

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



# ENROLLED

## House Bill No. 4415

(By Delegates Staggers, Perry, Sumner, Pino,  
O'Neal, Boggs, Moye and L. Phillips)



Passed February 24, 2012

To Take Effect from Passage

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## H. B. 4415

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(BY DELEGATES STAGGERS, PERRY, SUMNER, PINO,  
O'NEAL, BOGGS, MOYE AND L. PHILLIPS)

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[Passed February 24, 2012; to take effect from passage.]

AN ACT to authorize a Prince Railroad Station Authority to acquire and maintain the railroad station building and the appurtenances thereto located in Prince, West Virginia; to be created as a public corporation; membership, terms and compensation of the board; powers; exemption from taxation; and dissolution of the authority.

*Be it enacted by the Legislature of West Virginia:*

### **PRINCE RAILROAD STATION AUTHORITY.**

#### **§1. Legislative findings.**

1        Since the railroad station located in Prince, West  
2        Virginia, will be the primary stop for Boy Scouts riding trains  
3        to attend the Bechtel Family Summit Scout Reserve in  
4        Fayette County, and since the railroad station located in  
5        Prince is a vital transportation facility for many residents in  
6        the area, and since the railroad station located in Prince has  
7        potential for passenger inter-modal operations, and since the  
8        railroad station located in Prince is rich in railroad history  
9        and has architectural significance, the Legislature finds that  
10       creating and empowering a statutory corporation to work  
11       with railroad officials to acquire, renovate and maintain the  
12       railroad station building and the appurtenances thereto

13 located in Prince, West Virginia, would be in the public  
14 interest and would result in a better travel experience for all  
15 persons coming to and leaving southern West Virginia.

**§2. Prince Railroad Station Authority authorized.**

1 The Fayette County Commission and the Raleigh County  
2 commission are hereby authorized to create and establish the  
3 Prince Railroad Station Authority for the purpose of  
4 acquiring, establishing, renovating, constructing, equipping,  
5 improving, financing, maintaining, operating and leasing the  
6 railroad station building and the appurtenances thereto  
7 located in Prince, West Virginia.

**§3. The authority to be a public corporation.**

1 The Prince Railroad Station Authority when created and  
2 established, and the members thereof, shall constitute a public  
3 corporation and as such, shall have perpetual succession, may  
4 contract and be contracted with, sue and be sued, and have  
5 and use a common seal.

**§4. Appointment of board; terms.**

1 (a) The authority shall be governed by a nine-member  
2 board which shall consist of the following members:

3 (1) A member of the Fayette County commission or a  
4 designee;

5 (2) A member of the Raleigh County commission or a  
6 designee;

7 (3) A member of the Southern West Virginia Convention  
8 and Visitors Bureau or a designee;

9 (4) A member of the State Rail Authority or a designee;

10 (5) A member of the Fayette County Chamber of  
11 Commerce or a designee;

12 (6) A member of the Raleigh County Chamber of  
13 Commerce or a designee;

14 (7) The director of the Historic Preservation Section of the  
15 West Virginia Division of Culture and History or a designee;

16 (8) One professional member of the Boy Scouts of  
17 America representing the Bechtel Family Summit Scout  
18 Reserve, appointed by the Fayette County commission; and

19 (9) One citizen member, appointed by the Raleigh County  
20 commission, who has a knowledge of and demonstrates an  
21 interest in passenger railroads and is from southern West  
22 Virginia.

23 (b) The initial appointment terms for the appointed  
24 members of the board shall be staggered. After the initial  
25 terms, the terms for the appointed members of the board shall  
26 be five years and they may be reappointed.

#### **§5. Compensation of board members.**

1 Each member of the board shall serve without  
2 compensation, but each member shall be entitled to  
3 reimbursement by the authority for all reasonable and  
4 necessary expenses actually incurred in the performance of  
5 his or her duties as a board member.

#### **§6. Board; quorum; bylaws.**

1 (a) The board is the governing body of the authority and  
2 the board shall exercise all the powers given to the authority.

3 The board shall meet at least quarterly and may meet on the  
4 call of the chairperson.

5 (b) A majority of the members of the board constitutes a  
6 quorum and a quorum must be present for the board to  
7 conduct business. Unless the bylaws require a larger number,  
8 action may be taken by majority vote of the members present.

9 (c) The board shall adopt bylaws and rules, as may be  
10 necessary for its operation and management, governing the  
11 manner in which the business of the authority is conducted  
12 and shall develop and approve an annual budget.

**§7. Powers of the authority.**

1 The authority shall have the following powers:

2 (1) To make and adopt all necessary bylaws and rules for  
3 its organization and operations not inconsistent with law;

4 (2) To elect its own officers, to appoint committees and  
5 to employ and fix the compensation for personnel necessary  
6 for its operation;

7 (3) To sue and be sued, implead and be impleaded and  
8 complain and defend in any court;

9 (4) To execute contracts with any person, firm,  
10 corporation or governmental agency;

11 (5) To obtain and maintain all necessary insurance;

12 (6) To insure that lessees maintain all necessary  
13 insurance;

14 (7) To delegate any authority given to it by law to any of  
15 its officers, committees, agents or employees;

16 (8) To purchase, acquire, own, hold, sell, convey, lease  
17 and dispose of property;

18 (9) To borrow money and execute negotiable notes and  
19 deeds of trust;

20 (10) To expend its funds in the execution of its powers;

21 (11) To apply for, accept, receive and use loans, grants,  
22 gifts, donations, contributions, technical assistance from any  
23 source;

24 (12) To insure that all applicable laws, rules and  
25 regulations are followed; and

26 (13) To do any and all things necessary or convenient for  
27 the purpose of acquiring, establishing, renovating,  
28 constructing, equipping, improving, financing, maintaining,  
29 operating and leasing the railroad station building and the  
30 appurtenances thereto located in Prince, West Virginia.

#### **§8. Exemption from taxation.**

1 The property, operations and activities of the authority  
2 are exempt from the payment of any taxes or fees to the state  
3 or any of its political subdivisions.

#### **§9. Dissolution of authority.**

1 When the railroad station building and the appurtenances  
2 thereto located in Prince, West Virginia, are no longer being  
3 used for the purpose of a railroad station, then the authority  
4 shall perform all its duties set out in the Deed in which it

5 acquired the railroad station building and the appurtenances  
6 thereto and also all the duties set out in the authority's bylaws  
7 to dispose of the railroad station building and the  
8 appurtenances thereto. At the conclusion of all of its duties,  
9 the authority shall dissolve.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*