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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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 Passage

ENROLLED

Senate Bill No. 369

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed March 5, 1991; to take 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.

1 There is hereby created the West Virginia railroad
2 maintenance authority. The authority is a governmen-
3 tal instrumentality of the state and a body corporate.
4 The exercise by the authority of the powers conferred
5 by this article and the carrying out of its purposes and
6 duties shall be deemed and held to be, and are hereby

7 determined to be, essential governmental functions
8 and for a public purpose.

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

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

38 Annually the authority shall elect one of its
39 members as chairman and another as vice chairman,
40 and shall appoint a secretary-treasurer, who need not
41 be a member of the authority. Four members of the
42 authority shall constitute a quorum and the affirma-
43 tive vote of four members shall be necessary for any
44 action taken by vote of the authority. No vacancy in
45 the membership of the authority shall impair the
46 rights of a quorum by such vote to exercise all the
47 rights and perform all the duties of the authority. The

48 person appointed as secretary-treasurer, including an
49 authority member if he is so appointed, shall give
50 bond in the sum of fifty thousand dollars in the
51 manner provided in article two, chapter six of this
52 code.

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

70 There shall also be a director of the authority
71 appointed by the authority.

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

Tomer Leck
.....
Chairman Senate Committee

Ernest C. Maere
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1991.

David E. Kline
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Neil Purditt
.....
President of the Senate

R. B. Cole
.....
Speaker House of Delegates

The within *is approved* this the *14th*
day of *June*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/41

Time 10:29 am