

HB 2791

RECEIVED
99 APR -9 AM 11:00
OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



ENROLLED

House Bill No. 2791

(By Delegates Michael, Mezzatesta,
Martin and Proudfoot)



Passed March 13, 1999

In Effect Ninety Days from Passage

RECEIVED

99 APR -8 AM 11:00

OFFICE OF THE CLERK OF THE HOUSE OF DELEGATES
SECRETARY OF STATE

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.

1 The West Virginia railroad maintenance authority, hereto-
2 fore created, is hereby continued and redesignated the West
3 Virginia state rail authority. References in this code to the West
4 Virginia railroad maintenance authority shall be understood and
5 taken to mean the West Virginia state rail authority. Nothing in
6 this article is intended to invalidate any action or obligation of

7 the West Virginia railroad maintenance authority undertaken
8 prior to the effective date of this article. The authority is a
9 governmental instrumentality of the state and a body corporate.
10 The exercise by the authority of the powers conferred by this
11 article and the carrying out of its purposes and duties shall be
12 deemed and held to be, and are hereby determined to be,
13 essential governmental functions and for a public purpose.

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

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

40 Annually the authority shall elect one of its members as
41 vice chairman, and shall appoint a secretary-treasurer, who need
42 not be a member of the authority. Four members of the author-
43 ity shall constitute a quorum and the affirmative vote of four

44 members shall be necessary for any action taken by vote of the
45 authority. No vacancy in the membership of the authority shall
46 impair the rights of a quorum by such vote to exercise all the
47 rights and perform all the duties of the authority. The person
48 appointed as secretary-treasurer, including an authority member
49 if he is so appointed, shall give bond in the sum of fifty
50 thousand dollars in the manner provided in article two, chapter
51 six of this code.

52 The secretary of the department of transportation shall not
53 receive any compensation for serving as the authority chairman.
54 Each of the six appointed members of the authority shall
55 receive the same compensation and expense reimbursement as
56 is paid to members of the Legislature for their interim duties as
57 recommended by the citizens legislative compensation commis-
58 sion and authorized by law for each day or substantial portion
59 thereof engaged in the discharge of official duties. All such
60 compensation and expenses incurred shall be payable solely
61 from funds of the authority or from funds appropriated for such
62 purpose by the Legislature and no liability or obligation shall be
63 incurred by the authority beyond the extent to which moneys
64 are available from funds of the authority or from such appropri-
65 ations.

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

68 Pursuant to the provisions of article ten, chapter four of this
69 code, the West Virginia state rail authority shall continue to
70 exist until the first day of July, two thousand.

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



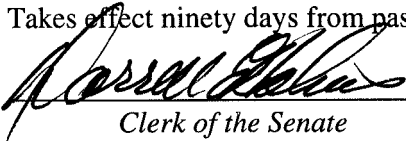
Chairman Senate Committee



Chairman House Committee

Originating in the House.

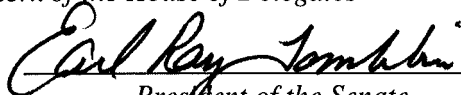
Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

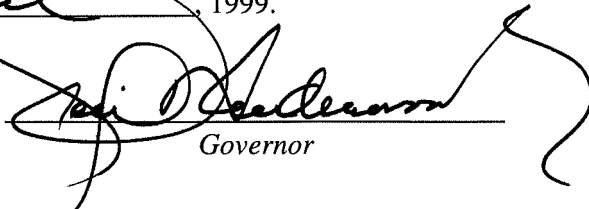


President of the Senate



Speaker of the House of Delegates

The within approved this the 2nd
day of April, 1999.



Governor

PRESENTED TO THE
GOVERNOR

Date 4/1/99

Time 4:17