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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2005

ENROLLED

SENATE BILL NO. 749

(By Senator Helmick, et al)

PASSED April 8, 2005

In Effect 90 days from Passage

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Senate Bill No. 749

(BY SENATORS HELMICK, SHARPE, CHAFIN, PLYMALE, PREZIOSO,
EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER, MINEAR,
BOLEY, FACEMYER, YODER, GULLS AND SPROUSE)

[Passed April 8, 2005; in effect ninety days from passage.]

AN ACT to amend and reenact §16-13A-4 of the Code of West Virginia, 1931, as amended, authorizing a change in the official name of a public service district in certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §16-13A-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 13A. PUBLIC SERVICE DISTRICTS FOR WATER, SEWERAGE,
STORMWATER AND GAS SERVICES.**

§16-13A-4. Board chairman; members' compensation; procedure; district name.

- 1 (a) The chairman shall preside at all meetings of the
- 2 board and may vote as any other member of the board. If
- 3 the chairman is absent from any meeting, the remaining

4 members may select a temporary chairman and if the
5 member selected as chairman resigns as such or ceases for
6 any reason to be a member of the board, the board shall
7 select one of its members as chairman to serve until the
8 next annual organization meeting.

9 (b) Salaries of the board members are:

10 (1) For districts with fewer than six hundred customers,
11 up to seventy-five dollars per attendance at regular
12 monthly meetings and fifty dollars per attendance at
13 additional special meetings, total salary not to exceed
14 fifteen hundred dollars per annum;

15 (2) For districts with six hundred customers or more but
16 fewer than two thousand customers, up to one hundred
17 dollars per attendance at regular monthly meetings and
18 seventy-five dollars per attendance at additional special
19 meetings, total salary not to exceed two thousand five
20 hundred fifty dollars per annum;

21 (3) For districts with two thousand customers or more,
22 up to one hundred twenty-five dollars per attendance at
23 regular monthly meetings and seventy-five dollars per
24 attendance at additional special meetings, total salary not
25 to exceed three thousand seven hundred fifty dollars per
26 annum; and

27 (4) For districts with four thousand or more customers,
28 up to one hundred fifty dollars per attendance at regular
29 monthly meetings and one hundred dollars per attendance
30 at additional special meetings, total salary not to exceed
31 five thousand four hundred dollars per annum.

32 The public service district shall certify the number of
33 customers served to the Public Service Commission
34 beginning on the first day of July, one thousand nine
35 hundred eighty-six, and continue each fiscal year thereaf-
36 ter.

37 (c) Public service districts selling water to other water
38 utilities for resale may adopt the following salaries for its
39 board members:

40 (1) For districts with annual revenues of less than fifty
41 thousand dollars, up to seventy-five dollars per attendance
42 at regular monthly meetings and fifty dollars per atten-
43 dance at additional special meetings, total salary not to
44 exceed fifteen hundred dollars per annum;

45 (2) For districts with annual revenues of fifty thousand
46 dollars or more, but less than two hundred fifty thousand
47 dollars, up to one hundred dollars per attendance at
48 regular monthly meetings and seventy-five dollars per
49 attendance at special meetings, total salary not to exceed
50 two thousand five hundred fifty dollars per annum;

51 (3) For districts with annual revenues of two hundred
52 fifty thousand dollars or more, but less than five hundred
53 thousand dollars, up to one hundred twenty-five dollars
54 per attendance at regular monthly meetings and seventy-
55 five dollars per attendance at additional special meetings,
56 total salary not to exceed three thousand seven hundred
57 fifty dollars per annum; and

58 (4) For districts with annual revenues of five hundred
59 thousand dollars or more, up to one hundred fifty dollars
60 per attendance at regular monthly meetings and one
61 hundred dollars per attendance at additional special
62 meetings, total salary not to exceed five thousand four
63 hundred dollars per annum.

64 The public service district shall certify the number of
65 customers served and its annual revenue to the public
66 service commission beginning on the first day of July, two
67 thousand, and continue each fiscal year thereafter.

68 (d) Board members may be reimbursed for all reasonable
69 and necessary expenses actually incurred in the perfor-
70 mance of their duties as provided for by the rules of the
71 board.

72 (e) The board shall by resolution determine its own rules
73 of procedure, fix the time and place of its meetings and the
74 manner in which special meetings may be called. Public
75 notice of meetings shall be given in accordance with
76 section three, article nine-a, chapter six of this code.
77 Emergency meetings may be called as provided for by said
78 section. A majority of the members constituting the board
79 also constitute a quorum to do business.

80 (f) The members of the board are not personally liable or
81 responsible for any obligations of the district or the board,
82 but are answerable only for willful misconduct in the
83 performance of their duties. The county commission
84 which created a district or county commissions if more
85 than one created the district may, upon written request of
86 the district, adopt an order changing the official name of
87 a public service district: *Provided*, That such name change
88 will not be effective until approved by the public service
89 commission of West Virginia and the owners of any bonds
90 and notes issued by the district, if any, shall have con-
91 sented, in writing, to the name change. If a district
92 includes territory located in more than one county, the
93 county commission or county commissions changing the
94 name of the district shall provide any county commission
95 into which the district also extends with a certified copy
96 of the order changing the name of the district. The official
97 name of any district created under the provisions of this
98 article may contain the name or names of any city, incor-
99 porated town or other municipal corporation included
100 therein or the name of any county or counties in which it
101 is located.

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

Candy White
.....
Chairman Senate Committee

W. R. Brey
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Edwards
.....
Clerk of the Senate

Bryce W. Brey
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert Stivers
.....
Speaker House of Delegates

The within *is approved* this the *28th*
Day of *April*, 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 20 2005

Time 3:00 pm