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
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.

(a) The chairman shall preside at all meetings of the board and may vote as any other member of the board. If the chairman is absent from any meeting, the remaining
members may select a temporary chairman and if the
member selected as chairman resigns as such or ceases for
any reason to be a member of the board, the board shall
select one of its members as chairman to serve until the
next annual organization meeting.

(b) Salaries of the board members are:

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

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

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

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

The public service district shall certify the number of
customers served to the Public Service Commission
beginning on the first day of July, one thousand nine
hundred eighty-six, and continue each fiscal year thereaf-
fter.
(c) Public service districts selling water to other water utilities for resale may adopt the following salaries for its board members:

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

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

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

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

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

(d) Board members may be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties as provided for by the rules of the board.
(e) The board shall by resolution determine its own rules of procedure, fix the time and place of its meetings and the manner in which special meetings may be called. Public notice of meetings shall be given in accordance with section three, article nine-a, chapter six of this code. Emergency meetings may be called as provided for by said section. A majority of the members constituting the board also constitute a quorum to do business.

(f) The members of the board are not personally liable or responsible for any obligations of the district or the board, but are answerable only for willful misconduct in the performance of their duties. The county commission which created a district or county commissions if more than one created the district may, upon written request of the district, adopt an order changing the official name of a public service district: Provided, That such name change will not be effective until approved by the public service commission of West Virginia and the owners of any bonds and notes issued by the district, if any, shall have consented, in writing, to the name change. If a district includes territory located in more than one county, the county commission or county commissions changing the name of the district shall provide any county commission into which the district also extends with a certified copy of the order changing the name of the district. The official name of any district created under the provisions of this article may contain the name or names of any city, incorporated town or other municipal corporation included therein or the name of any county or counties in which it is located.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within............................. this the..................

Day of, .................., 2005.

Governor