WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1999

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ENROLLED

House Bill No. 2791

(By Delegates Michael, Mezzatesta, Martin and Proudfoot)

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Passed March 13, 1999

In Effect Ninety Days from Passage
ENROLLED

H. B. 2791

(BY DELEGATES MICHAEL, MEZZATESTA, MARTIN AND PROUDFOOT)

[Passed March 13, 1999; in effect ninety days from passage.]

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 authority and organization of the state rail 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 STATE RAIL AUTHORITY.

§29-18-4. West Virginia state rail authority continued; organization of authority; appointment of members; term of office, compensation and expenses; director of authority; termination date.

The West Virginia railroad maintenance authority, heretofore created, is hereby continued and redesignated the West Virginia state rail authority. References in this code to the West Virginia railroad maintenance authority shall be understood and taken to mean the West Virginia state rail authority. Nothing in this article is intended to invalidate any action or obligation of
the West Virginia railroad maintenance authority undertaken prior to the effective date of this article. 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 chairman: Provided, That the secretary may appoint a designee to act in his or her stead at meetings of the authority. 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 as provided in section four, article six, chapter six of this code.

Annually the authority shall elect one of its members 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 the authority chairman.
Each of the six appointed members of the authority shall
receive the same compensation and expense reimbursement as
is paid to members of the Legislature for their interim duties as
recommended by the citizens legislative compensation commis-
sion and authorized by law for each day or substantial portion
thereof engaged in the discharge of official duties. 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 authority or from such appropri-
ations.

There shall also be a director of the authority appointed by
the authority, with the consent of the secretary.

Pursuant to the provisions of article ten, chapter four of this
code, the West Virginia state rail authority shall continue to
exist until the first day of July, two thousand.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within __________ this the __________ day of __________, 1999.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/1/97
Time 4:17
