

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 738**

SENATORS MAYNARD AND PLYMALE, *original sponsors*

[Passed March 6, 2020; in effect 90 days from  
passage]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4:00

FILED

SB 738

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role,  
3 function, and duties of the commission; establishing criteria qualifications for the  
4 appointment of members; specifying duties; declaring the responsibilities of the  
5 Department of Commerce regarding the commission; providing for reimbursement of the  
6 expenses for members; and defining a quorum to conduct business.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. FLATWATER TRAIL COMMISSION.**

**§5B-9-1. Flatwater Trail Commission; members, appointment, and expenses.**

1 (a) The Flatwater Trail Commission is hereby created as an independent body corporate.  
2 It shall be a commission advisory to the secretary and to the Department of Commerce.

3 (b) The Flatwater Trail Commission shall consist of five members, who shall be residents  
4 and citizens of the state. The commission members shall be appointed by the Governor, by and  
5 with the advice and consent of the Senate. Throughout the operation of the commission, at least  
6 two of the members shall have knowledge of and experience with nonmotorized watercraft  
7 recreation, and at least two members shall have knowledge of and experience with motorized  
8 watercraft recreation. Each member shall serve a term of five years. Of the members first  
9 appointed, two shall be appointed for a term ending December 31, 2021, and one each for terms  
10 ending one, two, and three years thereafter. Commission members may be reappointed to  
11 additional terms.

12 (c) The chair of the Flatwater Trail Commission shall be appointed by the Governor from  
13 members then serving on the commission and serves at the will and pleasure of the Governor.

14 (d) It is the duty of the commission:

15 (1) To unify and coordinate efforts to develop and establish successful flatwater trails in  
16 this state;

17           (2) To standardize procedures, programs, research, and support for the development and  
18 establishment of flatwater trails;

19           (3) To disseminate information for the purpose of educating the public as to the existence  
20 and functions of the commission and as to the availability of state, federal, and nongovernmental  
21 resources and support for the development and establishment of flatwater trails; and

22           (4) To advise, consult, and cooperate with other offices of the Department of Commerce  
23 and other agencies of state government, and to receive assistance therefrom in the development  
24 of activities and programs of beneficial interest to water recreation and flatwater trails.

25           (e) The Department of Commerce shall assist the commission in its functions and  
26 operations, including, but not limited to, providing administrative, clerical, and technical support,  
27 publishing materials developed by the commission, and preparation of proposed legislation to  
28 further the purposes of the commission.

29           (f) Members of the Flatwater Trail Commission are not entitled to compensation for  
30 services performed as members. Each member is entitled to reimbursement for reasonable  
31 expenses incurred in the discharge of their official duties. All expenses incurred by members  
32 shall be paid in a manner consistent with guidelines of the Travel Management Office of the  
33 Department of Administration and are payable solely from the funds of the Department of  
34 Commerce or from funds appropriated for that purpose by the Legislature. Liability or obligation  
35 is not incurred by the commission beyond the extent to which moneys are available from funds of  
36 the authority or from the appropriations.

37           (g) Members shall meet at least quarterly as designated and scheduled by the chair. The  
38 presence of three members, in person or by real-time electronic communication, constitutes a  
39 quorum to conduct business at a meeting.

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

*Nancy R. Blumenthal*  
.....  
Chairman, Senate Committee

*Noel Francisco*  
.....  
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

*Jee Curran*  
.....  
Clerk of the Senate

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Michelle B. Cannichael*  
.....  
President of the Senate

*Les Young*  
.....  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4: 00

FILED

The within *is approved* this the *25<sup>th</sup>*.....  
Day of *March*....., 2020.

*James E. Cantor*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2020

Time 9:50am