

FILED

2015 MAR 24 P 5:11

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE

OFFICE OF THE
SECRETARY OF STATE

REGULAR SESSION, 2015



ENROLLED

Senate Bill No. 106

(BY SENATOR CARMICHAEL)

[PASSED MARCH 12, 2015; IN EFFECT FROM PASSAGE.]

SB 106

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senate Bill No. 106

(BY SENATOR CARMICHAEL)

[Passed March 12, 2015; in effect from passage.]

AN ACT to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.

Be it enacted by the Legislature of West Virginia:

That §16-13-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.

§16-13-18. Supervision of works by sanitary board; organization of board; qualifications, terms and compensation of members.

1 (a) The governing body shall provide by ordinance the
2 organization of the board, and that the custody,
3 administration, operation and maintenance of such works are
4 under the supervision and control of a sanitary board, created
5 under this section.

6 (b) The sanitary board shall be composed of either the
7 mayor of the municipality, or the city manager thereof, if the
8 municipality has a city manager form of government, and two
9 persons appointed by the governing body: *Provided*, That, in
10 the event of an acquisition or merger of an existing works,
11 the governing body may increase the membership to a
12 maximum of four members in addition to the mayor or city
13 manager of the municipality served by the board.

14 (c) During the construction period, one of the members
15 must be a registered professional engineer, except that if a
16 registered professional engineer is under contract for the
17 project, the membership of the board is not required to
18 include a registered professional engineer. The engineer
19 member of the board need not be a resident of the
20 municipality. After the construction of the plant for which no
21 registered professional engineer is under contract has been
22 completed, the engineer member may be succeeded by a
23 person not an engineer. No officer or employee of the
24 municipality, whether holding a paid or unpaid office, is
25 eligible for appointment to the sanitary board until at least
26 one year after the expiration of the term of his or her public
27 office. The appointees shall originally be appointed for terms
28 of two and three years respectively, and upon the expiration
29 of each term and each succeeding term, an appointment of a
30 successor shall be made in like manner for a term of three
31 years. Vacancies shall be filled for an unexpired term in the
32 same manner as the original appointment. Each member shall
33 give bond, if any, as required by ordinance. The mayor or
34 city manager shall act as chairman of the sanitary board,
35 which shall elect a vice chairman from its members and
36 designate a secretary and treasurer (but the secretary and the
37 treasurer may be one and the same) who need not be a
38 member or members of the sanitary board. The vice
39 chairman, secretary and treasurer shall hold office at the will
40 of the sanitary board.

41 (d) The members of the sanitary board are entitled to
42 receive compensation for their services, either as a salary or
43 as payments for meetings attended, as the governing body
44 determines, and are entitled to payment for their reasonable
45 expenses incurred in the performance of their duties. The
46 governing body shall fix the reasonable compensation of the
47 secretary and treasurer in its discretion, and shall fix the
48 amounts of bond to be given by the treasurer. All
49 compensation, together with the expenses previously referred
50 to in this section, shall be paid solely from funds provided
51 under the authority of this article. The sanitary board may
52 establish bylaws, rules and regulations for its own
53 governance.

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

Paul R. Hayden
.....
Chairman Senate Committee

John B. McCl
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Mark A. Barnes
.....
Clerk of the Senate

Stephan J. Harrison
.....
Clerk of the House of Delegates

William P. ...
.....
President of the Senate

Andy ...
.....
Speaker of the House of Delegates

The within *is approved* this the *24th*
Day of *March*, 2015.

Carl Roy Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 18 2015

Time 10:30 AM