a rate as may be determined by the parkways
14 authority in its sole discretion, shall mature at a time not
15 exceeding forty years from their date or of issue as may be

16 determined by the parkways authority, and may be made
17 redeemable before maturity, at the option of the parkways
18 authority at a price and under the terms and conditions as
19 may be fixed by the parkways authority prior to the
20 issuance of the bonds.

21 (c) The parkways authority shall determine the form of
22 the bonds, including any interest coupons to be attached
23 thereto, and shall fix the denomination of the bonds and
24 the place of payment of principal and interest, which may
25 be at any bank or trust company within or without the
26 state.

27 (d) The bonds shall be executed by manual or facsimile
28 signature by the chair of the parkways authority, and the
29 official seal of the parkways authority shall be affixed to
30 or printed on each bond, and attested, manually or by
31 facsimile signature, by the secretary and treasurer of the
32 parkways authority. Any coupons attached to any bond
33 shall bear the manual or facsimile signature of the chair of
34 the parkways authority.

35 (e) In case any officer whose signature or a facsimile of
36 whose signature appears on any bonds or coupons shall
37 cease to be an officer before the delivery of the bonds, the
38 signature or facsimile shall nevertheless be valid and
39 sufficient for all purposes the same as if he had remained
40 in office until delivery. In case the seal of the parkways
41 authority has been changed after a facsimile has been
42 imprinted on the bonds, then the facsimile seal will
43 continue to be sufficient for all purposes.

44 (f) All bonds issued under the provisions of this article
45 shall have all the qualities and incidents of negotiable
46 instruments under the negotiable instruments law of the
47 state. The bonds may be issued in coupon or in registered
48 form, or both, as the parkways authority may determine,
49 and provision may be made for the registration of any
50 coupon bonds as to principal alone and also as to both
51 principal and interest, and for the recorders into coupon

52 bonds of any bonds registered as to both principal and
53 interest.

54 (g) The parkways authority may sell the bonds at a
55 public or private sale at a price it determines to be in the
56 best interests of the state.

57 (h) The proceeds of the bonds of each issue shall be used
58 solely for the payment of the cost of the parkway project
59 or projects for which the bonds were issued, and shall be
60 disbursed in a manner consistent with the resolution
61 authorizing the issuance of the bonds or in the trust
62 agreement securing the bonds.

63 (i) If the proceeds of the bonds of any issue, by error of
64 estimates or otherwise, shall be less than the cost, then
65 additional bonds may in like manner be issued to provide
66 the amount of the deficit. Unless otherwise provided in
67 the resolution authorizing the issuance of the bonds or in
68 the trust agreement securing the bonds, the additional
69 bonds shall be deemed to be of the same issue and shall be
70 entitled to payment from the same fund without prefer-
71 ence or priority of the bonds first issued.

72 (j) If the proceeds of the bonds of any issue exceed the
73 cost of the project or projects for which the bonds were
74 issued, then the surplus shall be deposited to the credit of
75 the sinking fund for the bonds.

76 (k) Prior to the preparation of definitive bonds, the
77 parkways authority may, under like restrictions, issue
78 interim receipts or temporary bonds, with or without
79 coupons, exchangeable for definitive bonds when the
80 bonds have been executed and are available for delivery.
81 The parkways authority may also provide for the replace-
82 ment of any bonds that become mutilated or are destroyed
83 or lost.

84 (l) Bonds may be issued under the provisions of this
85 article without obtaining the consent of any department,

86 division, commission, board, bureau or agency of the state
87 in accordance with this article.

88 (m) Notwithstanding any other provision of this code to
89 the contrary, the authority may not issue parkway revenue
90 bonds after the effective date of the amendments to this
91 section enacted in the regular session of the Legislature in
92 two thousand six: *Provided*, That the authority may issue
93 revenue refunding bonds pursuant to sections twenty-one
94 and twenty-two of this article for parkway revenue bonds
95 previously issued prior to the effective date of the amend-
96 ments to this section enacted in the regular session of the
97 Legislature in two thousand six.

