

HB 2854

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WEST VIRGINIA LEGISLATURE

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REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2854

(By Delegate s Boggs, Stemple, Leggett and Border)



Passed _____ April 12, _____ 1997

In Effect _____ From _____ Passage

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OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARIAT OF THE STATE

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H. B. 2854

(BY DELEGATES BOGGS, STEMPLE, LEGGETT AND BORDER)

[Passed April 12, 1997; in effect from passage.]

AN ACT to establish the Little Kanawha River Parkway Authority; functions; members; appointment; powers and duties; officers; bylaws and rules; compensation and expenses; authority as corporate body; and severability.

Be it enacted by the Legislature of West Virginia:

WEST VIRGINIA LITTLE KANAWHA RIVER PARKWAY AUTHORITY.

§1. Highway authority created; purpose.

1 There is hereby created the Little Kanawha River
2 Parkway Authority, to promote and advance the
3 construction of a modern highway through Wirt, Braxton,
4 Gilmer, Calhoun and Wood counties, to be known as the
5 Little Kanawha River Parkway Authority and to coordinate
6 with counties, municipalities, state and federal agencies,
7 public nonprofit corporations, private corporations, as-
8 sociations, partnerships and individuals for the purpose of
9 planning, assisting and establishing recreational, tourism,
10 industrial, economic and community development of the
11 Little Kanawha River Parkway for the benefit of West
12 Virginians.

§2. Members; appointment; officers.

1 (a) The authority consists of fifteen voting members
2 and three ex officio nonvoting members. All members

3 shall be appointed before the first day of July, one
4 thousand nine hundred ninety-seven.

5 (b) Each of the county commissions of the counties
6 of Wirt, Gilmer, Calhoun, Braxton and Wood shall appoint
7 three voting members to the authority. The terms of the
8 voting members initially appointed by a county
9 commission are as follows: One member from each
10 county shall be appointed for a term of one year, one
11 member from each county shall be appointed for a term
12 of two years and the rest of the members shall be
13 appointed for a term of four years. All successive
14 appointments shall be for a term of four years. Any
15 voting member may be removed for cause by the
16 appointing county commission.

17 (c) The three ex officio nonvoting members are the
18 commissioner of highways or designee, the director of
19 natural resources or designee and the executive director of
20 the West Virginia development office or designee.

21 (d) Should a vacancy occur, the person appointed to
22 fill the vacancy shall serve only for the unexpired portion
23 thereof. All members are eligible for reappointment.

24 (e) The authority shall meet annually on the third
25 Monday in July and at such other times designated by the
26 authority in its bylaws. A special meeting may be called
27 by the president, the secretary or any two members of the
28 authority and may be held only after all members are
29 given notice of the meeting in writing. Eight voting
30 members constitute a quorum for all meetings. At each
31 annual meeting of the authority, it shall elect a president,
32 vice president, secretary and treasurer. The authority shall
33 adopt bylaws and rules as may be necessary for its
34 operation and management.

§3. Powers.

1 The authority has all, but only those powers
2 necessary, incidental, convenient and advisable for the
3 following purposes:

4 (1) The promotion of economic development and
5 tourism along Little Kanawha River Parkway;

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

9 (3) Otherwise acting in an advisory capacity with
10 regard to any aspects of the Little Kanawha River Parkway
11 and West Virginia routes between Burnsville and Elizabeth
12 into Mineral Wells at the request of or without the request
13 of any governmental entity or private person or entity.

14 The authority may not own any of the real estate or
15 real property herein described for development and may
16 not be responsible for operating or maintaining the
17 highway.

§4. Compensation.

1 Each voting member of the authority shall receive
2 compensation and expense reimbursement from the
3 governing body which appointed the member in an
4 amount to be fixed by the governing body, not to exceed
5 the same compensation and expense reimbursement as is
6 paid to members of the Legislature for their interim duties
7 as recommended by the citizens legislative compensation
8 commission and authorized by law, for each day or
9 substantial portion thereof engaged in the performance of
10 official duties.

§5. Body corporate.

1 The authority hereby created shall be a public
2 corporation and as such it may contract and be contracted
3 with, sue and be sued, plead and be impleaded and may
4 have and use a corporate seal.

§6. Severability.

1 If any provision hereof is held invalid, the invalidity
2 may not affect other provisions hereof which can be given
3 effect without the invalid provision, and to this end the
4 provisions of this Act are severable.

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

Randy Sheonover
Chairman Senate Committee

Mike Fantassi
Chairman House Committee

Originating in the House.

Takes effect from passage.

Carroll E. Adams
Clerk of the Senate

Gregory M. Bony
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 7th
day of May, 1997.

[Signature]
Governor

PRESENTED TO :

GOVERNOR

Date 5/1/97

Time 3:01 pm