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WEST VIRGINIA LEGISLATURE

Regular Session, 2003

ENROLLED

Committee Substitute for
SENATE BILL NO. 404

(By Senator Facemyer, et al)

PASSED March 8, 2003

In Effect ninety days from **Passage**

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 404

(By SENATORS FACEMYER, SMITH, MINARD, SHARPE, EDGELL,
BOLEY, DEEM AND KESSLER, *original sponsors*)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to establish the blue and gray intermodal highway authority; functions; members; appointment; powers and duties; officers; bylaws; rules; compensation; and authority as corporate body.

Be it enacted by the Legislature of West Virginia:

BLUE AND GRAY INTERMODAL HIGHWAY AUTHORITY.

§1. Intermodal highway authority created; functions.

- 1 There is created a blue and gray intermodal highway
- 2 authority, to promote and advance the construction of a
- 3 modern highway which would connect Interstate 79 and
- 4 Interstate 77. The highway must travel through Jackson,

5 Roane, Calhoun, Gilmer, Braxton and Lewis counties. The
6 authority shall coordinate with counties, municipalities,
7 state and federal agencies, public nonprofit corporations,
8 private corporations, associations, partnerships and
9 individuals for the purpose of planning, assisting and
10 establishing recreational, tourism, industrial, economic
11 and community development of the blue and gray
12 intermodal highway for the benefit of the region and all
13 West Virginians.

§2. Members; appointment; officers; bylaws; rules; compensation.

1 (a) The authority shall consist of twelve voting members
2 and two ex officio nonvoting members. All members shall
3 be appointed before the first day of July, two thousand
4 three.

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

15 (c) The two ex officio nonvoting members are the
16 commissioner of highways or his or her designee and the
17 executive director of the West Virginia development office
18 or his or her designee. All terms of ex officio nonvoting
19 members are for four years.

20 (d) If a vacancy occurs, the person appointed to fill the
21 vacancy shall serve only for the unexpired portion of the
22 term. All members are eligible for reappointment.

23 (e) The authority shall meet annually on the third
24 Monday in July and at other times that the authority

25 designates in its bylaws. A special meeting may be called
26 by the president, the secretary or any four members of the
27 authority and may be held only after all members are
28 given notice of the meeting in writing. The presence of
29 seven voting members constitutes a quorum for all meet-
30 ings. At each annual meeting of the authority, the mem-
31 bers shall elect a president, secretary and treasurer. The
32 authority shall adopt bylaws and rules that are necessary
33 for its operation and management.

§3. Powers of authority.

1 The authority, as a public corporation and governmental
2 instrumentality exercising public powers of the state, may
3 exercise all powers necessary or appropriate to carry out
4 the purposes of this article, including, but not limited to,
5 the power to:

6 (1) Acquire, own, hold and dispose of property, real and
7 personal, tangible and intangible;

8 (2) Lease property, whether as lessee or lessor, and to
9 acquire or grant through easement, license or other
10 appropriate legal form the right to develop and use
11 property and open it to the use of the public;

12 (3) Sue and be sued;

13 (4) Adopt, use and alter a corporate seal;

14 (5) Promote economic development and tourism along
15 the blue and gray intermodal highway;

16 (6) Advocate actions consistent with its plan of economic
17 development and tourism or its provisions to or before any
18 governmental entity or any private person or entity;

19 (7) Otherwise act in an advisory capacity with regard to
20 any aspects of the blue and gray intermodal highway at
21 the request of or without the request of any governmental
22 entity or private person or entity;

23 (8) Zone property adjacent to the intermodal highway;

24 (9) Regulate advertising along the intermodal highway;
25 and

26 (10) Regulate the speed limit on the intermodal highway.

27 The authority may own any of the real estate or real
28 property described in this section for development and is
29 responsible for operating or maintaining the blue and gray
30 intermodal highway.

31 Each voting member of the authority shall be compen-
32 sated monthly by the governing body that appointed him
33 or her in an amount to be fixed by the governing body.

§4. Body corporate.

1 The authority created in this article is a public corpora-
2 tion with all the powers and duties of a public corporation.

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

Cary Mus
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel Palmer
.....
Clerk of the Senate

Gregg A. Boy
.....
Clerk of the House of Delegates

Carl Key Tomblin
.....
President of the Senate

Robert Stess
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2003.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/19/03

Time 4:30 p