

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 264**

BY SENATOR BLAIR

[Introduced February 13, 2017; referred  
to the Committee on Government Organization; and then  
to the Committee on Finance]

1 A BILL to amend and reenact §5B-1-1 of the Code of West Virginia, 1931, as amended; to amend  
 2 and reenact §6-7-2a of said code; to amend and reenact §17A-2-6 of said code; and to  
 3 amend and reenact §29-21-5 of said code, all relating to the salaries of appointed officers  
 4 being fixed by the Governor.

*Be it enacted by the Legislature of West Virginia:*

1 That §5B-1-1 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted; that §6-7-2a of said code be amended and reenacted; that §17A-2-6 of said code be  
 3 amended and reenacted; and that §29-21-5 of said code be amended and reenacted, all to read  
 4 as follows:

**CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.**

**ARTICLE 1. DEPARTMENT OF COMMERCE.**

**§5B-1-1. Department of Commerce; office of Secretary of Department of Commerce.**

1 (a) The Secretary of Commerce is the chief executive officer of the department. The  
 2 Governor shall appoint the secretary, by and with the advice and consent of the Senate, for the  
 3 term for which the Governor is elected. Any reference in this code to the Bureau of Commerce  
 4 means the Department of Commerce. Any reference in this code to the Commissioner of the  
 5 Department of Commerce means the Secretary of Commerce. As used in this article, "secretary"  
 6 means the Secretary of Commerce and "department" means Department of Commerce.

7 (b) The department may receive federal funds.

8 (c) The secretary serves at the will and pleasure of the Governor. The annual salary of the  
 9 secretary is ~~\$90,000~~ shall be set by the Governor.

**CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS**

**ARTICLE 7. COMPENSATION AND ALLOWANCES.**

**§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers  
 and salaries of officers.**

1 (a) Each of the following appointive state officers named in this subsection shall be  
 2 appointed by the Governor, by and with the advice and consent of the Senate. Each of the  
 3 appointive state officers serves at the will and pleasure of the Governor for the term for which the  
 4 Governor was elected and until the respective state officers' successors have been appointed  
 5 and qualified. Each of the appointive state officers are subject to the existing qualifications for  
 6 holding each respective office and each has and is hereby granted all of the powers and authority  
 7 and shall perform all of the functions and services heretofore vested in and performed by virtue  
 8 of existing law respecting each office.

9 The annual salary of each the following named appointive state officers ~~is as follows~~ shall  
 10 be fixed by the Governor:

11 Commissioner, Division of Highways; ~~\$92,500~~ Commissioner, Division of Corrections;  
 12 ~~\$80,000~~ Director, Division of Natural Resources; ~~\$75,000~~ Superintendent, State Police; ~~\$85,000~~  
 13 Commissioner, Division of Banking; ~~\$75,000~~ Commissioner, Division of Culture and History;  
 14 ~~\$65,000~~ Commissioner, Alcohol Beverage Control Commission; ~~\$75,000~~ Commissioner, Division  
 15 of Motor Vehicles; ~~\$75,000~~ Chairman, Health Care Authority; ~~\$80,000~~ members, Health Care  
 16 Authority; ~~\$70,000~~ Director, Human Rights Commission; ~~\$55,000~~ Commissioner, Division of  
 17 Labor; ~~\$70,000~~ prior to July 1, 2014 Director, Division of Veterans Affairs; ~~\$65,000~~ Chairperson,  
 18 Board of Parole; ~~\$55,000~~ members, Board of Parole; ~~\$50,000~~ members, Employment Security  
 19 Review Board; ~~\$17,000~~ and Commissioner, Workforce West Virginia. ~~\$75,000~~ Secretaries of the  
 20 departments shall be paid an annual salary as follows fixed by the Governor: Health and Human  
 21 Resources, ~~\$95,000~~; ~~Provided, That effective July 1, 2013, the Secretary of the Department of~~  
 22 ~~Health and Human Resources shall be paid an annual salary not to exceed \$175,000;~~  
 23 Transportation, ~~\$95,000~~; ~~Provided, however, That if the same person is serving as both the~~  
 24 ~~Secretary of Transportation and the Commissioner of Highways, he or she shall be paid \$120,000~~  
 25 Revenue, ~~\$95,000~~ Military Affairs and Public Safety, ~~\$95,000~~ Administration, ~~\$95,000~~ Education  
 26 and the Arts, ~~\$95,000~~ Commerce, ~~\$95,000~~ Veterans' Assistance; ~~\$95,000~~ and Environmental

