

RECEIVED

97 APR -9 PM 4: 23

OFFICE OF THE CLERK
WEST VIRGINIA LEGISLATURE
SUNNYVALE CENTER
CHARLESTON, WEST VIRGINIA 25304

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

SENATE BILL NO. 86

*ORIGINATING IN THE COMMITTEE ON
(By Senator GOVERNMENT ORGANIZATION)*



PASSED MARCH 27, 1997

In Effect NINETY DAYS FROM Passage

RECEIVED
97 APR -9 10 4:30
OFFICE OF THE CLERK
LEGISLATIVE DEPARTMENT

ENROLLED

Senate Bill No. 86

(ORIGINATING IN THE COMMITTEE ON
GOVERNMENT ORGANIZATION.)

[Passed March 27, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the West Virginia parkways, economic development and tourism authority until the first day of July, one thousand nine hundred ninety-eight.

Be it enacted by the Legislature of West Virginia:

That section three, article sixteen-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§17-16A-3. Dissolution and termination of West Virginia turnpike commission; West Virginia parkways, economic development and tourism authority generally.

1 On and after the first day of June, one thousand nine
2 hundred eighty-nine, the West Virginia turnpike commis-
3 sion is hereby abolished in all respects, and there is hereby
4 created the "West Virginia Parkways, Economic Develop-
5 ment and Tourism Authority", and by that name the
6 parkways authority may sue and be sued and plead and be
7 impleaded. The parkways authority is hereby constituted
8 an agency of the state, and the exercise by the parkways
9 authority of the powers conferred by this article in the
10 construction, reconstruction, improvement, operation and
11 maintenance of parkway, economic development and
12 tourism projects shall be deemed and held to be an
13 essential governmental function of the state.

14 The West Virginia parkways, economic development and
15 tourism authority shall consist of seven members, includ-
16 ing the transportation secretary, who shall serve as
17 chairman of the parkways authority, and six members,
18 including no less than one from each of the counties which
19 have land bordering parkway projects, appointed by the
20 governor, by and with the advice and consent of the
21 Senate. The appointed members shall be residents of the
22 state, and shall have been qualified electors therein for a
23 period of at least one year next preceding their appoint-
24 ment. Upon the effective date of this legislation, the
25 governor shall forthwith appoint six members of the
26 parkways authority for staggered terms. The terms of the
27 parkways authority members first taking office on or after
28 the effective date of this legislation shall expire as desig-
29 nated by the governor at the time of the nomination, one
30 at the end of the first year, one at the end of the second
31 year, one at the end of the third year, one at the end of the
32 fifth year, one at the end of the sixth year and one at the
33 end of the seventh year, after the first day of June, one
34 thousand nine hundred eighty-nine. As these original
35 appointments expire, each subsequent appointment shall
36 be for a full eight-year term. Any member whose term has
37 expired shall serve until his successor has been duly
38 appointed and qualified. Any person appointed to fill a
39 vacancy shall serve only for the unexpired term. Any
40 member shall be eligible for reappointment. The term of
41 any person serving as a member of the West Virginia

42 turnpike commission immediately preceding the effective
43 date of this legislation shall cease and otherwise expire
44 upon such effective date: *Provided*, That any such mem-
45 ber shall be eligible for reappointment. Each appointed
46 member of the parkways authority before entering upon
47 his duties shall take an oath as provided by section five,
48 article IV of the constitution of the state of West Virginia.

49 The parkways authority shall elect one of the appointed
50 members as vice chairman, and shall also elect a secretary
51 and treasurer who need not be members of the parkways
52 authority. Four members of the parkways authority shall
53 constitute a quorum and the vote of a majority of mem-
54 bers present shall be necessary for any action taken by the
55 parkways authority. No vacancy in the membership of the
56 parkways authority shall impair the right of a quorum to
57 exercise all the rights and perform all the duties of the
58 parkways authority. The parkways authority shall meet
59 at least monthly and either the chairman or any four
60 members shall be empowered to call special meetings for
61 any purpose or purposes: *Provided*, That notice of any
62 such meeting shall be given to all members of the park-
63 ways authority not less than ten days prior to said special
64 meetings.

65 Before the issuance of any parkway revenue bonds or
66 revenue refunding bonds under the provisions of this
67 article, each appointed member of the parkways authority
68 shall execute a surety bond in the penal sum of twenty-
69 five thousand dollars and the secretary and treasurer shall
70 execute a surety bond in the penal sum of fifty thousand
71 dollars, each such surety bond to be conditioned upon the
72 faithful performance of the duties of his office, to be
73 executed by a surety company authorized to transact
74 business in the state of West Virginia as surety and to be
75 approved by the governor and filed in the office of the
76 secretary of state.

77 The members of the parkways authority shall not be
78 entitled to compensation for their services, but each
79 member shall be reimbursed for his actual expenses
80 necessarily incurred in the performance of his duties. All
81 expenses incurred in carrying out the provisions of this

82 article shall be payable solely from funds provided under
83 the authority of this article and no liability or obligation
84 shall be incurred by the parkways authority hereunder
85 beyond the extent to which moneys shall have been
86 provided under the authority of this article.

87 Pursuant to the provisions of article ten, chapter four of
88 this code, the West Virginia parkways, economic develop-
89 ment and tourism authority shall continue to exist until
90 the first day of July, one thousand nine hundred
91 ninety-nine.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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

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

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

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

The within *is approved* this the *9th*
day of *April*, 1997.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/7/97

Time

3:57 pm