

**Senate Bill No. 392**

(By Senators Hall, Klempa, Browning and Plymale)

[Introduced January 24, 2012; referred to the Committee on Government Organization; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §16-13A-4 of the Code of West Virginia, 1931, as amended, relating to public service district board members; increasing the salary of public service district board members; clarifying when salary and expense payments may be made; and adding sewer service to the salary schedule for public service districts which contract with others to provide service.

*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.**

**§16-13A-4. Board chairman; members' compensation; procedure; district name.**

(a) The chairman shall preside at all meetings of the board

1 and may vote as any other member of the board. If the chairman is  
2 absent from any meeting, the remaining members may select a  
3 temporary chairman and if the member selected as chairman resigns  
4 as such or ceases for any reason to be a member of the board, the  
5 board shall select one of its members as chairman to serve until  
6 the next annual organization meeting.

7 (b) Salaries of the board members are:

8 (1) For districts with fewer than six hundred customers, up to  
9 ~~\$75~~ \$100 per attendance at regular monthly meetings and ~~\$50~~ \$75 per  
10 attendance at additional special meetings, total salary not to  
11 exceed ~~\$1,500~~ \$2,000 per annum;

12 (2) For districts with six hundred customers or more but fewer  
13 than two thousand customers, up to ~~\$100~~ \$125 per attendance at  
14 regular monthly meetings and ~~\$75~~ \$100 per attendance at additional  
15 special meetings, total salary not to exceed ~~\$2,500~~ \$3,250 per  
16 annum;

17 (3) For districts with two thousand customers or more, up to  
18 ~~\$125~~ \$150 per attendance at regular monthly meetings and ~~\$75~~ \$100  
19 per attendance at additional special meetings, total salary not to  
20 exceed ~~\$3,750~~ \$4,500 per annum; and

21 (4) For districts with four thousand or more customers, up to  
22 ~~\$150~~ \$200 per attendance at regular monthly meetings and ~~\$100~~ \$150  
23 per attendance at additional special meetings, total salary not to  
24 exceed ~~\$5,400~~ \$6,500 per annum.

1 The public service district shall certify the number of  
2 customers served to the Public Service Commission beginning on July  
3 ~~1,1986,~~ and continue each fiscal year thereafter.

4 (c) Public service districts selling water to other water  
5 utilities for resale or public service districts which provide  
6 sewer treatment for other sewer utilities may adopt the following  
7 salaries for its board members:

8 (1) For districts with annual revenues of less than \$50,000,  
9 up to ~~\$75~~ \$100 per attendance at regular monthly meetings and ~~\$50~~  
10 \$75 per attendance at additional special meetings, total salary not  
11 to exceed ~~\$1,500~~ \$2,000 per annum;

12 (2) For districts with annual revenues of \$50,000 or more, but  
13 less than \$250,000, up to ~~\$100~~ \$125 per attendance at regular  
14 monthly meetings and ~~\$75~~ \$100 per attendance at special meetings,  
15 total salary not to exceed ~~\$2,500~~ \$3,250 per annum;

16 (3) For districts with annual revenues of \$250,000 or more,  
17 but less than \$500,000, up to ~~\$125~~ \$150 per attendance at regular  
18 monthly meetings and ~~\$75~~ \$100 per attendance at additional special  
19 meetings, total salary not to exceed ~~\$3,750~~ \$4,500 per annum; and

20 (4) For districts with annual revenues of \$500,000 or more, up  
21 to ~~\$150~~ \$200 per attendance at regular monthly meetings and ~~\$100~~  
22 \$150 per attendance at additional special meetings, total salary  
23 not to exceed ~~\$5,400~~ \$6,400 per annum.

24 The public service district shall certify the number of

1 customers served and its annual revenue to the Public Service  
2 Commission beginning on July 1, 2000, ~~and continue~~ of each fiscal  
3 year. ~~thereafter~~

4 (d) Board members may be reimbursed for all reasonable and  
5 necessary expenses actually incurred in the performance of their  
6 duties as provided for by the rules of the board. Notwithstanding  
7 any other provision of this code to the contrary, board members are  
8 not eligible for salary payment or reimbursement for expenses  
9 incurred prior to the public service district initiating service to  
10 its first customer. Salary and reimbursement for expenses may only  
11 be incurred at meetings occurring after the public service district  
12 initiated service to customers.

13 (e) The board shall by resolution determine its own rules of  
14 procedure, fix the time and place of its meetings and the manner in  
15 which special meetings may be called. Public notice of meetings  
16 shall be given in accordance with section three, article nine-a,  
17 chapter six of this code. Emergency meetings may be called as  
18 provided for by ~~said~~ that section. A majority of the members  
19 constituting the board also constitute a quorum to do business.

20 (f) The members of the board are not personally liable or  
21 responsible for any obligations of the district or the board, but  
22 are answerable only for willful misconduct in the performance of  
23 their duties. The county commission which created a district or  
24 county commissions if more than one created the district may, upon

1 written request of the district, adopt an order changing the  
2 official name of a public service district: *Provided*, That ~~such~~  
3 the name change will not be effective until approved by the Public  
4 Service Commission of West Virginia and the owners of any bonds and  
5 notes issued by the district, if any, shall have consented, in  
6 writing, to the name change. If a district includes territory  
7 located in more than one county, the county commission or county  
8 commissions changing the name of the district shall provide any  
9 county commission into which the district also extends with a  
10 certified copy fo the order changing the name of the district. The  
11 official name of any district created under the provisions of this  
12 article may contain the name or names of any city, incorporated  
13 town or other municipal corporation included therein or the name of  
14 any county or counties in which it is located.

NOTE: The purpose of this bill is to increase the salary of public service district board members. The bill clarifies when salary and expense payments may be made. It also adds sewer service to the salary schedule for public service districts which contract with others to provide service.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.