WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000

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ENROLLED

SENATE BILL NO. 449

(By Senator Bowman, et al)

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PASSED March 10, 2000

In Effect ninety days from Passage
ENROLLED

Senate Bill No. 449

(By Senators Bowman, Bailey, Ball, Dawson, Kessler, McCabe, Minard, Redd, Snyder, Boley and Minear)

[Passed March 10, 2000; 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; and to further amend said article by adding thereto a new section, designated section twenty-four, all relating to continuing 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; and that said article be further amended by adding thereto a new section, designated section twenty-four, all 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.

(a) The West Virginia railroad maintenance authority, heretofore created and redesignated the West Virginia state rail authority, is hereby continued. 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.

(b) 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.

(c) All members of the authority shall be citizens of the
state. Each appointed member of the board, before enter-
ing 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 pro-
vided 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.

(d) 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 mem-
ers 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 ap-
pointed 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.

(e) 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 commission and autho-
rized 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 appropriations.

(f) 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 two, unless sooner terminated, continued or reestablished by act of the Legislature.
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.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ............... this the ..................

Day of ...................., 2000

Governor