

**Senate Bill No. 287**

(By Senator Carmichael)

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[Introduced January 8, 2014; referred to the Committee on  
Government Organization; and then to the Committee on the  
Judiciary.]

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A BILL 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.**

(a) The governing body shall provide by ordinance the

1 organization of the board, and that the custody, administration,  
2 operation and maintenance of such works ~~shall be~~ are under the  
3 supervision and control of a sanitary board, created ~~as herein~~  
4 provided under this section.

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

13 (c) During the construction period, one of the members must be  
14 a registered professional engineer, except that if a registered  
15 professional engineer is under contract for the project, the  
16 membership of the board is not required to include a registered  
17 professional engineer. The engineer member of the board need not  
18 be a resident of ~~said the~~ the municipality. After the construction of  
19 the plant for which no registered professional engineer is under  
20 contract has been completed, the engineer member may be succeeded  
21 by a person not an engineer. No officer or employee of the  
22 municipality, whether holding a paid or unpaid office, ~~shall be~~ is  
23 eligible ~~to~~ for appointment ~~on said~~ to the sanitary board until at  
24 least one year after the expiration of the term of his or her

1 public office. The appointees shall originally be appointed for  
2 terms of two and three years respectively, and upon the expiration  
3 of each term and each succeeding term, an appointment of a  
4 successor shall be made in like manner for a term of three years.  
5 Vacancies shall be filled for an unexpired term in the same manner  
6 as the original appointment. Each member shall give ~~such~~ bond, if  
7 any, as ~~may be~~ required by ordinance. The mayor or city manager  
8 shall act as chairman of the sanitary board, which shall elect a  
9 vice chairman from its members and ~~shall~~ designate a secretary and  
10 treasurer (but the secretary and the treasurer may be one and the  
11 same), who need not be a member or members of the sanitary board.  
12 The vice chairman, secretary and treasurer shall hold office ~~as~~  
13 ~~such~~ at the will of the sanitary board.

14       (d) The members of the sanitary board ~~shall~~ are entitled to  
15 receive compensation for their services, either as a salary or as  
16 payments for meetings attended, as the governing body ~~may determine~~  
17 determines, and ~~shall be~~ are entitled to payment for their  
18 reasonable expenses incurred in the performance of their duties.  
19 The governing body shall fix the reasonable compensation of the  
20 secretary and treasurer in its discretion, and shall fix the  
21 amounts of bond to be given by the treasurer. All compensation,  
22 together with the expenses previously referred to in this section  
23 ~~referred to~~, shall be paid solely from funds provided under the  
24 authority of this article. The sanitary board ~~shall have power to~~

1 may establish bylaws, rules and regulations for its own ~~government~~  
2 governance.

NOTE: The purpose of this bill is to provide that a sanitary board is not required to have a registered professional engineer serving on the board if the board is supervising construction of a project for which a registered professional engineer is under contract.

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