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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

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ENROLLED
Committee Substitute for
SENATE BILL NO. 206

(By Mr. *HECK, MR. NELSON, et al.*)

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PASSED March 10, 1984

In Effect ninty days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 206

(MR. HECK, MR. NELSON, MS. CHACE AND MR. BOETTNER, *original
sponsors*)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-two; and to amend and reenact section nine, article three of chapter five-a of said code, all relating to the creation of a commission on mass transportation; legislative findings; creation of the commission; the method of appointment; terms of members and vacancies; expenses of commission members; office space; officers; meetings; oaths of office; powers and duties; reports to governor and joint committee on government and finance; intergovernmental cooperation; duties of urban mass transit authorities; construction and severability; commission termination; and making available to local governmental units and to transit authorities the services of the department of finance and administration.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-two; and ~~that~~

section nine, article three, chapter five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 22. COMMISSION ON MASS TRANSPORTATION.

§5-22-1. Legislative findings and purposes.

1 The Legislature finds:

2 (a) That throughout the state, in both urban and rural
3 areas, there exists a need for a coordinated system of mass
4 transportation in order to enable many segments of the
5 population and particularly the aged, physically
6 handicapped and economically disadvantaged, to get to and
7 from work, medical and hospital facilities, shopping areas,
8 recreational facilities, churches and other institutions
9 which are essential to their health, safety and economic
10 well-being;

11 (b) That in certain urban and rural areas of the state,
12 mass transportation authorities have been created
13 pursuant to article twenty-seven, chapter eight of this code
14 which now operate publicly owned mass transportation
15 systems serving limited regions or communities;

16 (c) That in many urban and rural areas of the state, there
17 exist no systems of mass transportation, either public or
18 private, to meet the needs of the people;

19 (d) That while financial assistance is available to
20 certain areas of the state from the federal government, these
21 resources are uncertain and insufficient to adequately meet
22 the perceived needs of the people; and

23 (e) That given the limited financial resources of the
24 state, it is necessary and desirable to create an agency
25 within state government, the functions of which shall be to
26 actively study, investigate, consider, evaluate and
27 recommend to the governor and to the Legislature from
28 time to time ways and means whereby mass transportation
29 of all types can be supported, improved, created and
30 otherwise assisted and to formulate plans and specific
31 proposals for future executive and legislative consideration

32 with respect to a state policy and program on mass
33 transportation which will involve the cooperation of
34 existing urban mass transportation authorities and other
35 providers, both public and private.

§5-22-2. Creation of commission; composition; appointment of members.

1 The West Virginia commission on mass transportation is
2 hereby created. The commission shall consist of thirteen
3 members as follows: Three members, herein referred to as
4 government representatives, who shall be the commissioner
5 of finance and administration, the director of the
6 department of health, and the executive director of the
7 commission on aging; and ten additional citizens of the
8 state, herein referred to as citizen representatives, no more
9 than five of whom shall belong to the same political party.
10 The governor shall appoint the ten citizen representative
11 members of the commission with the advice and consent of
12 the Senate, at least two of whom shall be selected from the
13 boards of members of urban mass transit authorities
14 formed pursuant to article twenty-seven, chapter eight of
15 this code, two of whom shall be from boards of members
16 from rural transportation authorities existing throughout
17 the state, two of whom shall be senior citizens, one disabled
18 person, one from organized labor and two from the public at
19 large. The director of the division of public transportation
20 within the department of finance and administration shall
21 be an ex officio member of the commission.

7 *Yew*

§5-22-3. Terms of citizen representative members; vacancies.

1 On or before the first day of July, one thousand nine
2 hundred eighty-four, the governor shall appoint the ten
3 citizen representatives of the commission for the following
4 durations: Four members for terms of two years, three
5 members for terms of four years and three members for
6 terms of six years. The successor of each such appointed
7 member shall be appointed for a term of six years in the
8 same manner as the original appointments were made,
9 except that any person appointed by the governor to fill a
10 vacancy occurring prior to the expiration of the term for
11 which his predecessor was appointed shall be appointed

12 only for the remainder of such term. Each commission
13 member shall serve until the appointment and qualification
14 of his successor.

§5-22-4. Expenses of commission members.

1 Each citizen representative of the commission shall be
2 reimbursed for all reasonable and necessary expenses
3 actually incurred in the performance of his duties as a
4 member of the commission. Requisition for such expenses
5 shall be accompanied by a sworn and itemized statement
6 which shall be filed with the auditor.

§5-22-5. Office space; officers; meetings.

