

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Senate Bill 172

BY SENATOR BLAIR

[Passed April 8, 2017; to take effect July 1, 2017]

1 AN ACT to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating
2 to the Water Development Authority; eliminating the salary for appointed board members
3 effective July 1, 2017; authorizing appointed board members receive same compensation
4 for attending official meetings or engaging in official duties at rate not to exceed amount
5 paid to members of Legislature for interim duties as recommended by Citizens Legislative
6 Compensation Commission and authorized by law; permitting reimbursement for
7 reasonable and necessary expenses actually incurred in the performance of duties as
8 member of board; providing manner in which expenses may be reimbursed; setting per
9 diem allowances; permitting board members to be reimbursed for overnight commuting
10 expenses; setting manner for calculating reimbursement rates; setting cap on per diem
11 allowance and travel expenses for daily commuting board member; and permitting amount
12 for mileage paid to change from time to time under certain conditions.

Be it enacted by the Legislature of West Virginia:

1 That §22C-1-4 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 1. WATER DEVELOPMENT AUTHORITY.

**§22C-1-4. Water Development Authority; Water Development Board; organization of
authority and board; appointment of board members; their term of office,
compensation and expenses; director of authority; compensation.**

1 (a) The Water Development Authority is continued. The authority is a governmental
2 instrumentality of the state and a body corporate. The exercise by the authority of the powers
3 conferred by this article and the carrying out of its purposes and duties are essential governmental
4 functions and for a public purpose.

5 (b) The authority is controlled, managed and operated by a seven-member board known
6 as the Water Development Board. The Governor or designee, the Secretary of the Department of
7 Environmental Protection or designee and the Commissioner of the Bureau for Public Health or

8 designee are members ex officio of the board. Four members are appointed by the Governor, by
9 and with the advice and consent of the Senate, for six-year terms, which are staggered in
10 accordance with the initial appointments under prior enactment of this section. In the event of a
11 vacancy, appointments are filled in the same manner as the original appointment for the
12 remainder of the unexpired term. A member continues to serve until the appointment and
13 qualification of the successor. More than two appointed board members may not at any one time
14 belong to the same political party. Appointed board members may be reappointed to serve
15 additional terms.

16 (c) All members of the board shall be citizens of the state. Each appointed member of the
17 board, before entering upon his or her duties, shall comply with the requirements of article one,
18 chapter six of this code and give bond in the sum of \$25,000 in the manner provided in article two
19 of said chapter. The Governor may remove any board member for cause as provided in article
20 six of said chapter.

21 (d) The Governor or designee serves as chair. The board annually elects one of its
22 appointed members as vice chair and appoints a secretary-treasurer, who need not be a member
23 of the board. Four members of the board is a quorum and the affirmative vote of four members is
24 necessary for any action taken by vote of the board. A vacancy in the membership of the board
25 does not impair the rights of a quorum by such vote to exercise all the rights and perform all the
26 duties of the board and the authority. The person appointed as secretary-treasurer, including a
27 board member if so appointed, shall give bond in the sum of \$50,000 in the manner provided in
28 article two, chapter six of this code.

29 (e) The Governor or designee, the Secretary of the Department of Environmental
30 Protection and the Commissioner of the Bureau for Public Health do not receive compensation
31 for serving as board members. Each appointed member receives an annual salary of \$12,000,
32 payable in monthly installments: *Provided*, That effective July 1, 2017, appointed members shall
33 receive the same compensation for attending official meetings or engaging in official duties not to

34 exceed the amount paid to members of the Legislature for their interim duties as recommended
35 by the Citizens Legislative Compensation Commission and authorized by law. Appointed
36 members may receive reimbursement for reasonable and necessary expenses allowed by this
37 section. Each of the seven board members may be reimbursed for all reasonable and necessary
38 expenses actually incurred in the performance of duties as a member of the board in the following
39 manner: Each board member who lives more than fifty miles from the location where the meetings
40 are held may receive the sum of \$131 per day as per diem allowance for any day on which such
41 a meeting is held. Each board member who lives fifty miles or fewer from the location where the
42 meetings are held may receive the sum of \$55 per day as the per diem allowance. In addition,
43 each board member may be reimbursed for overnight commuting expenses at the mileage rate
44 equal to the amount paid by the travel management office of the Department of Administration for
45 the most direct usually traveled route, if travel is by private automobile, or for actual transportation
46 costs for direct route travel, if travel is by public carrier, or for any combination of the means of
47 transportation actually used, plus the costs of necessary taxi or limousine service, tolls and
48 parking fees in connection with the travel: *Provided*, That the total of this per diem allowance plus
49 travel expense for a daily commuting board member may not exceed \$131 per day. The amount
50 for mileage paid pursuant to this subsection may change from time to time in accordance with
51 changes in the level of reimbursement by the travel management office. All expenses incurred
52 by the board are payable solely from funds of the authority or from funds appropriated for that
53 purpose by the Legislature. Liability or obligation is not incurred by the authority beyond the extent
54 to which moneys are available from funds of the authority or from such appropriations.

55 (f) There is a director of the authority appointed by the Governor, with the advice and
56 consent of the Senate, who serves at the Governor's will and pleasure. The director is responsible
57 for managing and administering the daily functions of the authority and for performing other
58 functions necessary to the effective operation of the authority. The compensation of the director
59 is fixed annually by the board.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2017.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2017.

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Governor