

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Introduced**

## **Senate Bill 172**

BY SENATOR BLAIR

[Introduced February 8, 2017; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §22C-1-4 of the Code of West Virginia, 1931, as amended, relating  
2 to the Water Development Authority; and eliminating the salary for board members.

*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 may  
33 not receive an annual salary or any compensation beyond reimbursement for reasonable and  
34 necessary expenses allowed by this section. Each of the seven board members ~~is~~ may be  
35 reimbursed for all reasonable and necessary expenses actually incurred in the performance of  
36 duties as a member of the board in a manner consistent with guidelines of the travel management  
37 office of the Department of Administration. All expenses incurred by the board are payable solely  
38 from funds of the authority or from funds appropriated for that purpose by the Legislature. Liability  
39 or obligation is not incurred by the authority beyond the extent to which moneys are available from  
40 funds of the authority or from such appropriations.

41 (f) There is a director of the authority appointed by the Governor, with the advice and  
42 consent of the Senate, who serves at the Governor's will and pleasure. The director is responsible  
43 for managing and administering the daily functions of the authority and for performing other

44 functions necessary to the effective operation of the authority. The compensation of the director  
45 is fixed annually by the board.

NOTE: The purpose of this bill is to eliminate the salary for members of the West Virginia Water Development Board.

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