

HB 2397

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STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



# ENROLLED

HOUSE BILL No. 2397

(By Delegate Michael, Doyle, Martin, Mezzatesta,  
Proudfoot, Collins and Williams )



Passed April 12, 1997

In Effect \_\_\_\_\_ From \_\_\_\_\_ Passage

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FOR  
**H. B. 2397**

(BY DELEGATES MICHAEL, DOYLE, MARTIN, MEZZATESTA,  
PROUDFOOT, COLLINS AND WILLIAMS)

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

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AN ACT to establish the Robert C. Byrd Corridor H Highway 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:*

**ROBERT C. BYRD CORRIDOR H HIGHWAY AUTHORITY.**

**§1. Highway authority created; purpose.**

1       There is hereby created the Robert C. Byrd Corridor  
2 H Highway Authority, to promote and advance the  
3 construction of a modern highway, to be known as the  
4 Robert C. Byrd Corridor H Highway, through Randolph,  
5 Tucker, Grant, Hardy, Barbour, Upshur and Lewis counties  
6 and to coordinate with counties, municipalities, state and  
7 federal agencies, public nonprofit corporations, private  
8 corporations, associations, partnerships and individuals for  
9 the purpose of planning, assisting and establishing  
10 recreational, tourism, industrial, economic and community  
11 development of the Robert C. Byrd Corridor H Highway  
12 for the benefit of West Virginians.

**§2. Members; appointment; officers.**

1 (a) The authority consists of twenty-one voting  
2 members and three ex officio nonvoting members. All  
3 members shall be appointed before the first day of July,  
4 one thousand nine hundred ninety-seven.

5 (b) Each of the county commissions of the counties of  
6 Randolph, Tucker, Grant, Hardy, Barbour, Upshur and  
7 Lewis shall appoint three voting members to the authority.  
8 The terms of the voting members initially appointed by a  
9 county commission are as follows: One member from  
10 each 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. Eleven 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 necessary,  
2 incidental, convenient and advisable for the following  
3 purposes:

4 (1) The promotion of economic development and  
5 tourism along Robert C. Byrd Corridor H Highway;

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 Robert C. Byrd Corridor H  
11 Highway at the request of or without the request of any  
12 governmental entity or private person or entity.

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

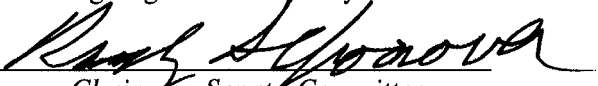
**§5. Body corporate.**

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

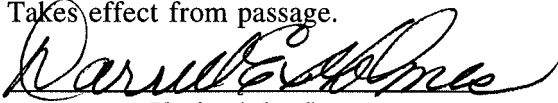
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

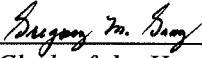
  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

Takes effect from passage.

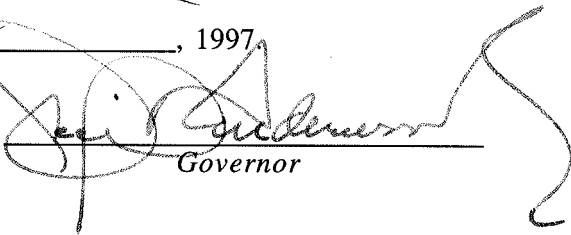
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 2nd  
day of May, 1997

  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/29/97

Time 2:50 pm