

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

### ENROLLED

### Senate Bill 172

BY SENATOR BLAIR

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

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2017 APR 26 P 7 42

FILED

SB 172 (Veto)

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**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.

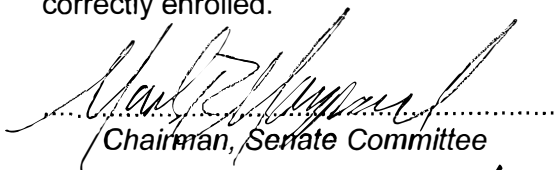
21 (d) The Governor or designee serves as chair. The board annually elects one of its  
22 appointed members as vice chair and appoints a secretary-treasurer, who need not be a member  
23 of the board. Four members of the board is a quorum and the affirmative vote of four members is  
24 necessary for 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.

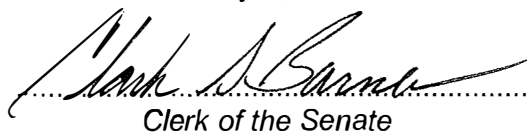
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

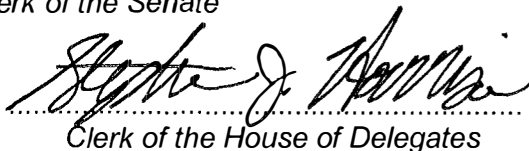
  
Chairman, Senate Committee

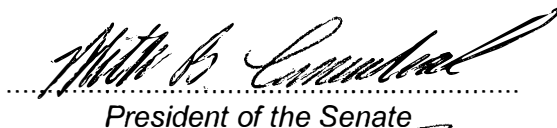
  
Chairman, House Committee

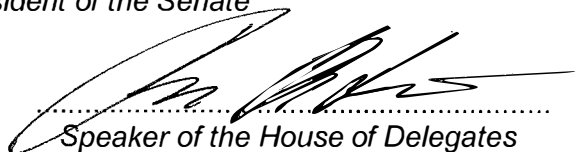
Originated in the Senate.

To take effect July 1, 2017.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2017 APR 26 P 1:42

FILED

The within *is disapproved* this the *26<sup>th</sup>*  
Day of *April*, 2017.

  
Governor

PRESENTED TO THE GOVERNOR

APR 20 2017

Time 10:40 AM