

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013



ENROLLED

Senate Bill No. 561

(BY SENATORS WILLIAMS, UNGER, SYPOLT AND MILLER)

[PASSED APRIL 11, 2013; IN EFFECT FROM PASSAGE.]

E N R O L L E D

Senate Bill No. 561

(BY SENATORS WILLIAMS, UNGER, SYPOLT AND MILLER)

[Passed April 11, 2013; in effect from passage.]

AN ACT to establish the Tucker County Cultural District Authority; providing legislative findings; forming the Tucker County Cultural District Authority; providing for appointment of members; providing for organization and bylaws; requiring quarterly meetings; providing for quorum; authorizing proxy voting; providing for parliamentary procedure; providing for certain powers and duties of the board; establishing funding priorities; allowing public and private partnerships; granting certain specific authority to the president of the authority; requiring cooperation of state agencies; and allowing various municipalities, boards, commissions, agencies and others to assist the authority.

Be it enacted by the Legislature of West Virginia:

TUCKER COUNTY CULTURAL DISTRICT AUTHORITY.

§1. Legislative Intent.

1 The Legislature finds and declares that:

2 (1) The many and varied outdoor recreational activities
3 in Tucker County, West Virginia, have long been an
4 important element in a mature tourism industry for this state.

5 (2) The two great state parks at Blackwater Falls and
6 Canaan Valley, the Canaan Valley National Wildlife Refuge,
7 the Blackwater Canyon, the Monongahela National Forest
8 making up fifty percent of land in Tucker County, and the
9 towns of Parsons, Thomas, Davis, Hambleton and Hendricks,
10 are sources of pride to all West Virginians and mainstays of
11 the important tourism industry in this state.

12 (3) Tucker County, West Virginia, is the home to a
13 growing number of artists, artisans and patrons of the
14 performing arts. The burgeoning cultural tourism
15 opportunities offered by the performing arts compliment and
16 enhance the outdoor recreational activities already existing in
17 the area.

18 (4) There is strong community-based support in Tucker
19 County to encourage, develop and enhance the various
20 aspects of the cultural tourism component of the regional
21 economy. Opportunities exist to create, expand and
22 compliment areas of cultural, historical, archeological and
23 industrial heritage and educational interest in Tucker County.

24 (5) The creation of additional employment and
25 investment opportunities for the present and future residents
26 of Tucker County is a desirable goal.

§2. Tucker County Cultural District Authority established.

1 (a) The Tucker County Cultural District Authority is
2 established.

3 (b) The Tucker County Cultural District Authority
4 consists of seven members, all of whom must be citizens and
5 residents of Tucker County. One of the members shall be a
6 member of the Tucker County commission, and six members
7 shall be laypersons with a demonstrated interest in cultural

8 tourism in Tucker County, recommended by the Tucker
9 County Commission and appointed by the Governor.

10 (c) Initial appointments shall be staggered for one year,
11 two years and three years, divided equally or as nearly as
12 possible between these terms. After that, terms of
13 appointment shall be for four years. Lay members may be
14 appointed for successive terms. All members, unless
15 otherwise removed, serve until their terms expire or
16 successors have been appointed. A vacancy caused by the
17 death, resignation or removal of a member prior to the
18 expiration of his or her term shall be filled only for the
19 remainder of the unexpired term.

20 (d) The authority shall elect from its membership a
21 president, vice president, secretary and treasurer.

22 (e) The authority shall create bylaws that establish the
23 duties and obligations of the officers and members, including
24 those authorized by this act.

25 (f) No member of the authority may be paid for being a
26 member, nor may any member be reimbursed for any expense
27 related to his or her membership or travel for meetings.

§3. Meetings.

1 (a) The authority shall meet at a time and place
2 designated by the president at least quarterly or as otherwise
3 determined by the president. Additional meetings may be
4 held when called by the president or when requested in
5 writing by at least three members of the authority.

6 (b) Four members present at a meeting of the authority
7 is a quorum.

8 (c) Each member of the authority is entitled to one vote.
9 A member may assign his or her vote by written proxy.

10 (d) Robert's Rules of Order is the parliamentary guide
11 for the conduct of all meetings.

§4. General duties and powers.

1 (a) The Tucker County Cultural District Authority is
2 authorized to:

3 (1) Plan and execute an ongoing and continuous
4 program for the development and enhancement of artistic,
5 cultural, historical and recreational attractions that will
6 promote culture, education and tourism in Tucker County;

7 (2) Plan and execute a program for the restoration and
8 development of the Cottrill's Opera House in Thomas, West
9 Virginia, so as to preserve and enhance the building as a
10 significant cultural, historical and educational source of
11 importance in this state;

12 (3) Complete a comprehensive plan with a cost-benefit
13 analysis for the entire cultural district in Tucker County,
14 including, but not limited to, a large venue indoor/outdoor
15 multiple-use performance hall;

16 (4) Review all available funding sources and direct the
17 president to apply for any grants, allocations, gifts or other
18 sources of funding that may be used to further the goals of the
19 authority;

20 (5) Within the limit of available funds, from any source,
21 whether public or private:

22 (A) Apply the initial public funds received to the
23 completion of the Cottrill's Opera House in Thomas, West
24 Virginia, as the first and foremost priority of the authority;

25 (B) Award grants and stipends for the encouragement of
26 the arts in the public schools of Tucker County; and

27 (C) Award grants and stipends to individuals,
28 not-for-profit entities and other cooperatives for projects that
29 further the development of the arts in Tucker County;

30 (6) Perform other functions and employ individuals as
31 necessary to carry out the goals and purposes of the authority
32 as specified in this act;

33 (7) Own or operate, individually or in conjunction with
34 another public agency or private person, firm or corporation,
35 facilities and equipment considered necessary or convenient
36 for the implementation of the duties and goals of the
37 authority; and

38 (8) Report to the Tucker County commission on at least
39 an annual basis, or as requested by the commission, as to the
40 progress of any plan, program or objective of the authority.

41 (b) The president of the authority, with the advice and
42 written consent or authorization of the authority, is authorized
43 to:

44 (1) Apply for grants and other endowments in support of
45 the artistic, historical or educational programs in the cultural
46 district and the goals and objectives of the authority;

47 (2) Receive and disburse funds from governmental and
48 nongovernmental sources in furtherance of the goals and
49 objectives of the authority;

50 (3) Set up financial accounts as required and submit
51 financial reports quarterly to the authority;

52 (4) Make and execute contracts as authorized by the
53 authority; and

54 (5) Perform other duties as authorized by the authority
55 that are consistent with the goals and objectives of the
56 authority.

§5. Cooperation of state agencies.

1 (a) All state and local governmental personnel and
2 agencies shall cooperate to the fullest extent with the
3 authority to accomplish any plan, project or program
4 developed by the authority. Those agencies shall assist in the
5 effective development of cultural, historical, education and
6 recreational activities in Tucker County that will result in the
7 area becoming a significant area for tourism, culture and
8 education.

9 (b) Tucker County, the towns of Davis, Hambleton,
10 Hendricks, Parsons and Thomas and any other municipality
11 in the county, and any board, commission, authority, agency
12 or other office created under authority thereof, may, in its
13 discretion, engage in any activity or undertaking designed to
14 assist the authority in the proper and effective development
15 of the goals, plans, programs or projects of the authority
16 consistent with the guidelines provided in this act.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2013.

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Governor