

1 **COMMITTEE SUBSTITUTE**

2 **for**

3 **H. B. 2227**

4 (By Delegates L. Phillips, Eldridge, Gearheart, Moffatt, J. Nelson,
5 H. White, Guthrie, Rowe, Marcum, Perdue and Hornbuckle)
6

7 (Originating in the Committee on Government Organization)

8 (January 26, 2015)
9

10 A BILL to repeal §29-28-1, §29-28-2, §29-28-3, §29-28-4, §29-28-5, §29-28-6, §29-28-7, §29-28-8,
11 §29-28-9, §29-28-10, §29-28-11, §29-28-12, and §29-28-13 of the Code of West Virginia,
12 1931, as amended; and to amend and reenact §29-27-1, §29-27-2, §29-27-3, §29-27-4, and
13 §29-27-6 of said code, all relating to the National Coal Heritage Area Authority; adding
14 Lincoln and Kanawha counties as member counties; increasing number of authority board
15 members; adding ex-officio non-voting member to the authority board from Marion County;
16 adding working in member counties to qualifications of appointed members; providing for
17 county commissions of member counties to recommend three nominees to Governor;
18 providing for the Secretary of Education and the Arts to recommend three nominees for
19 chairperson to Governor; creating a standing committee; establishing standing committee
20 responsibilities; repealing article relating to the Coal Heritage Highway Authority; and
21 transferring all assets and responsibilities of the Coal Heritage Highway Authority to the
22 National Coal Heritage Area Authority.

23 *Be it enacted by the Legislature of West Virginia:*

1 That §29-28-1, §29-28-2, §29-28-3, §29-28-4, §29-28-5, §29-28-6, §29-28-7,§29-28-8,
2 §29-28-9, §29-28-10, §29-28-11, §29-28-12, and §29-28-13 of the Code of West Virginia, 1931, as
3 amended, be repealed; and that §29-27-1, §29-27-2, §29-27-3, §29-27-4, and §29-27-6 of said code
4 be amended and reenacted to read as follows:

5 **ARTICLE 27. NATIONAL COAL HERITAGE AREA AUTHORITY.**

6 **§29-27-1. Legislative findings.**

7 The West Virginia Legislature finds that there is a significant need for a public body to
8 promote and enhance historic preservation, tourism and economic development activities that relate
9 to the state's history as a coal producing state within the counties of Boone, Cabell, Fayette, Lincoln,
10 Logan, Kanawha, Marion, McDowell, Mercer, Mingo, Raleigh, Summers, Wayne and Wyoming.

11 The Legislature further finds that the creation and empowering of a statutory corporation to
12 work with the landowners, county officials and community leaders, state and federal government
13 agencies, and other interested parties to enable and facilitate the development of the national coal
14 heritage area will greatly assist in the realization of these potential benefits.

15 **§29-27-2. Definitions.**

16 Unless the context clearly requires a different meaning, the terms used in this article have the
17 following meanings:

18 (a) "Authority" means the national coal heritage area authority;

19 (b) "Board" means the board of the national coal heritage area authority; and

20 (c) "National coal heritage area" means and is comprised of the counties of Boone, Cabell,
21 Fayette, Lincoln, Logan, Kanawha, McDowell, Mercer, Mingo, Raleigh, Summers, Wayne and
22 Wyoming.

1 **§29-27-3. Creation; appointment of board; terms; expenses; executive director.**

2 (a) There is hereby created the "national coal heritage area authority" which is a public
3 corporation and a government instrumentality existing for the purposes of providing direction to and
4 assistance with state and federal historic preservation, economic development, and tourism projects
5 in the national coal heritage area and aiding in the development and implementation of integrated
6 cultural, historical, and land resource management policies and programs in order to retain, enhance,
7 and interpret the significant values of the lands, waters and structures in the national coal heritage
8 area.

9 (b) The authority board shall be comprised of ~~seventeen~~ twenty members. The following six
10 persons shall be nonvoting members and shall serve by virtue of their offices and may be represented
11 at meetings of the board by designees: The secretary of the Department of Education and the arts,
12 the commissioner of the bureau of the environment, the commissioner of the Division of Tourism,
13 the commissioner of the Division of Culture and History, the director of the Division of Natural
14 Resources and the executive director of the West Virginia Development Office. The remaining
15 ~~eleven~~ fourteen members shall be appointed for terms of four years by the Governor with the advice
16 and consent of the Senate. The county commission of each of the county within the National Coal
17 Heritage Area may submit to the Governor a list of three candidates to be considered for Board
18 appointment. Of the ~~eleven~~ fourteen members appointed by the Governor, one member must reside
19 or work in Boone County; one member must reside or work in Cabell County; one member must
20 reside or work in Fayette County; one member must reside or work in Lincoln County; one member
21 must reside or work in Logan County; one member must reside or work in Kanawha county; one
22 member must reside or work in Marion county: *Provided*, That this member shall be an ex-officio

