

TITLE 33.2 REVISION DRAFT, CHAPTER XXXCHAPTER ~~14~~ XXX.

VIRGINIA COALFIELD COALITION AUTHORITY.

Drafting note: Chapter 14 of existing Title 33.1 is relocated as proposed Chapter XXX of Title 33.2. Drafters are unsure of whether this body exists and if appointments have been made.

§ 33.2-XXX. Definitions.As used in this chapter:"Authority" means the Virginia Coalfield Coalition Authority."Board of Commissioners" means the Board of Commissioners of the Authority.

Drafting note: A definitions section is added to this chapter for consistency with Code style.

§ ~~33.1-426~~ 33.2-XXX. Virginia Coalfield Coalition Authority created.

The Virginia Coalfield Coalition Authority, ~~hereinafter referred to as "the Authority,"~~ is created as a body corporate and as a political subdivision of the Commonwealth. The Authority ~~is hereby constituted~~ constitutes a public instrumentality exercising public and essential governmental functions, and the exercise by the Authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential governmental function of the Commonwealth.

Drafting note: Technical changes.

§ ~~33.1-427~~ 33.2-XXX. Board of Commissioners; membership; terms; compensation and expenses; chairman and vice-chairman; quorum; employees, agents, etc.

All powers, rights, and duties conferred by this chapter or other provisions of law upon the Authority shall be exercised by the Board of Commissioners of the ~~Virginia Coalfield Coalition~~ Authority. The Board of Commissioners, ~~hereinafter referred to as "the Board,"~~ shall ~~consist~~ have a total of ~~eleven~~ 11 members ~~as follows:~~ the State Treasurer; the ~~Chairman~~

26 chairman of the Commonwealth Transportation Board; two members each of the local
27 governing bodies of the Counties of ~~Wise~~, Buchanan, ~~and~~ Dickenson, and Wise, appointed by
28 the Governor and subject to confirmation by the General Assembly, who shall serve for terms of
29 four years each; and three additional members, appointed by the Governor and subject to
30 confirmation by the General Assembly, who shall serve at the pleasure of the Governor for
31 terms of four years each. Appointments to fill vacancies other than by expiration of term shall
32 be made for the unexpired terms. No member appointed by the Governor shall be eligible to
33 serve more than two successive terms. ~~Of the initial appointments to be made by the Governor,~~
34 ~~three shall be appointed for two-year terms, three shall be appointed for three-year terms, and~~
35 ~~three shall be appointed for four-year terms.~~ The remainder of any term to which a member is
36 appointed to fill a vacancy shall not constitute a term in determining that member's eligibility for
37 reappointment. The State Treasurer and the ~~Chairman~~ chairman of the Commonwealth
38 Transportation Board shall serve terms on the Board of Commissioners coincident with their
39 terms in office.

40 The Governor shall designate the chairman of the Commonwealth Transportation Board,
41 or his designee, as chairman of the Authority. The chairman shall be the chief executive officer
42 of the Authority and shall receive such compensation as the Governor shall fix. The remaining
43 members of the Board of Commissioners shall receive such compensation as provided for by
44 law.

45 The chairman shall sign and execute all vouchers for the disbursement of funds
46 belonging to the Authority upon authorization by the Board of Commissioners. The Board of
47 Commissioners shall elect one of its members as vice-chairman, who shall exercise the powers
48 of the chairman when so directed by the chairman. Six members of the Board of Commissioners
49 shall constitute a quorum for the transaction of all business of the Authority. The Board of
50 Commissioners may also elect from its membership a secretary and prescribe his powers and
51 duties.

52 The Board of Commissioners may employ or retain such employees, agents, financial
53 advisers, and attorneys as it may deem necessary and fix their compensation.

54 **Drafting note: Obsolete language regarding initial staggering of terms is removed**
55 **and other technical changes are made for consistency in Code style. Technical changes are**
56 **also made.**

57 § ~~33.1-428~~ 33.2-XXX. Limited purpose of authority; Virginia Coalfield Expressway
58 Corridor.

59 The General Assembly declares it to be in the public interest that the economic
60 development needs and economic growth potential of Southwestern Virginia be addressed by
61 the construction of an adequate, modern, safe, and efficient highway system, the Virginia
62 Coalfield Expressway Corridor, generally along Virginia's ~~Southwestern~~ southwestern
63 boundary, from at or near the Kentucky border in the County of Wise to at or near the West
64 Virginia border in the County of Buchanan. The Authority is created and shall be vested with
65 powers solely to provide for the construction of this highway system, ~~hereafter referred to as~~
66 "the Program," with the approval of the Commonwealth Transportation Board.

67 **Drafting note: Technical changes.**

68 § ~~33.1-429~~ 33.2-XXX. General powers.

69 The Authority is vested with the powers of a body corporate, including, ~~without~~
70 limitation, the power to:

71 1. Sue and be sued;

72 2. Make contracts;

73 3. Adopt and use a common seal, and alter such seal at its pleasure;

74 4. Procure insurance, participate in insurance plans, and provide self-insurance. The
75 purchase of insurance, participation in an insurance plan, or the creation of a self-insurance plan
76 by the Authority shall not be deemed a waiver or relinquishment of any sovereign immunity to
77 which the Authority or its officers, directors, employees, or agents are otherwise entitled;

