

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **for**

4 **H. B. 2227**

5 (By Delegates L. Phillips, Eldridge, Gearheart, Moffatt, J. Nelson,
6 H. White, Guthrie, Rowe, Marcum, Perdue and Hornbuckle)
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8 [Passed February 11, 2015; in effect ninety days from passage.]
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11 AN ACT to repeal §29-28-1, §29-28-2, §29-28-3, §29-28-4, §29-28-5, §29-28-6,
12 §29-28-7, §29-28-8, §29-28-9, §29-28-10, §29-28-11, §29-28-12, and §29-28-13 of the Code
13 of West Virginia, 1931, as amended; and to amend and reenact §29-27-1, §29-27-2,
14 §29-27-3, §29-27-4, and §29-27-6 of said code, all relating to the National Coal Heritage
15 Area Authority; adding Lincoln and Kanawha counties as member counties; increasing
16 number of authority board members; adding ex-officio non-voting member to the authority
17 board from Marion County; adding working in member counties to qualifications of
18 appointed members; providing for county commissions of member counties to recommend
19 three nominees to Governor; providing for the Secretary of Education and the Arts to
20 recommend three nominees for chairperson to Governor; creating a standing committee;
21 establishing standing committee responsibilities; repealing article relating to the Coal
22 Heritage Highway Authority; and transferring all assets and responsibilities of the Coal
23 Heritage Highway Authority to the National Coal Heritage Area Authority.

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

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4 amended, be repealed; and that §29-27-1, §29-27-2, §29-27-3, §29-27-4, and §29-27-6 of said code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

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

7 **§29-27-1. Legislative findings.**

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

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

16 **§29-27-2. Definitions.**

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

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

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

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

1 Wyoming.

2 **§29-27-3. Creation; appointment of board; terms; expenses; executive director.**

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

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

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

8 (c) The terms of office shall be four years and shall expire on June 30. No appointed member
9 may serve more than two consecutive full terms. A member shall continue to serve until his or her
10 successor has been appointed and qualified.

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

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

17 (f) Each member of the board shall serve without compensation, but shall receive expense
18 reimbursement for all reasonable and necessary expenses actually incurred in the performance of the
19 duties of the office, in the same amount paid to members of the Legislature for their interim duties
20 as recommended by the citizens legislative compensation commission and authorized by law:
21 *Provided*, That no member may be reimbursed for expenses paid by a third party.

22 (g) The board shall appoint an executive director to act as its chief executive officer, to serve

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

7 **§29-27-4. Board; quorum; chairperson; bylaws.**

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

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

19 (c) There shall be a standing committee of the National Coal Heritage Area Authority known
20 as the “Coal Heritage Trail Committee” comprised of the chairperson and members of the national
21 coal heritage area from the counties that the Coal Heritage Trail passes through. These counties are
22 Mercer, McDowell, Wyoming, Raleigh and Fayette. This standing committee shall be responsible

1 for making recommendations to the full board regarding development and promotion of the Coal
2 Heritage Trail, a national scenic byway.

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

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

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