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HOUSE BILL NO. 2168

House Amendments in [] — January 31, 2017

A *BILL to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 67.1, consisting of sections numbered 15.2-6705 through 15.2-6710, relating to the Virginia Coal Train Heritage Authority.*

Patron Prior to Engrossment—Delegate Pillion

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 67.1, consisting of sections numbered 15.2-6705 through 15.2-6710, as follows:

CHAPTER 67.1.**VIRGINIA COAL TRAIN HERITAGE AUTHORITY.****§ 15.2-6705. Virginia Coal Train Heritage Authority established.**

The Virginia Coal Train Heritage Authority, referred to in this chapter as "the Authority," is created as a body politic and corporate, a political subdivision of the Commonwealth. As such it shall have, and is hereby vested with, the powers and duties conferred in this chapter.

§ 15.2-6706. Board of the Authority; qualifications; terms; quorum; records.

A. All powers, rights, and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of the Virginia Coal Train Heritage Authority ("the board").

B. The board shall consist of 25 members as follows: three members of the governing body of each of the Counties of Dickenson, Russell, and Wise, each appointed by the respective governing body; two citizen members appointed by the governing body of each of the Counties of Dickenson, Russell, and Wise, each of whom shall be a resident of the appointing county and not a member of the county governing body; one citizen member appointed by the governing body of each of the Towns of Clinchco, Haysi, and St. Paul, each of whom shall be a resident of the appointing town; three commissioners of the Breaks Interstate Park Commission, appointed by that Commission; two at-large members who shall be Virginia residents and have experience in any aspect of the excursion train business, appointed by a majority vote of the board; and two members of the General Assembly representing any part of the County of Dickenson, Russell, or Wise, who shall serve ex officio with voting privileges.

C. Initial appointments to the board shall begin July 1, 2017. Each board member shall serve for a term of four years and may be reappointed for additional terms. The term of any member of the board shall immediately terminate if the member no longer meets the eligibility criteria of the initial appointment. Vacancies shall be filled for the unexpired term. The members of the board shall receive no salary, unless specifically authorized by the governing bodies of Dickenson, Russell, and Wise Counties.

D. Seven members of the board shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

E. The board shall elect from its membership a chairman, a vice-chairman, and from its membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing bodies of Dickenson, Russell, and Wise Counties and the Auditor of Public Accounts and shall be open to public inspection.

G. A local governing body may remove from the board any member it has appointed in the event that the board member is absent from any three consecutive board meetings or is absent from any four board meetings within any 12-month period. In either such event, the local governing body shall appoint a successor for the unexpired portion of the term of the member who has been removed.

[H. The accounts of the Authority shall be audited annually by the Auditor of Public Accounts, or an independent certified public accountant, and the cost of such audit shall be borne by the Authority.]

§ 15.2-6707. Executive director; staff.

The Authority shall appoint an executive director, who shall be authorized to employ such staff as necessary to enable the Authority to perform its duties as set forth in this chapter. The Authority is

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59 authorized to determine the duties of such staff and to fix salaries and compensation from such funds as
60 may be received or appropriated.

61 **§ 15.2-6708. Powers of Authority.**

62 The Authority shall have the following powers together with all powers incidental thereto or
63 necessary for the performance of those hereinafter stated:

64 1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having
65 jurisdiction of the subject matter and of the parties;

66 2. To adopt and use a corporate seal and to alter the same at pleasure;

67 3. To contract and be contracted with;

68 4. To employ and pay compensation to such employees and agents, including attorneys, as the board
69 deems necessary in carrying on the business of the Authority;

70 5. To establish bylaws and make all rules and regulations, not inconsistent with the provisions of this
71 chapter, deemed expedient for the management of the Authority's affairs;

72 6. To borrow money and to accept contributions, grants, and other financial assistance from the
73 United States government and agencies or instrumentalities thereof; the Commonwealth, or any political
74 subdivision, agency, or public instrumentality of the Commonwealth; or any private person, foundation,
75 or financial institution;

76 7. To issue bonds in accordance with applicable law;

77 8. To receive and expend moneys on behalf of tourist train development; and

78 9. To cooperate with any private or governmental entities in the states of West Virginia, Kentucky,
79 Tennessee, or North Carolina in the development of a tourist train and theme park.

80 **§ 15.2-6709. Authority of localities.**

81 Localities are hereby authorized to lend or donate money or other property or services to the
82 Authority for any of its purposes. The locality making the grant or loan may restrict the use of such
83 grants or loans to a specific project, within or outside that locality.

84 **§ 15.2-6710. Assignment of liability.**

85 Notwithstanding the provisions of § 46.2-2099.42, no private excursion train operator that has
86 entered into a public-private partnership contract with the Authority pursuant to the Public-Private
87 Educational Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) shall be liable upon a claim of
88 personal injury or wrongful death arising from the operation of an excursion train, including
89 operations, maintenance, or signalization of the tracks or facilities upon which the excursion train
90 operates, except in the case of the gross negligence or intentional act of the private excursion train
91 operator.