

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 332

BY SENATORS MAYNARD, PLYMALE AND STOLLINGS

[Originating in the Committee on Transportation and

Infrastructure; reported on February 17, 2016]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6 and §17-29-7,
3 all relating to entering into Interstate 73 Compact; entering into an agreement with five
4 other states to develop and promote a plan for the design, construction, financing and
5 operation of Interstate 73 corridor; designating certain officials to participate in an
6 interstate commission to carry out the purposes of the compact; establishing composition,
7 powers and duties of the commission; authorizing funding for commission operations;
8 authorizing legislators to receive compensation and expense reimbursement for activities
9 related to membership on the commission; designating agency staff to support
10 commission activities; and establishing terms of withdrawal from the compact.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §17-29-1, §17-29-2, §17-29-3, §17-29-4, §17-29-5, §17-29-6 and §17-29-7, all
3 to read as follows:

ARTICLE 29. INTERSTATE 73 TRANSPORTATION COMPACT.

§17-29-1. Short title.

1 This article shall be known and may be cited as the “Interstate 73 Transportation
2 Compact.”

§17-29-2. Agreement.

1 The State of West Virginia may enter into an agreement with one or more signatory states
2 and, upon adoption of this compact, agree as follows:

3 (1) To study, develop, and promote a plan for the design, construction, financing, and
4 operation of the Interstate 73 corridor through the State of West Virginia and the states of South
5 Carolina, North Carolina, Virginia, Ohio, and Michigan;

6 (2) To coordinate efforts to establish a common legal framework in all the signatory states
7 to authorize and facilitate design, construction, financing, and operation of the Interstate 73

8 corridor;

9 (3) To advocate for federal funding to support the establishment of the Interstate 73

10 corridor;

11 (4) To make available to the Interstate 73 corridor project funding and resources that are
12 or may be appropriated and allocated for that purpose; and

13 (5) To do all things necessary or convenient to facilitate and coordinate the design,
14 construction, financing, and operation of the Interstate 73 corridor to the extent that such plans
15 and programs are not inconsistent with federal law and the laws of the state or other signatory
16 states.

§17-29-3. Compact Commission Established; Membership; Chairman; Meetings; and Report.

1 (a) Each signatory state shall select members to serve on an interstate compact
2 commission (the commission). The members of the commission shall be empowered to carry out
3 the purposes of this compact in their respective signatory state.

4 (b) The commission shall consist of nine members from each signatory state to be
5 appointed as follows:

6 (1) From West Virginia, there shall be appointed to the commission:

7 (A) Two members of the Senate, one from each political party, to be appointed by the
8 Senate President;

9 (B) Two members of the House of Delegates, one from each political party, to be appointed
10 by the Speaker of the House in accordance with principles of proportional geographic
11 representation;

12 (C) The Cabinet Secretary for the Department of Transportation, or his or her designee;

13 (D) A representative from the Division of Highways, to be appointed by the Governor;

14 (E) The Governor, or his or her designee; and

15 (F) Two members of the public at large, to be appointed by the Governor;

16 (2) Members of the West Virginia delegation to the commission shall serve terms
17 coincident with their terms of office and may be reappointed; and

18 (3) From each other signatory state, seven members are to be appointed pursuant to the
19 laws of the signatory state.

20 (c) The chairman of the commission shall be elected by the members of the commission
21 from among its membership. The chairman shall serve for a term of one year, and the
22 chairmanship shall rotate among the signatory states.

23 (d) The commission shall meet not less than twice annually; however, the commission
24 shall not meet more than once annually in the same state. The commission shall issue an annual
25 report of its activities to the Governor and Legislature of each signatory state.

§17-29-4. Powers and Duties of the Commission.

1 In order to carry out the purposes of this compact, the commission shall be authorized to
2 or may authorize a private entity to fix and revise a schedule of toll rates and to collect such tolls
3 to provide for the design, acquisition, construction, reconstruction, operation, and maintenance of
4 any Interstate 73 transportation project undertaken by the signatory states in accordance with
5 applicable state and federal laws and as approved by the commission and the Legislature of the
6 signatory state in which such toll is to be collected.

§17-29-5. Funding and Compensation.

1 (a) The commission may utilize for its operation and expenses funds appropriated to it for
2 such purposes by the state and the Legislatures of the other signatory states, federal funds, and
3 revenues collected for the use of any project approved by the commission.

4 (b) Legislative members of the West Virginia delegation to the commission shall receive
5 such compensation and shall be reimbursed for reasonable and necessary expenses incurred in
6 the performance of their duties, as provided in article two-a, chapter four of this code. However,
7 all such compensation and expenses shall be paid from existing appropriations, federal funds, or
8 other revenues collected for the use of any project approved by the commission. Members of the

9 commission representing other signatory states shall receive compensation and reimbursement
10 of expenses incurred in the performance of their duties to the commission in accordance with the
11 applicable laws of the respective signatory states.

§17-29-6. Staff Support.

1 The West Virginia Department of Transportation and the appropriate transportation
2 agencies of the other signatory states shall provide staff support to the commission.

§17-29-7. Withdrawal.

1 (a) The Compact shall continue in force and remain binding on each state enacting it until
2 the Legislature or the Governor of such state withdraws therefrom by giving written notice to the
3 other parties. Such action shall be effective six months after notice thereof has been sent by the
4 Legislature or the Governor of the state desiring to withdraw to the Governor of all states then
5 parties to the Compact.

6 (b) The Compact may be amended by the concurrent action of the parties hereto.

NOTE: The purpose of this bill is to enter into the Interstate 73 Compact; to enter into an agreement with five other states to develop and promote a plan for the design, construction, financing, and operation of the Interstate 73 corridor; to designate certain officials to participate in an interstate commission to carry out the purposes of the compact; to establish the composition, powers and duties of the commission; to authorize funding for commission operations; to authorize legislators to receive compensation and expense reimbursement for activities related to membership on the commission; to designate agency staff to support commission activities; and to establish terms of withdrawal from the compact.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.