1 The commission shall be supplied with necessary office
2 space at the seat of government. A majority of the members
3 of the commission shall constitute a quorum for the
4 transaction of its business. The governor shall appoint,
5 from among the citizen representatives, a chairman of the
6 commission. The commission shall then elect such other
7 officers as it deems appropriate for the conduct of its
8 business. The commission shall hold four regular meetings a
9 year as follows: On the first Monday in January, April, July
10 and October. Special meetings may be convened on the call
11 of the chairman, the governor or a majority of the members.
12 A majority of the commission members present at a meeting
13 shall be required to determine any issues brought before it.

§5-22-6. Oaths of office.

1 Citizen representatives of the commission shall take and
2 subscribe to the constitutional oath before entering upon
3 their duties. Their oaths shall be filed with the secretary of
4 state.

§5-22-7. Commission powers.

1 The commission is hereby authorized and empowered to:
2 (a) Study and consider the entire field of legislation and
3 administration concerning mass transportation throughout
4 the state;
5 (b) Identify the needs for mass transportation and
6 resources available throughout every area of the state;
7 (c) Develop plans for:
8 (1) Distributing state vehicles and state resources,

9 giving highest priority to those regions or areas of regions
10 which have inadequate existing mass transportation;

11 (2) Determining the appropriate eligibility criteria for
12 state assistance to persons over age sixty or physically
13 handicapped who are unable otherwise to secure adequate
14 transportation for the necessities of life; and

15 (3) Determining on what basis, if any, persons over age
16 sixty or physically handicapped shall be required to
17 contribute for the state services provided hereunder.

18 (d) Advise and make recommendations to the governor
19 and to the Legislature relative to the needs of mass
20 transportation throughout the state;

21 (e) Solicit and accept funds, services and materials from
22 any state entity or agency or from any private sources;

23 (f) Distribute, transfer or expend state funds for the
24 purchase, repair, maintenance and operation of
25 transportation vehicles;

26 (g) Cooperate and work with federal, state and local
27 governmental officers, units, transportation authorities,
28 activities and agencies in the promotion and attainment of
29 the goals of the commission; and

30 (h) Promulgate rules and regulations, according to the
31 provisions of chapter twenty-nine-a of this code, necessary
32 to effectuate the purposes and duties provided herein.

**§5-22-8. Reports to governor and joint committee on
government and finance.**

1 The commission shall, annually, submit to the governor
2 and to the joint committee on government and finance of the
3 Legislature a report of its activities, projects and
4 accomplishments to the date of such report and of its
5 planned future activities and projects.

§5-22-9. Intergovernmental cooperation.

1 The commission is further authorized and directed to
2 utilize the resources of the department of finance and
3 administration and to seek assistance from other state and
4 local government agencies including the commission on
5 aging and urban mass transportation authorities formed
6 pursuant to article twenty-seven, chapter eight of this code,
7 to aid in carrying out its duties.

§5-22-10. Duties of urban mass transit authorities.

1 Each urban mass transit authority formed pursuant to
2 article twenty-seven, chapter eight of this code, existing or
3 hereafter created in the state shall cooperate with the
4 commission in developing the plans and studies required by
5 this article.

§5-22-11. Construction; severability.

1 The provisions of this article shall be liberally construed
2 to accomplish its objectives and purposes. If any section,
3 subsection, subdivision, subparagraph, sentence, or clause
4 of this article is judged to be unconstitutional or invalid,
5 such invalidity or unconstitutionality shall not affect the
6 validity of the remaining portions of this article and, to this
7 end, the provisions of this article are hereby declared to be
8 severable.

§5-22-12. Commission termination.

1 This commission shall be terminated on the first day of
2 July, one thousand nine hundred eighty-six, unless review
3 of its functions shall be undertaken pursuant to the
4 provisions of sections nine, ten and eleven, article ten,
5 chapter four of this code.

**CHAPTER 5A. DEPARTMENT OF FINANCE AND
ADMINISTRATION.**

ARTICLE 3. PURCHASING DIVISION.

**§5A-3-9. Facilities of department available to local
governmental bodies.**

1 The director shall make available the facilities and
2 services of his department to counties; county schools;
3 municipalities; urban mass transportation authorities
4 created pursuant to article twenty-seven, chapter eight of
5 this code; mass transportation divisions of county and
6 municipal governments; and other local governmental
7 bodies within this state. The actual expenses incurred
8 thereby shall be paid by the local governmental body.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



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Chairman Senate Committee

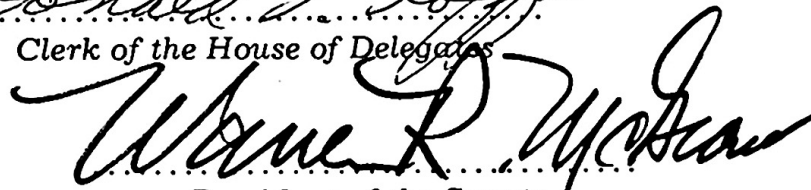

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within... *is approved* this the... *20*
day of ... *March*, 1984


.....
Governor

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CHIEF
SECY. OF STATE