**§17-16A-11. Parkway revenue bonds—West Virginia Turnpike;
related projects.**

1 (a) The parkways authority is authorized to provide by
2 resolution, at one time or from time to time, for the
3 issuance of parkway revenue bonds of the state in an
4 aggregate outstanding principal amount not to exceed,
5 from time to time, two hundred million dollars for the
6 purpose of paying: (i) All or any part of the cost of the
7 West Virginia Turnpike, which may include, but not be
8 limited to, an amount equal to the state funds used to
9 upgrade the West Virginia Turnpike to federal interstate
10 standards; (ii) all or any part of the cost of any one or more
11 parkway projects that involve improvements to or en-
12 hancements of the West Virginia Turnpike, including,
13 without limitation, lane-widening on the West Virginia
14 Turnpike and that are or have been recommended by the
15 parkways authority's traffic engineers or consulting
16 engineers or by both of them prior to the issuance of
17 parkway revenue bonds for the project or projects; and (iii)
18 to the extent permitted by federal law, all or any part of
19 the cost of any related parkway project. For purposes of
20 this section only, a "related parkway project" means any
21 information center, visitors' center or rest stop, or any
22 combination thereof, and any expressway, turnpike,
23 trunkline, feeder road, state local service road or park and

24 forest road which connects to or intersects with the West
25 Virginia Turnpike and is located within seventy-five miles
26 of the turnpike as it exists on the first day of June, one
27 thousand nine hundred eighty-nine, or any subsequent
28 expressway, trunkline, feeder road, state local service road
29 or park and forest road constructed pursuant to this
30 article: *Provided*, That nothing in this section shall be
31 construed as prohibiting the parkways authority from
32 issuing parkway revenue bonds pursuant to section ten of
33 this article for the purpose of paying all or any part of the
34 cost of any related parkway project: *Provided, however*,
35 That none of the proceeds of the issuance of parkway
36 revenue bonds under this section shall be used to pay all or
37 any part of the cost of any economic development project,
38 except as provided in section twenty-three of this article:
39 *Provided further*, That nothing in this section shall be
40 construed as prohibiting the parkways authority from
41 issuing additional parkway revenue bonds to the extent
42 permitted by applicable federal law for the purpose of
43 constructing, maintaining and operating any highway
44 constructed in whole or in part with money obtained from
45 the Appalachian Regional Commission as long as the
46 highway connects to the West Virginia Turnpike as it
47 existed as of the first day of June, one thousand nine
48 hundred eighty-nine: *And provided further*, That, for
49 purposes of this section, in determining the amount of
50 bonds outstanding, from time to time, within the meaning
51 of this section: Original par amount or original stated
52 principal amount at the time of issuance of bonds shall be
53 used to determine the principal amount of bonds outstand-
54 ing, except that the amount of parkway revenue bonds
55 outstanding under this section may not include any bonds
56 that have been retired through payment, defeased through
57 the deposit of funds irrevocably set aside for payment or
58 otherwise refunded so that they are no longer secured by
59 toll revenues of the West Virginia Turnpike: *And provided*
60 *further*, That the authorization to issue bonds under this
61 section is in addition to the authorization and power to

62 issue bonds under any other section of this code: *And*
63 *provided further*, That, without limitation of the autho-
64 rized purposes for which parkway revenue bonds are
65 otherwise permitted to be issued under this section, and
66 without increasing the maximum principal par amount of
67 parkway revenue bonds permitted to be outstanding, from
68 time to time, under this section, the authority is specifi-
69 cally authorized by this section to issue, at one time or
70 from time to time, by resolution or resolutions under this
71 section, parkway revenue bonds under this section for the
72 purpose of paying all or any part of the cost of one or more
73 parkway projects that: (i) Consist of enhancements or
74 improvements to the West Virginia Turnpike, including,
75 without limitation, projects involving lane widening,
76 resurfacing, surface replacement, bridge replacement,
77 bridge improvements and enhancements, other bridge
78 work, drainage system improvements and enhancements,
79 drainage system replacements, safety improvements and
80 enhancements, and traffic flow improvements and en-
81 hancements; and (ii) have been recommended by the
82 authority's consulting engineers or traffic engineers, or
83 both, prior to the issuance of the bonds. Except as other-
84 wise specifically provided in this section, the issuance of
85 parkway revenue bonds pursuant to this section, the
86 maturities and other details of the bonds, the rights of the
87 holders of the bonds, and the rights, duties and obligations
88 of the parkways authority in respect of the bonds shall be
89 governed by the provisions of this article insofar as the
90 provisions are applicable.

