

#4073

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

Com. Sub. for
HOUSE BILL No. *4073*

(By *Mr. Delegates Flanigan and*
Basham)



Passed *March 12,* 1988

In Effect *July 1, 1988* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4073
(By DELEGATES FLANIGAN and BASHAM)

[Passed March 12, 1988; in effect July 1, 1988.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-four, relating to creating a tourist train and transportation board; legislative findings and intent; board created; appointment; terms in office; director; powers and duties; and termination of board.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine 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-four, to read as follows:

ARTICLE 24. TOURIST TRAIN AND TRANSPORTATION BOARD.

§29-24-1. Legislative findings and intent.

1 The Legislature finds and declares that the purpose
2 of this article is to establish and implement a tourist
3 train and transportation board to initiate preservation
4 of railroad facilities, promote economic development and
5 tourism of a specific nature in this state and in
6 cooperation with other similar out-of-state entities.

§29-24-2. Tourist train and transportation board created; appointment; terms in office; and expenses.

1 The West Virginia tourist train and transportation
2 board is hereby created to establish, supervise and
3 coordinate the regional, statewide and interstate tourist
4 train system. The board shall consist of seven members,
5 five of whom shall be appointed by the governor, by and
6 with the advice and consent of the Senate.

7 Four members of the board shall be from the private
8 sector with one member from each of the congressional
9 districts of the state as of the effective date of this
10 article, with experience involving tourism, railroads or
11 finance. At least two of the four members shall have
12 knowledge of railroads. Such members shall generally
13 represent the public interest. The governor shall appoint
14 two members with terms to expire on the first day of
15 July, one thousand nine hundred eighty-nine and two
16 members with terms to expire on the first day of July,
17 one thousand nine hundred and ninety. Any vacancy
18 occurring shall be filled by the governor for the
19 unexpired term. Successor terms shall be for a period
20 of three years.

21 One member of the board shall be a representative of
22 regional travel councils in the state of West Virginia.
23 Such member shall have a three year term.

24 One member of the board shall be the state historic
25 preservation director, ex officio.

26 One member of the board shall be the commissioner
27 of the department of commerce, ex officio.

28 No more than four board members shall be of the
29 same political party.

30 The board shall meet upon the call of its chairperson.
31 A majority of its members shall constitute a quorum for
32 the transaction of its business. Members of the board
33 shall not be entitled to compensation for their services
34 but may be reimbursed for actual expenses necessarily
35 incurred in the performance of their duties. The
36 governor shall appoint board members no later than the
37 first day of July, one thousand nine hundred eighty-

38 eight.

§29-24-3. Director of board.

1 The board may employ a director, who may hire staff
2 as deemed necessary by the board. Compensation of the
3 director and staff shall be fixed by the board. The
4 director shall have administrative control and supervi-
5 sion of the staff.

§29-24-4. Powers and duties.

1 The tourist train and transportation board shall have
2 the authority to:

3 (a) Designate on a yearly basis from the board
4 members, a chairperson;

5 (b) Initiate preservation of railroad facilities, promote
6 economic development and tourism of a specific nature
7 in this state;

8 (c) Meet and cooperate with similar authorities or
9 bodies of any of the several states contiguous with this
10 state, whose purpose in their respective states is to
11 establish an interstate tourist train and transportation
12 board;

13 (d) Work specifically to establish a tourist train
14 network in the area encompassed by U.S. Route 52 from
15 Bluefield, West Virginia to Bramwell, West Virginia
16 along West Virginia State Route 120 to Pocahontas,
17 Virginia;

18 (e) Enter into agreement or other transactions with
19 any federal, state, county, municipal agency or private
20 entity;

21 (f) Accept any and all donations, grants, bequests and
22 devises, conditional or otherwise, of money, property,
23 service or other things of value which may be received
24 from the United States or any agency thereof, any
25 governmental agency or any institution, person, firm or
26 corporation, public or private, to be held, used or
27 applied for any or all of the purposes specified in this
28 article, in accordance with the terms and conditions of
29 any such moneys;

30 (g) Negotiate an operating agreement with the
31 railroad to use existing tracks, rent railroad vehicles
32 and obtain other necessary equipment or facilities;

33 (h) Direct the operations of the tourist train network
34 and report annually to the Legislature by the first day
35 of January on the status of projects, operations, financial
36 condition and other necessary information relating to
37 the tourist train and transportation board;

38 (i) Establish an office for the transaction of its
39 business at such place or places, as in the opinion of the
40 board, shall be advisable or necessary in carrying out
41 the purposes of this article;

42 (j) Acquire rights-of-way and the property necessary
43 for the construction of administration buildings, equip-
44 ment, servicing facilities, terminal railways and struc-
45 tures, railway crossings, bridges and causeways; and

46 (k) To do any and all things necessary to carry out and
47 accomplish the purposes of this article.

§29-24-5. Termination of board.

1 The tourist train and transportation board shall be
2 terminated pursuant to the provisions of article ten,
3 chapter four of this code, on the first day of July, one
4 thousand nine hundred ninety-four, unless sooner
5 terminated or unless continued or reestablished pursu-
6 ant to this article.

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

Bruce O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect July 1, 1988.

Paul C. Hillis
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Dan Torbert
President of the Senate

W. A. Wall
Speaker of the House of Delegates

The within *appeared* this the *29th*
March day of _____, 1988.

Andrew Bragg
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/88

Time 3:43 p.m.

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OFFICE OF THE ASSISTANT
SECRETARY OF STATE