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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

SENATE BILL NO. 449

(By Senator Bowman, et al)



PASSED March 10, 2000

In Effect ninety days from Passage

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MARCH 27
2000

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.

1 (a) The West Virginia railroad maintenance authority,
2 heretofore created and redesignated the West Virginia
3 state rail authority, is hereby continued. References in this
4 code to the West Virginia railroad maintenance authority
5 shall be understood and taken to mean the West Virginia
6 state rail authority. Nothing in this article is intended to
7 invalidate any action or obligation of the West Virginia
8 railroad maintenance authority undertaken prior to the
9 effective date of this article. The authority is a govern-
10 mental instrumentality of the state and a body corporate.
11 The exercise by the authority of the powers conferred by
12 this article and the carrying out of its purposes and duties
13 shall be deemed and held to be, and are hereby determined
14 to be, essential governmental functions and for a public
15 purpose.

16 (b) The authority shall consist of seven members. The
17 secretary of the department of transportation shall be
18 chairman: *Provided*, That the secretary may appoint a
19 designee to act in his or her stead at meetings of the
20 authority. The other six members shall be appointed by
21 the governor, by and with the advice and consent of the
22 Senate, for a term of six years. Of the members of the
23 authority first appointed, two shall be appointed for a
24 term ending on the thirtieth day of June, one thousand
25 nine hundred seventy-seven, two shall be appointed for a
26 term ending two years thereafter and two shall be ap-
27 pointed for a term ending four years thereafter. A person
28 appointed to fill a vacancy occurring prior to the expira-
29 tion of the term for which his predecessor was appointed
30 shall be appointed only for the remainder of such term.
31 Each authority member shall serve until the appointment

32 and qualification of his successor. No more than three of
33 the appointed authority members shall at any one time
34 belong to the same political party. Appointed authority
35 members may be reappointed to serve additional terms.

36 (c) All members of the authority shall be citizens of the
37 state. Each appointed member of the board, before enter-
38 ing upon his duties, shall comply with the requirements of
39 article one, chapter six of this code and give bond in the
40 sum of twenty-five thousand dollars in the manner pro-
41 vided in article two, chapter six of this code. The governor
42 may remove any authority member as provided in section
43 four, article six, chapter six of this code.

44 (d) Annually the authority shall elect one of its members
45 as vice chairman, and shall appoint a secretary-treasurer,
46 who need not be a member of the authority. Four mem-
47 bers of the authority shall constitute a quorum and the
48 affirmative vote of four members shall be necessary for
49 any action taken by vote of the authority. No vacancy in
50 the membership of the authority shall impair the rights of
51 a quorum by such vote to exercise all the rights and
52 perform all the duties of the authority. The person ap-
53 pointed as secretary-treasurer, including an authority
54 member if he is so appointed, shall give bond in the sum of
55 fifty thousand dollars in the manner provided in article
56 two, chapter six of this code.

57 (e) The secretary of the department of transportation
58 shall not receive any compensation for serving as the
59 authority chairman. Each of the six appointed members
60 of the authority shall receive the same compensation and
61 expense reimbursement as is paid to members of the
62 Legislature for their interim duties as recommended by the
63 citizens legislative compensation commission and autho-
64 rized by law for each day or substantial portion thereof
65 engaged in the discharge of official duties. All such
66 compensation and expenses incurred shall be payable

67 solely from funds of the authority or from funds appropri-
68 ated for such purpose by the Legislature and no liability or
69 obligation shall be incurred by the authority beyond the
70 extent to which moneys are available from funds of the
71 authority or from such appropriations.

72 (f) There shall also be a director of the authority ap-
73 pointed by the authority, with the consent of the secretary.

§29-18-24. Termination date.

1 Pursuant to the provisions of article ten, chapter four of
2 this code, the West Virginia state rail authority shall
3 continue to exist until the first day of July, two thousand
4 two, unless sooner terminated, continued or reestablished
5 by act of the Legislature.

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

[Handwritten Signature]
.....
Chairman Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within..... *[Handwritten Signature]* this the *[Handwritten Signature]*
Day of..... *[Handwritten Signature]* 2000.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 4:05pm