91 (b) Notwithstanding any other provision of this code to
92 the contrary, the authority may not issue parkway revenue
93 bonds after the effective date of the amendments to this
94 section enacted in the regular session of the Legislature in
95 two thousand six: *Provided*, That the authority may issue
96 revenue refunding bonds pursuant to sections twenty-one
97 and twenty-two of this article for parkway revenue bonds
98 previously issued prior to the effective date of the amend-

99 ments to this section enacted during the regular session of
100 the Legislature in two thousand six.

§17-16A-13a. Public notice and hearing requirements.

1 (a) Notwithstanding any provision of the law to the
2 contrary, on and after the first day of July, two thousand
3 six, unless the parkways authority satisfies the public
4 notice and hearing requirements set forth in this section,
5 it may not:

6 (1) Increase any rates, tolls or charges along any portion
7 of the parkway, or approve any proposal or contract that
8 would result in or require an increase in any rates or tolls
9 along any portion of the parkway;

10 (2) Issue any refunding bond pursuant to sections
11 twenty-one and twenty-two of this article which would
12 require the parkways authority to increase rates, tolls or
13 charges;

14 (3) Approve any contract or project which would require
15 or result in an increase in the rates, tolls or charges along
16 any portion of the parkway; or,

17 (4) Take any other action which would require or result
18 in an increase in the rates, tolls or charges along any
19 portion of the parkway.

20 (b) The parkways authority shall publish notice of any
21 proposed contract, project or bond which would result in
22 or require an increase in any toll rates or charges, or the
23 extension of any bond repayment obligation, along with
24 the associated rate increase or revised bond repayment
25 period, by a Class II legal advertisement in accordance
26 with the provisions of article three, chapter fifty-nine of
27 this code, published and of general circulation in each
28 county which borders the parkway.

29 (c) Once notice has been provided in accordance with the
30 provisions of this section, the parkways authority shall
31 conduct a public hearing in each county which borders the

32 parkway, and any citizen may communicate by writing to
33 the parkways authority his or her opposition to or ap-
34 proval of such proposal or rate or toll increase or amended
35 bond terms. The public notice and written public com-
36 ment period shall be conducted not less than forty-five
37 days from the publication of the notice and the affected
38 public must be provided with at least twenty (20) days'
39 notice of each scheduled public hearing.

40 (d) All studies, records, documents and other materials
41 which were considered by the parkways authority before
42 recommending the approval of any such project or recom-
43 mending the adoption of any such increase shall be made
44 available for public inspection for a period of at least
45 twenty days prior to the scheduled hearing at a convenient
46 location in each county where a public hearing shall be
47 held.

48 (e) At the conclusion of all required public hearings, the
49 parkways authority shall render a final decision which
50 shall include written findings of fact supporting its final
51 decision on any proposed project which would result in or
52 require a rate increase, or prior to finally approving any
53 proposed rate or toll increase, and such required findings
54 and conclusions must reference and give due consideration
55 to the public comments and additional evidence offered
56 during the public hearings.

57 (f) On and after the first day of July, two thousand six,
58 any final action taken by the parkways authority to
59 approve or implement any proposed rate increase, contract
60 or project which would require or result in a proposed
61 increase of any rate or tolls along any portion of the
62 parkway without first satisfying the public notice and
63 hearing requirements of this section, shall be null and
64 void.

§17-16A-18. Cessation of tolls.

1 (a) Except as provided herein, when all bonds issued
2 under the provisions of this article in connection with any

3 parkway project or projects and the interest thereon shall
4 have been paid or a sufficient amount for the payment of
5 all such bonds and the interest thereon to the maturity
6 thereof shall have been set aside in trust for the benefit of
7 the bondholders, such project or projects, if then in good
8 condition and repair to the satisfaction of the Commis-
9 sioner of the state Division of Highways, shall be trans-
10 ferred to the state Division of Highways and shall thereaf-
11 ter be maintained by the state Division of Highways free
12 of tolls.