1 non-voting member; one member must reside or work in McDowell County; one member must
2 reside or work in Mercer County; one member must reside or work in Mingo County; one member
3 must reside or work in Raleigh County; one member must reside or work in Summers County; one
4 member must reside or work in Wayne County; one member must reside or work in Wyoming
5 County; and the appointees must be representative of the tourism industry, the coal industry, the
6 united mine workers of America, economic development activity, historic preservation activity ~~and~~
7 or higher education.

8 (c) ~~Of the eleven members first appointed to the board, two shall be appointed for a term~~
9 ~~ending June 30, 2003, and three members for terms ending one, two and three years thereafter as the~~
10 ~~Governor shall designate at the time of the appointments. Thereafter,~~ The terms of office shall be
11 four years and shall expire on June 30. No appointed member may serve more than two consecutive
12 full terms. A member shall continue to serve until his or her successor has been appointed and
13 qualified.

14 (d) If an appointed member is unable to complete a term, the Governor shall appoint a person
15 to complete the unexpired term. Each vacancy occurring on the board must be filled within sixty
16 days after the vacancy is created.

17 (e) Any appointed member of the board shall immediately and automatically forfeit his or
18 her membership on the board if he or she becomes a nonresident of the county, or ceases to be
19 employed in that county, from which he or she was appointed.

20 (f) Each member of the board shall serve without compensation, but shall receive expense
21 reimbursement for all reasonable and necessary expenses actually incurred in the performance of the
22 duties of the office, in the same amount paid to members of the Legislature for their interim duties

1 as recommended by the citizens legislative compensation commission and authorized by law:
2 *Provided*, That no member ~~shall~~ may be reimbursed for expenses paid by a third party.

3 (g) The board shall appoint an executive director to act as its chief executive officer, to serve
4 at the will and pleasure of the board. The board, acting through its executive director, may employ
5 any other personnel considered necessary and may appoint staff for the authority and retain such
6 temporary consultants or technicians as may be required for any special study or survey consistent
7 with the provisions of this article. The executive director shall carry out plans to implement the
8 provisions of this article and to exercise those powers. The executive director shall prepare annually
9 a budget to be submitted to the board for its review and approval.

10 **§29-27-4. Board; quorum; chairperson; bylaws.**

11 (a) The board is the governing body of the authority and the board shall exercise all the
12 powers given the authority in this article.

13 (b) A chairperson shall be appointed by and shall serve at the will and pleasure of the
14 Governor, with the advice and consent of the Senate. The Secretary of Education and the Arts may
15 submit to the Governor a list of three candidates to be considered for chairperson appointment. The
16 authority shall meet at such times as shall be specified by the chairperson, but in no case less than
17 once each three months. Notice of the meeting must be given in accordance with the provisions of
18 section three, article nine-a, chapter six of this code. A majority of the members may also call a
19 meeting upon such notice as provided in this section. ~~Six~~ A majority of seven appointed members
20 shall constitute a quorum for the transaction of business. The chairperson of the board shall appoint
21 from the membership of the authority certain members to serve as secretary and as treasurer.

22 (c) There shall be a standing committee of the National Coal Heritage Area Authority known

1 as the “Coal Heritage Trail Committee” comprised of the chairperson and members of the national
2 coal heritage area from the counties that the Coal Heritage Trail passes through. These counties are
3 Mercer, McDowell, Wyoming, Raleigh and Fayette. This standing committee shall be responsible
4 for making recommendations to the full board regarding development and promotion of the Coal
5 Heritage Trail, a national scenic byway.

6 (c) (d) The board shall prescribe, amend and repeal bylaws and rules governing the manner
7 in which the business of the authority is conducted, shall keep a record of its proceedings, and shall
8 review and approve an annual budget.

9 **§29-27-6. Continuation of legal obligations.**

10 Nothing in this article ~~shall~~ may be considered as superseding, amending, modifying or
11 repealing any contract or agreement entered into for the benefit of the national coal heritage area
12 prior to the date of enactment of this article. All obligations, contracts, grants and assets currently
13 belonging to the Coal Heritage Highway Authority shall be transferred to and become the
14 responsibility and property of the National Coal Heritage Area Authority.