Senate Bill 172

By Senator Blair

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

2017 REGULAR SESSION

ENROLLED

Senate Bill 172

BY SENATOR BLAIR

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

Be it enacted by the Legislature of West Virginia:

That §22C-1-4 of the Code of West Virginia, 1931, as amended, be amended and 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.

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

(b) The authority is controlled, managed and operated by a seven-member board known as the Water Development Board. The Governor or designee, the Secretary of the Department of Environmental Protection or designee and the Commissioner of the Bureau for Public Health or
designee are members ex officio of the board. Four members are appointed by the Governor, by
and with the advice and consent of the Senate, for six-year terms, which are staggered in
accordance with the initial appointments under prior enactment of this section. In the event of a
vacancy, appointments are filled in the same manner as the original appointment for the
remainder of the unexpired term. A member continues to serve until the appointment and
qualification of the successor. More than two appointed board members may not at any one time
belong to the same political party. Appointed board members may be reappointed to serve
additional terms.

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

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

(e) The Governor or designee, the Secretary of the Department of Environmental
Protection and the Commissioner of the Bureau for Public Health do not receive compensation
for serving as board members. Each appointed member receives an annual salary of $12,000,
payable in monthly installments: Provided, That effective July 1, 2017, appointed members shall
receive the same compensation for attending official meetings or engaging in official duties not to
exceed the amount paid to members of the Legislature for their interim duties as recommended
by the Citizens Legislative Compensation Commission and authorized by law. Appointed
members may receive reimbursement for reasonable and necessary expenses allowed by this
section. Each of the seven board members may be reimbursed for all reasonable and necessary
expenses actually incurred in the performance of duties as a member of the board in the following
manner: Each board member who lives more than fifty miles from the location where the meetings
are held may receive the sum of $131 per day as per diem allowance for any day on which such
a meeting is held. Each board member who lives fifty miles or fewer from the location where the
meetings are held may receive the sum of $55 per day as the per diem allowance. In addition,
each board member may be reimbursed for overnight commuting expenses at the mileage rate
equal to the amount paid by the travel management office of the Department of Administration for
the most direct usually traveled route, if travel is by private automobile, or for actual transportation
costs for direct route travel, if travel is by public carrier, or for any combination of the means of
transportation actually used, plus the costs of necessary taxi or limousine service, tolls and
parking fees in connection with the travel: Provided, That the total of this per diem allowance plus
travel expense for a daily commuting board member may not exceed $131 per day. The amount
for mileage paid pursuant to this subsection may change from time to time in accordance with
changes in the level of reimbursement by the travel management office. All expenses incurred
by the board are payable solely from funds of the authority or from funds appropriated for that
purpose by the Legislature. Liability or obligation is not incurred by the authority beyond the extent
to which moneys are available from funds of the authority or from such appropriations.

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

The within is disapproved this the 26th Day of April, 2017.

Governor