13 (b) No later than the first day of February, one thousand
14 nine hundred ninety, the parkways authority shall discon-
15 tinue, remove and not relocate all toll collection facilities
16 on the West Virginia Turnpike as the same existed on June
17 first, one thousand nine hundred eighty-nine, except for
18 the three main toll barriers and collection facilities and,
19 provided solely that the provisions of section eighteen-a
20 are complied with, the toll collection facilities at the
21 intersection of U. S. Route 19 (Corridor "L") and said
22 turnpike.

**§17-16A-18a. Corridor "L" toll fees authorized; commuter pass;
annual report.**

1 (a) The parkways authority is hereby authorized to
2 operate the currently existing toll collection facility
3 located at the interchange of U. S. Route 19 (Corridor "L")
4 and said turnpike subject to the following:

5 (1) The toll fee charges by the Parkways, Economic
6 Development and Tourism Authority at its toll facilities
7 located at the interchange of U. S. Route 19 (Corridor "L")
8 and said turnpike shall not exceed those toll charges levied
9 and collected by the authority at said interchange as of the
10 first day of January, one thousand nine hundred ninety,
11 and hereafter, no proposed increase in such toll fees shall
12 be implemented by the parkways authority unless the
13 authority shall have first complied with validly promul-
14 gated and legislatively approved rules pursuant to the

15 applicable provisions of chapter twenty-nine-a of this
16 code;

17 (2) The parkways authority shall maintain, advertise,
18 implement and otherwise make generally available to all
19 qualified members of the public, resident or nonresident,
20 a system of commuter passes, in a form to be determined
21 by the authority: *Provided*, That said system of commuter
22 passes shall, at a minimum, permit the holder of such pass
23 or passes, after paying the applicable fee to the authority,
24 to travel through the U. S. Route 19 (Corridor "L")
25 turnpike interchange and toll facilities on an unlimited
26 basis, without additional charge therefor, for a period of
27 one year after the issuance of said commuter pass or
28 passes: *Provided, however*, That the cost for such commu-
29 ter pass or passes shall in no event aggregate more than
30 five dollars per year for a full calendar year of unlimited
31 travel through the U. S. Route 19 (Corridor "L") turnpike
32 interchange toll facilities. Applications for these commu-
33 ter passes are to be made available by the Parkway
34 Authority to every Division of Motor Vehicles office in the
35 state.

36 To the extent required or necessary, the parkways
37 authority is further hereby authorized and empowered, in
38 addition to the extent previously authorized and empow-
39 ered pursuant to section six and section thirteen-b, article
40 sixteen-a of this chapter, to promulgate rules in accor-
41 dance with chapter twenty-nine-a of this code with regard
42 to the implementation of proposed future toll increases at
43 the U. S. Route 19 (Corridor "L") turnpike toll facility;

44 (3) The system of commuter passes implemented in
45 accordance with the provisions of subdivision (2), subsec-
46 tion (a), above, shall be available only for use when
47 operating or traveling in a Class "A" motor vehicle as
48 herein defined. Whoever shall knowingly or intentionally
49 utilize any commuter pass issued in accordance with this
50 section while operating other than a Class "A" motor
51 vehicle, as herein defined, at the U. S. Route 19 (Corridor

52 “L”) turnpike toll facility, or any other toll facility at or
53 upon which such pass may later be usable, shall be guilty
54 of a misdemeanor, and for every such offense shall, upon
55 conviction thereof, be punished in accordance with the
56 provisions of section seventeen, article sixteen-a of this
57 chapter; and the parkways authority shall hereafter be
58 authorized and empowered to cancel any such commuter
59 pass or passes improperly used in accordance with this
60 section;

