

COMMITTEE SUBSTITUTE

for

**H. B. 2227**

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(BY DELEGATES L. PHILLIPS, ELDRIDGE, GEARHEART,  
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PERDUE AND HORNBUCKLE)

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(Originating in the Committee on Government Organization)  
(January 26, 2015)

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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, §29-28-9, §29-28-10, §29-28-11, §29-28-12, and §29-28-13 of the Code of West Virginia, 1931, as amended; and to amend and reenact §29-27-1, §29-27-2, §29-27-3, §29-27-4, and §29-27-6 of said code, all relating to the National Coal Heritage Area Authority; adding Lincoln and Kanawha counties as member counties; increasing number of authority board members; adding ex-officio non-voting member to the authority

board from Marion County; adding working in member counties to qualifications of appointed members; providing for county commissions of member counties to recommend three nominees to Governor; providing for the Secretary of Education and the Arts to recommend three nominees for chairperson to Governor; creating a standing committee; establishing standing committee responsibilities; repealing article relating to the Coal Heritage Highway Authority; and transferring all assets and responsibilities of the Coal Heritage Highway Authority to the National Coal Heritage Area Authority.

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

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§29-28-8, §29-28-9, §29-28-10, §29-28-11, §29-28-12, and §29-28-13 of the Code of West Virginia, 1931, as amended, be repealed; and that §29-27-1, §29-27-2, §29-27-3, §29-27-4, and §29-27-6 of said code be amended and reenacted to read as follows:

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

**§29-27-1. Legislative findings.**

- 1 The West Virginia Legislature finds that there is a
- 2 significant need for a public body to promote and enhance

3 historic preservation, tourism and economic development  
4 activities that relate to the state's history as a coal producing  
5 state within the counties of Boone, Cabell, Fayette, Lincoln,  
6 Logan, Kanawha, Marion, McDowell, Mercer, Mingo, Raleigh,  
7 Summers, Wayne and Wyoming.

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

**§29-27-2. Definitions.**

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

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

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

7 (c) “National coal heritage area” means and is comprised of  
8 the counties of Boone, Cabell, Fayette, Lincoln, Logan,  
9 Kanawha, McDowell, Mercer, Mingo, Raleigh, Summers,  
10 Wayne and Wyoming.

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

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

11 (b) The authority board shall be comprised of ~~seventeen~~  
12 twenty members. The following six persons shall be non-voting  
13 members and shall serve by virtue of their offices and may be  
14 represented at meetings of the board by designees: The secretary

15 of the Department of Education and the Arts, the commissioner  
16 of the bureau of the environment, the commissioner of the  
17 Division of Tourism, the commissioner of the Division of  
18 Culture and History, the director of the Division of Natural  
19 Resources and the executive director of the West Virginia  
20 Development Office. The remaining ~~eleven~~ fourteen members  
21 shall be appointed for terms of four years by the Governor with  
22 the advice and consent of the Senate. The county commission of  
23 each of the county within the National Coal Heritage Area may  
24 submit to the Governor a list of three candidates to be considered  
25 for Board appointment. Of the ~~eleven~~ fourteen members  
26 appointed by the Governor, one member must reside or work in  
27 Boone County; one member must reside or work in Cabell  
28 County; one member must reside or work in Fayette County; one  
29 member must reside or work in Lincoln County; one member  
30 must reside or work in Logan County; one member must reside  
31 or work in Kanawha county; one member must reside or work in  
32 Marion county: *Provided*, That this member shall be an ex-  
33 officio non-voting member; one member must reside or work in  
34 McDowell County; one member must reside or work in Mercer

35 County; one member must reside or work in Mingo County; one  
36 member must reside or work in Raleigh County; one member  
37 must reside or work in Summers County; one member must  
38 reside or work in Wayne County; one member must reside or  
39 work in Wyoming County; and the appointees must be  
40 representative of the tourism industry, the coal industry, the  
41 united mine workers of America, economic development  
42 activity, historic preservation activity ~~and~~ or higher education.

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

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

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

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

67 (g) The board shall appoint an executive director to act as its  
68 chief executive officer, to serve at the will and pleasure of the  
69 board. The board, acting through its executive director, may  
70 employ any other personnel considered necessary and may  
71 appoint staff for the authority and retain such temporary  
72 consultants or technicians as may be required for any special  
73 study or survey consistent with the provisions of this article. The  
74 executive director shall carry out plans to implement the

75 provisions of this article and to exercise those powers. The  
76 executive director shall prepare annually a budget to be  
77 submitted to the board for its review and approval.

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

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

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

16 board shall appoint from the membership of the authority certain  
17 members to serve as secretary and as treasurer.

18 (c) There shall be a standing committee of the National Coal  
19 Heritage Area Authority known as the “Coal Heritage Trail  
20 Committee” comprised of the chairperson and members of the  
21 national coal heritage area from the counties that the Coal  
22 Heritage Trail passes through. These counties are Mercer,  
23 McDowell, Wyoming, Raleigh and Fayette. This standing  
24 committee shall be responsible for making recommendations to  
25 the full board regarding development and promotion of the Coal  
26 Heritage Trail, a national scenic byway.

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

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

1 Nothing in this article ~~shall~~ may be considered as  
2 superseding, amending, modifying or repealing any contract or  
3 agreement entered into for the benefit of the national coal  
4 heritage area prior to the date of enactment of this article. All

5 obligations, contracts, grants and assets currently belonging to  
6 the Coal Heritage Highway Authority shall be transferred to and  
7 become the responsibility and property of the National Coal  
8 Heritage Area Authority.



