

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3046

BY DELEGATE J. PACK

[Introduced March 10, 2021; Referred to the
Committee on Technology and Infrastructure then
Government Organization]

1 A BILL to amend and reenact §17-16A-3 of the code of West Virginia, 1931, as amended, relating
 2 to reducing the number of public members of the Parkways Authority; requiring public
 3 members to be from each of the four counties contiguous to the Turnpike; and retaining
 4 all previous rights and duties of the board members.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 16A. WEST VIRGINIA PARKWAYS, ECONOMIC DEVELOPMENT AND
 TOURISM AUTHORITY.**

§17-16A-3. West Virginia Parkways Authority.

1 ~~(a) The West Virginia Parkways, Economic Development and Tourism Authority~~ The West
 2 Virginia Parkways Authority is continued as an agency of the state. ~~and commencing July 1, 2010,~~
 3 ~~it shall be known as the West Virginia Parkways Authority~~ Any reference to the West Virginia
 4 Parkways, Economic Development and Tourism Authority within this code shall mean the West
 5 Virginia Parkways Authority.

6 (b) To be effective on July 1, ~~2010~~ 2021, the Governor shall appoint, by and with the advice
 7 and consent of the Senate:

8 ~~(1) A public member representing the first congressional district for a term of five years;~~
 9 and

10 ~~(2) A public member representing the first congressional district for a term of four years.~~

11 ~~(c) The public member representing the third congressional district whose term expires in~~
 12 ~~2010 may be reappointed for a term of five years. The public member representing the second~~
 13 ~~congressional district whose term expires in 2011 may be reappointed for a term of five years.~~

14 ~~(d) To be effective on July 1, 2014, the Governor shall appoint, by and with the advice and~~
 15 ~~consent of the Senate, a public member representing the second congressional district for a term~~
 16 ~~of five years to replace the public member representing the third congressional district whose~~
 17 ~~term expires in 2014.~~

18 ~~(e) To be effective on July 1, 2015, the Governor shall appoint, by and with the advice and~~
 19 ~~consent of the Senate, an at-large public member for a term of five years to replace one of the~~
 20 ~~public members representing the third congressional district whose terms expire in 2015~~

21 (1) A public member representing Mercer County, for an initial term of three years.

22 (2) A public member representing Raleigh County, for an initial term of four years.

23 (3) A public member representing Fayette County, for an initial term of four years.

24 (4) A public member representing Kanawha County, for an initial term of five years. and

25 (5) A public at-large member from any of the counties listed in this subsection, for an initial
 26 term of three years.

27 ~~(f) (c) Commencing July 1, 2015~~ July 1, 2021, the Authority shall consist of the following
 28 ~~nine~~ members:

29 (1) The Governor or a designee; and

30 (2) The Secretary of the Department of Transportation or a designee;

31 ~~(3) Two public members representing the first congressional district;~~

32 ~~(4) Two public members representing the second congressional district;~~

33 ~~(5) Two public members representing the third congressional district; and~~

34 ~~(6) One at-large public member.~~

35 ~~(g) After the initial appointment term, the term for the public members shall be five years.~~

36 ~~All public members' appointments shall be made by the Governor, by and with the advice and~~
 37 ~~consent of the Senate~~

38 ~~(h) (d)~~ (d) A public member may not serve more than two consecutive full five year terms. A
 39 public member may continue to serve until a successor has been appointed and has qualified.

40 ~~(i) (e)~~ (e) Each public member shall be a resident of this state during the appointment term
 41 and shall have been a qualified elector for a period of at least one year next preceding the
 42 appointment.

43 ~~(j) (f)~~ (f) A vacancy on the Authority shall be filled by appointment by the Governor for the

44 unexpired term of the public member whose office is vacant, and the appointment shall be made
45 within sixty days of the vacancy.

46 ~~(k)~~ (g) The Governor may remove any public member from the Authority for neglect of
47 duty, incompetency, or official misconduct.

48 ~~(h)~~ (h) A public member immediately and automatically forfeits membership to the Authority
49 if he or she is convicted of a felony under the laws of any jurisdiction, or becomes a nonresident
50 of this state.

51 ~~(i)~~ (i) The Governor or designee shall serve as chair of the Authority. The Authority shall
52 annually elect one of the public members as vice chair, and shall also elect a secretary and
53 treasurer who need not be members of the Authority.

54 ~~(j)~~ (j) The Governor shall appoint an Executive Director of the Authority, by and with the
55 advice and consent of the Senate. The Executive Director serves at the will and pleasure of the
56 Governor. The Executive Director is responsible for managing and administering the daily
57 functions of the Authority and performing all other functions necessary to the effective operation
58 of the Authority. The compensation of the Executive Director is annually set by the Governor.

59 ~~(k)~~ (k) The public members of the Authority are not entitled to compensation for their
60 services, but shall be reimbursed for all reasonable and necessary expenses actually incurred in
61 the performance of their duties in a manner consistent with guidelines of the Travel Management
62 Office of the Department of Administration.

63 ~~(l)~~ (l) ~~Five~~ Four members of the Authority constitutes a quorum and the vote of a majority
64 of members present shall be necessary for any action taken by the Authority. No vacancy in the
65 membership of the Authority shall ~~shall~~ may impair the right of a quorum to exercise all the rights and
66 perform all the duties of the Authority.

67 ~~(m)~~ (m) The Authority shall meet at least monthly. The chair or any ~~five~~ four members of
68 the Authority may call a special meeting: *Provided*, That notice shall be given to all members of
69 the Authority not less than 10 days prior to any special meeting.

70 ~~(†)~~ (n) Prior to commencing his or her duties as a member of the Authority, each public
71 member shall take and subscribe to the oath required by section five, article IV of the Constitution
72 of this state.

73 ~~(§)~~ (o) Before the issuance of any revenue bonds or revenue refunding bonds under the
74 provisions of this article, each public member of the Authority shall execute a surety bond in the
75 penal sum of \$25,000. The secretary and treasurer of the Authority shall execute a surety bond
76 in the penal sum of \$50,000. Each surety bond shall be conditioned upon the faithful performance
77 of the duties of his or her office, shall be executed by a surety company authorized to transact
78 business in West Virginia as a surety, shall be approved by the Governor and filed in the Office
79 of the Secretary of State.

80 ~~(†)~~ (p) All expenses incurred in carrying out the provisions of this article shall be paid solely
81 from funds provided under this article and no liability or obligation shall be incurred by the Authority
82 beyond the extent to which moneys shall have been provided under this article.

NOTE: The purpose of this bill is to reduce the number of board members of the Parkways Authority and to appoint board members who are from the counties that are contiguous to the Turnpike.

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