61 (4) In addition to the annual report required by section
62 twenty-six of this article, the parkways authority will
63 prepare and deliver to the Governor, the Speaker of the
64 House of Delegates and the President of the Senate a
65 separate annual report of toll revenues collected from the
66 U. S. Route 19 (Corridor “L”) turnpike toll facility. The
67 report shall disclose separately the toll revenues generated
68 from regular traffic and the commuter pass created herein.
69 The reports shall include, but not be limited to, disclosing
70 separately the expenditure of said toll revenues generated
71 from the U. S. Route 19 (Corridor “L”) turnpike toll
72 facility including a description of the purposes for which
73 such toll revenues are expended;

74 (5) In the event any court of competent jurisdiction shall
75 issue an order which adjudges that any portion of subdivi-
76 sion (1), (2) or (3) subsection (a) of this section is illegal,
77 unconstitutional, unenforceable or in any manner invalid,
78 the parkways authority shall discontinue, remove and not
79 otherwise relocate the U. S. Route 19 (Corridor “L”)
80 turnpike toll facility within three hundred sixty-five days
81 after the date upon which said court order is final or all
82 appeals to said order have been exhausted;

83 (6) For the purpose of this section, a Class “A” vehicle
84 shall be defined as a motor vehicle of passenger type and
85 truck with a gross weight of not more than 8,000 pounds
86 and registered or eligible for registration as a Class “A”
87 vehicle in accordance with section one, article ten, chapter

88 seventeen-a of this code as the same is currently consti-
89 tuted; and

90 (7) Notwithstanding any other provisions of this code to
91 the contrary, the parkways authority may not promulgate
92 emergency rules in accordance with section fifteen, article
93 three, chapter twenty-nine-a of this code to increase or
94 decrease toll fees or the commuter pass fee established
95 herein.

96 (b) Nothing in this section is to be construed to apply to,
97 regulate, or in any manner affect the operation of the three
98 main line toll barriers and toll collection facilities cur-
99 rently located on the West Virginia Turnpike and operated
100 by the parkways authority as Barrier A, Barrier B and
101 Barrier C (I-64, I-77).

§17-16A-20. Parkway projects part of state road system.

1 It is hereby declared that any expressway, turnpike,
2 feeder road, state local service road or park and forest
3 road or other road, or any subsequent expressway, turn-
4 pike feeder road, state local service road, park and forest
5 road or other road constructed pursuant to this article
6 shall be a part of the state road system, although subject
7 to the provisions of this article and of any bonds or trust
8 agreements entered into pursuant thereto, and that the
9 construction of such parkway projects shall be considered
10 as developments of the state road system.

§17-16A-21. Parkway revenue refunding bonds—generally.

1 The parkways authority is hereby authorized to provide
2 by resolution for the issuance of parkway revenue refund-
3 ing bonds of the state for the purpose of refunding any
4 bonds then outstanding which shall have been issued
5 under the provisions of this article, including the payment
6 of any redemption premium thereon and any interest
7 accrued or to accrue to the date of redemption of such
8 bonds; and, if deemed advisable by the parkways author-
9 ity, for the additional purpose of constructing improve-

10 ments, extensions or enlargements of the project or
11 projects in connection with which the bonds to be re-
12 funded shall have been issued: *Provided*, That this section
13 shall not be construed as authorizing the issuance of
14 parkway revenue refunding bonds for the purpose of
15 refunding any bonds then outstanding which shall have
16 been issued under the provisions of this article, or any
17 predecessor thereof, in connection with the construction of
18 the West Virginia Turnpike, which revenue refunding
19 bonds may be issued only as authorized under section
20 twenty-two of this article. The issuance of such bonds, the
21 maturities and other details thereof, the rights of the
22 holders thereof and the rights, duties and obligations of
23 the parkways authority in respect of the same shall be
24 governed by the provisions of this article insofar as the
25 same may be applicable. After the effective date of the
26 amendments to this article enacted by the Legislature
27 during the regular session in two thousand six, no issuance
28 of a refunding bond may extend the maturity date of such
29 bond being refunded and may not exceed the outstanding
30 principal of such bond being refunded. Any refunding
31 bond issued after the effective date of the amendments to
32 this article enacted by the Legislature during the regular
33 session in two thousand six shall be structured to provide
34 for approximately level annual debt service savings each
35 fiscal year through the final maturity or structured to
36 approximate the level of debt service that would have been
37 paid prior to the refunding, with a preponderance of the
38 savings being deferred toward eliminating or reducing the
39 most distant maturities. For purposes of this section, the
40 outstanding principal is to be determined as of the date on
41 which the revenue bond is refinanced.

