

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

House Bill 2856

FILED
2017 APR 11 P 3:37
OFFICE WEST VIRGINIA
SECRETARY OF STATE

BY DELEGATES O'NEAL, COOPER, AMBLER, C. MILLER,
BOGGS, FAST, KESSINGER, WHITE, SOBONYA, C. ROMINE
AND ROHRBACH

[Passed April 4, 2017; in effect ninety days from passage.]

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §5B-2-9a, relating to declaring it the public policy of the State and the
3 Legislature's intent to improve the marketing, quality and frequency of passenger rail
4 service of the Cardinal Passenger Train operated by the National Railroad Passenger
5 Corporation, doing business as AMTRAK, along the route crossing the south-central
6 region of the state from Huntington eastward to White Sulphur Springs; establishing the
7 powers and duties of the Commissioner of the Division of Tourism and the Tourism
8 Commission to achieve such policy; directing the West Virginia Department of
9 Transportation and the West Virginia State Rail Authority to cooperate with the Tourism
10 Commission to achieve such policy; authorizing the Commissioner of Tourism to
11 cooperate with other states and the National Railroad Passenger Corporation to achieve
12 such policy; authorizing the Commissioner of Tourism to participate in an interstate body
13 to achieve such policy; and creating a special revenue account, the Cardinal Passenger
14 Train Enhancement Fund, for receipt of certain gifts, grants, bequests, transfers,
15 appropriations or other donations which may be received.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 section, designated §5B-2-9a, to read as follows:

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

**§5B-2-9a. Powers and duties of Commissioner of the Division of Tourism and Tourism
Commission for improving Cardinal Passenger Train Service; declaration of public
policy and Legislative intent.**

1 (a) It is hereby declared the public policy of the State of West Virginia and the intent of the
2 Legislature to facilitate, advance and improve the availability of interstate passenger rail service
3 to the state, the contributions of such service to local tourism development including the Boy
4 Scouts of America Summit Bechtel Reserve in Fayette County, the marketing of such services for

5 both interstate rail travel for the benefit of the state's citizens, businesses and local tourism and
6 to improve the quality and frequency of such service, including the provision of a daily passenger
7 train service at the earliest opportunity, of the Cardinal Passenger Train operated by the National
8 Railroad Passenger Corporation, doing business as AMTRAK, on railroad lines crossing the
9 south-central region of the state from Huntington eastward to White Sulphur Springs, being that
10 same route historically and continuously used by the passenger train and its predecessors since
11 the year 1871.

12 (b) Notwithstanding any other provision of this code to the contrary, the Commissioner of
13 the Division of Tourism, with the advice of the tourism commission, and under the supervision of
14 the Secretary of the West Virginia Department of Commerce, is authorized and directed to
15 coordinate and supervise the activities of the state, to coordinate and cooperate with the political
16 subdivisions and municipalities of the state, to cooperate with the National Railroad Passenger
17 Corporation and with the other states served by the Cardinal Passenger Train to achieve the
18 public policy set forth in subsection (a) of this section. The commissioner is authorized to conduct
19 such studies, and make such investigations, as may be reasonable and appropriate to advance
20 the public policy set forth in subsection (a) of this section.

21 (c) The commissioner is hereby authorized to enter into contracts and memoranda of
22 understanding with the National Railroad Passenger Corporation, with the other states served by
23 the Cardinal Passenger Train, and with the political subdivisions and municipalities of this state,
24 to achieve the public policy set forth in subsection (a) of this section. The commissioner is further
25 authorized to cooperate with the aforesaid other states and National Railroad Passenger
26 Corporation in the formation of an interstate committee for the purpose of achieving the public
27 policy set forth in subsection (a) of this section, to participate in said committee and appoint other
28 designees thereto.

29 (d) In the exercise of their powers and duties under this section, the commissioner and
30 tourism commission shall consult with the West Virginia Department of Transportation and the

31 West Virginia State Rail Authority. The West Virginia Department of Transportation and the West
32 Virginia State Rail Authority shall cooperate with the commissioner and the tourism commission,
33 and shall provide the commissioner and tourism commission with such reasonable and necessary
34 assistance as may be possible based on available staff and funds to achieve the public policy set
35 forth in subsection (a) of this section.

36 (e) There is hereby created a special revenue account, designated the "Cardinal
37 Passenger Train Enhancement Fund" into which all moneys intended to advance the purposes of
38 this section shall be deposited. Moneys in this account shall be expended solely for the public
39 policy and purposes set forth in this section. Funds paid into this account may also be derived
40 from the following sources: (1) All interest or return on investment accruing to this account; (2)
41 any gifts, grants, bequests, transfers, appropriations or other donations which may be received
42 from any governmental entity or unit or any person, firm, foundation, or corporation; and (3) any
43 appropriations by the Legislature which may be made for the purposes of this section. Any
44 balance including accrued interest and other earnings at the end of any fiscal year shall not revert
45 to the general fund but shall remain in the fund for the purposes set forth in this section. The
46 moneys in the fund shall be paid out, at the sole discretion and direction of the commissioner, to
47 advance the purposes of this section.

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

Regina Fouché
.....
Chairman, House Committee

Mark Raymond
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Stephe J. Harris
.....
Clerk of the House of Delegates

Mark Burns
.....
Clerk of the Senate

Robert M. Lewis
.....
Speaker of the House of Delegates

William B. Conner
.....
President of the Senate

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SECRETARY OF STATE

The within *is approved* this the *11th*
day of *April*, 2017.

Jim Justice
.....
Governor

PRESENTED TO THE GOVERNOR

APR 06 2017

Time 9:18 a.m.