

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 738

SENATORS MAYNARD AND PLYMALE, *original sponsors*

[Originating in the Committee on Government

Organization; reported on February 14, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §5B-9-1, relating to creating the Flatwater Trail Commission; describing role,
3 function, and duties of the commission; establishing criteria qualifications for the
4 appointment of members; specifying duties; declaring the responsibilities of the
5 Department of Commerce regarding the commission; providing for reimbursement of the
6 expenses for members; and defining a quorum to conduct business.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9. FLATWATER TRAIL COMMISSION.

§5B-9-1. Flatwater Trail Commission; members, appointment, and expenses.

1 (a) The Flatwater Trail Commission is hereby created as an independent body corporate.
2 It shall be a commission advisory to the secretary and to the Department of Commerce.

3 (b) The Flatwater Trail Commission shall consist of five members, who shall be residents
4 and citizens of the state. The commission members shall be appointed by the Governor, by and
5 with the advice and consent of the Senate. Throughout the operation of the commission, at least
6 two of the members shall have knowledge of and experience with nonmotorized watercraft
7 recreation, and at least two members shall have knowledge of and experience with motorized
8 watercraft recreation. Each member shall serve a term of five years. Of the members first
9 appointed, two shall be appointed for a term ending December 31, 2021, and one each for terms
10 ending one, two, and three years thereafter. Commission members may be reappointed to
11 additional terms.

12 (c) The chair of the Flatwater Trail Commission shall be appointed by the Governor from
13 members then serving on the commission and serves at the will and pleasure of the Governor.

14 (d) It is the duty of the commission:

15 (1) To unify and coordinate efforts to develop and establish successful flatwater trails in
16 this state;

17 (2) To standardize procedures, programs, research, and support for the development and

18 establishment of flatwater trails;

19 (3) To disseminate information for the purpose of educating the public as to the existence
20 and functions of the commission and as to the availability of state, federal, and nongovernmental
21 resources and support for the development and establishment of flatwater trails; and

22 (4) To advise, consult, and cooperate with other offices of the Department of Commerce
23 and other agencies of state government, and to receive assistance therefrom in the development
24 of activities and programs of beneficial interest to water recreation and flatwater trails.

25 (e) The Department of Commerce shall assist the commission in its functions and
26 operations, including, but not limited to, providing administrative, clerical, and technical support,
27 publishing materials developed by the commission, and preparation of proposed legislation to
28 further the purposes of the commission.

29 (f) Members of the Flatwater Trail Commission are not entitled to compensation for
30 services performed as members. Each member is entitled to reimbursement for reasonable
31 expenses incurred in the discharge of their official duties. All expenses incurred by members
32 shall be paid in a manner consistent with guidelines of the Travel Management Office of the
33 Department of Administration and are payable solely from the funds of the Department of
34 Commerce or from funds appropriated for that purpose by the Legislature. Liability or obligation
35 is not incurred by the commission beyond the extent to which moneys are available from funds of
36 the authority or from the appropriations.

37 (g) Members shall meet at least quarterly as designated and scheduled by the chair. The
38 presence of three members, in person or by real-time electronic communication, constitutes a
39 quorum to conduct business at a meeting.

NOTE: The purpose of this bill is to create a Flatwater Trail Commission.

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