**§17-16A-22. Parkway revenue refunding bonds—West Virginia
Turnpike.**

1 The parkways authority is hereby authorized to provide
2 by resolution for the issuance of parkway revenue refund-
3 ing bonds of the state in an aggregate principal amount

4 not to exceed sixty million dollars for the purpose of
5 refunding any bonds which shall have been issued under
6 this article, or any predecessor thereof, in connection with
7 the construction of the West Virginia Turnpike, including
8 the payment of any redemption premium thereon and any
9 interest accrued or to accrue to the date of redemption of
10 such bonds, and, to the extent permissible under federal
11 law and if deemed advisable by the parkways authority,
12 for repaying to the state all or any part of the state funds
13 used to upgrade the West Virginia Turnpike to federal
14 interstate standards: *Provided*, That any proceeds derived
15 from the issuance of such bonds which are used on any
16 parkway project other than the West Virginia Turnpike
17 must be used solely on parkway projects: (i) Which are
18 either connected to or intersect with the West Virginia
19 Turnpike and are within seventy-five air miles of said
20 turnpike as it exists on the first day of June, one thousand
21 nine hundred eighty-nine, or any subsequent expressway,
22 trunkline, turnpike, feeder road, state local service road or
23 park and forest road constructed pursuant to this article;
24 and (ii) which involve the upgrading or addition of inter-
25 changes, the construction of expressways or feeder roads,
26 or the upgrading or construction of information centers,
27 visitors' centers, rest stops or any combination thereof:
28 *Provided, however*, That none of the proceeds of the
29 issuance of parkway revenue refunding bonds issued under
30 this section shall be used to pay all or any part of the cost
31 of any economic development project. Except as otherwise
32 specifically provided in this section, the issuance of
33 parkway revenue refunding bonds pursuant to this section,
34 the maturities and other details thereof, the rights of the
35 holders thereof, and the rights, duties and obligations of
36 the parkways authority in respect of the same, shall be
37 governed by the provisions of this article insofar as the
38 same may be applicable.

39 After the effective date of the amendments to this article
40 enacted by the Legislature during the regular session in
41 two thousand six, no issuance of a refunding bond may

42 extend the maturity date of such bond being refunded and
43 may not exceed the outstanding principal of such bond
44 being refunded. Any refunding bond issued after the
45 effective date of the amendments to this article enacted by
46 the Legislature during the regular session in two thousand
47 six shall be structured to provide for approximately level
48 annual debt service savings each fiscal year through the
49 final maturity or structured to approximate the level of
50 debt service that would have been paid prior to the
51 refunding, with a preponderance of the savings being
52 deferred toward eliminating or reducing the most distant
53 maturities. For purposes of this section, the outstanding
54 principal is to be determined as of the date on which the
55 revenue bond is refinanced.

**§17-16A-29. Discount program for purchasers of West Virginia
EZ Pass transponders.**

1 (a) The parkways authority is hereby authorized to
2 create a discount program for purchasers of West Virginia
3 EZ Pass transponders: *Provided*, That prior to any in-
4 crease in any rates, tolls or charges along any portion of
5 the parkway, the parkways authority shall create a
6 discount program for purchasers of West Virginia EZ Pass
7 transponders. Any discount program created pursuant to
8 this section shall provide discounts for each class of motor
9 vehicles.

10 (b) The authority must provide public notice and hold
11 public hearings on any proposed discount program as
12 required in section thirteen-a of this article prior to
13 implementation of such program.

14 (c) For purposes of this section, a "West Virginia EZ Pass
15 transponder" means a device sold by the parkways author-
16 ity which allows the purchaser to attach the device to his
17 or her motor vehicle and travel through a Parkways toll
18 facility and be billed for such travel by the authority.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *5th*
Day of *April*, 2006.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 31 2006

Time 10:35 am