WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 369

(By Senators Burdette, Mr. President, and Boley, by request of the Executive)

PASSED March 5, 1991
In Effect July 1, 1991
AN ACT to amend and reenact section four, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the membership of the railroad maintenance authority.

Be it enacted by the Legislature of West Virginia:

That section four, article eighteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 18. WEST VIRGINIA RAILROAD MAINTENANCE AUTHORITY.

§29-18-4. West Virginia railroad maintenance authority created; organization of authority; appointment of members; term of office, compensation and expenses; director of authority.

There is hereby created the West Virginia railroad maintenance authority. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties shall be deemed and held to be, and are hereby
determined to be, essential governmental functions and for a public purpose.

The authority shall consist of seven members. The secretary of the department of transportation shall be a member ex officio. The other six members shall be appointed by the governor, by and with the advice and consent of the Senate, for a term of six years. Of the members of the authority first appointed, two shall be appointed for a term ending on the thirtieth day of June, one thousand nine hundred seventy-seven, two shall be appointed for a term ending two years thereafter and two shall be appointed for a term ending four years thereafter. A person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Each authority member shall serve until the appointment and qualification of his successor. No more than three of the appointed authority members shall at any one time belong to the same political party. Appointed authority members may be reappointed to serve additional terms.

All members of the authority shall be citizens of the state. Each appointed member of the board, before entering upon his duties, shall comply with the requirements of article one, chapter six of this code and give bond in the sum of twenty-five thousand dollars in the manner provided in article two, chapter six of this code. The governor may remove any authority member for cause as provided in article six, chapter six of this code.

Annually the authority shall elect one of its members as chairman and another as vice chairman, and shall appoint a secretary-treasurer, who need not be a member of the authority. Four members of the authority shall constitute a quorum and the affirmative vote of four members shall be necessary for any action taken by vote of the authority. No vacancy in the membership of the authority shall impair the rights of a quorum by such vote to exercise all the rights and perform all the duties of the authority. The
person appointed as secretary-treasurer, including an
authority member if he is so appointed, shall give
bond in the sum of fifty thousand dollars in the
manner provided in article two, chapter six of this
code.

The secretary of the department of transportation
shall not receive any compensation for serving as an
authority member. Each of the six appointed members
of the authority shall receive fifty dollars for each day
or substantial part thereof actually spent in attending
meetings of the board or in discharging or carrying out
his duties and work as a member of the board. Each
of the six appointed members shall be reimbursed for
all reasonable and necessary expenses actually
incurred in the performance of his duties as a member
of such authority. All such compensation and expenses
incurred shall be payable solely from funds of the
authority or from funds appropriated for such purpose
by the Legislature and no liability or obligation shall
be incurred by the authority beyond the extent to
which moneys are available from funds of the author-
ity or from such appropriations.

There shall also be a director of the authority
appointed by the authority.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill was approved this the .......... day of .........., 1991.

Governor