27 Protection. ~~\$95,000: *Provided further,* That any officer specified in this subsection whose salary~~  
 28 ~~is increased by more than \$5,000 as a result of the amendment and reenactment of this section~~  
 29 ~~during the 2011 regular session of the Legislature shall be paid the salary increase in increments~~  
 30 ~~of \$5,000 per fiscal year beginning July 1, 2011, up to the maximum salary provided in this~~  
 31 ~~subsection~~

32 (b) Each of the state officers named in this subsection shall continue to be appointed in  
 33 the manner prescribed in this code and shall be paid an annual salary as follows fixed by the  
 34 Governor:

35 Director, Board of Risk and Insurance Management; ~~\$80,000~~ Director, Division of  
 36 Rehabilitation Services; ~~\$70,000~~ Director, Division of Personnel; ~~\$70,000~~ Executive Director,  
 37 Educational Broadcasting Authority; ~~\$75,000~~ Secretary, Library Commission; ~~\$72,000~~ Director,  
 38 Geological and Economic Survey; ~~\$75,000~~; Executive Director, Prosecuting Attorneys Institute;  
 39 ~~\$80,000~~; Executive Director, Public Defender Services; ~~\$70,000~~; Commissioner, Bureau of  
 40 Senior Services; ~~\$75,000~~; Executive Director, Women's Commission; ~~\$45,000~~ Director, Hospital  
 41 Finance Authority; ~~\$35,000~~ member, Racing Commission; ~~\$12,000~~ Chairman, Public Service  
 42 Commission; ~~\$85,000~~ members, Public Service Commission; ~~\$85,000~~ Director, Division of  
 43 Forestry; ~~\$75,000~~ Director, Division of Juvenile Services; ~~\$80,000~~ and Executive Director,  
 44 Regional Jail and Correctional Facility Authority. ~~\$80,000~~

45 (c) Each of the following appointive state officers named in this subsection shall be  
 46 appointed by the Governor, by and with the advice and consent of the Senate. Each of the  
 47 appointive state officers serves at the will and pleasure of the Governor for the term for which the  
 48 Governor was elected and until the respective state officers' successors have been appointed  
 49 and qualified. Each of the appointive state officers are subject to the existing qualifications for  
 50 holding each respective office and each has and is hereby granted all of the powers and authority  
 51 and shall perform all of the functions and services heretofore vested in and performed by virtue  
 52 of existing law respecting each office.

53           The annual salary of each named appointive state officer shall be ~~as follows~~ fixed by the  
54 Governor:

55           Commissioner, State Tax Division; ~~\$92,500~~ Insurance Commissioner; ~~\$92,500~~ Director,  
56 Lottery Commission; ~~\$92,500~~ Director, Division of Homeland Security and Emergency  
57 Management; ~~\$65,000~~ and Adjutant General. ~~\$125,000~~

58           (d) No increase in the salary of any appointive state officer pursuant to this section may  
59 be paid until and unless the appointive state officer has first filed with the State Auditor and the  
60 Legislative Auditor a sworn statement, on a form to be prescribed by the Attorney General,  
61 certifying that his or her spending unit is in compliance with any general law providing for a salary  
62 increase for his or her employees. The Attorney General shall prepare and distribute the form to  
63 the affected spending units.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,  
CERTIFICATE OF TITLE AND ANTITHEFT PROVISIONS.**

**ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

**§17A-2-6. Commissioner of motor vehicles — Salary and expenses.**

1           The commissioner shall receive a salary of ~~\$7,000~~ as fixed by the Governor and the  
2 necessary traveling expenses incident to the performance of his or her duties. Requisition for  
3 traveling expenses shall be accompanied by a sworn and itemized statement which shall be filed  
4 with the Auditor and permanently preserved as a public record.

**CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

**ARTICLE 21. PUBLIC DEFENDER SERVICES.**

**§29-21-5. Executive director.**

1           (a) The Governor shall appoint, by and with the advice and consent of the Senate, the  
2 Executive Director of Public Defender Services, who shall serve at the will and pleasure of the  
3 Governor. The executive director shall be a qualified administrator as determined by the

4 Governor, and shall be a member of the bar of the Supreme Court of Appeals. In addition to the  
5 executive director there shall be such other employees as the executive director determines to be  
6 necessary. The executive director shall have the authority to promulgate rules, and shall have  
7 such other authority and perform such duties as may be required or necessary to effectuate this  
8 article. The executive director shall provide supervision and direction to the other agency  
9 employees in the performance of their duties.

10 (b) The executive director's annual salary shall be ~~as determined by the Legislature~~ fixed  
11 by the Governor.

NOTE: The purpose of this bill is to provide that the salaries of appointed officers shall be fixed by the Governor.

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