

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Engrossed

Senate Bill 393

BY SENATORS BLAIR, BOLEY, BOSO, DRENNAN,
FACEMIRE, FERNS, GAUNCH, PALUMBO, PLYMALE,
PREZIOSO, STOLLINGS, SYPOLT, AND TAKUBO

[Originating in the Committee on Finance; Reported
on January 25, 2018]

1 A BILL to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §19-23-4 of said code; all relating to the compensation and
3 composition of the West Virginia Racing Commission.

Be it enacted by the Legislature of West Virginia:

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 named appointive state officer is as follows:

10 Commissioner, Division of Highways, \$92,500; Commissioner, Division of Corrections,
11 \$80,000; Director, Division of Natural Resources, \$75,000; Superintendent, State Police,
12 \$85,000; Commissioner, Division of Banking, \$75,000; Commissioner, Division of Culture and
13 History, \$65,000; Commissioner, Alcohol Beverage Control Commission, \$75,000;
14 Commissioner, Division of Motor Vehicles, \$75,000; Director, Human Rights Commission,
15 \$55,000; Commissioner, Division of Labor, \$70,000; prior to July 1, 2011, Director, Division of
16 Veterans Affairs, \$65,000; Chairperson, Board of Parole, \$55,000; members, Board of Parole,
17 \$50,000; members, Employment Security Review Board, \$17,000; and Commissioner, Workforce
18 West Virginia, \$75,000. Secretaries of the departments shall be paid an annual salary as follows:

19 Health and Human Resources, \$95,000: *Provided*, That effective July 1, 2013, the Secretary of
20 the Department of Health and Human Resources shall be paid an annual salary not to exceed
21 \$175,000; Transportation, \$95,000: *Provided, however*, That if the same person is serving as both
22 the Secretary of Transportation and the Commissioner of Highways, he or she shall be paid
23 \$120,000; Revenue, \$95,000; Military Affairs and Public Safety, \$95,000; Administration,
24 \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance, \$95,000;
25 and Environmental Protection, \$95,000: *Provided further*, That any officer specified in this
26 subsection whose salary is increased by more than \$5,000 as a result of the amendment and
27 reenactment of this section during the 2011 regular session of the Legislature shall be paid the
28 salary increase in increments of \$5,000 per fiscal year beginning July 1, 2011, up to the maximum
29 salary provided in this subsection.

30 (b) Each of the state officers named in this subsection shall continue to be appointed in
31 the manner prescribed in this code and shall be paid an annual salary as follows:

32 Director, Board of Risk and Insurance Management, \$80,000; Director, Division of
33 Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director,
34 Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director,
35 Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute,
36 \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of
37 Senior Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital
38 Finance Authority, \$35,000; member, Racing Commission, ~~\$7,200~~~~42,000~~; Chairman, Public
39 Service Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division
40 of Forestry, \$75,000; Director, Division of Juvenile Services, \$80,000; Executive Director,
41 Regional Jail and Correctional Facility Authority, \$80,000; and Executive Director of the Health
42 Care Authority, \$80,000.

43 (c) Each of the following appointive state officers named in this subsection shall be
44 appointed by the Governor, by and with the advice and consent of the Senate. Each of the

45 appointive state officers serves at the will and pleasure of the Governor for the term for which the
46 Governor was elected and until the respective state officers' successors have been appointed
47 and qualified. Each of the appointive state officers are subject to the existing qualifications for
48 holding each respective office and each has and is hereby granted all of the powers and authority
49 and shall perform all of the functions and services heretofore vested in and performed by virtue
50 of existing law respecting each office.

51 The annual salary of each named appointive state officer shall be as follows:

52 Commissioner, State Tax Division, \$92,500; Insurance Commissioner, \$92,500; Director,
53 Lottery Commission, \$92,500; Director, Division of Homeland Security and Emergency
54 Management, \$65,000; and Adjutant General, \$125,000.

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

CHAPTER 19. AGRICULTURE.

ARTICLE 23. HORSE AND DOG RACING.

**§19-23-4. West Virginia Racing Commission continued as a public corporation;
composition; terms; vacancies; qualifications, expenses of members; principal
office; meetings; election of officers; quorum; inspection of records; annual report.**

1 (a) The West Virginia Racing Commission, is continued in existence as a public
2 corporation and, as such, may contract and be contracted with, plead and be impleaded, sue and
3 be sued, and have and use a common seal.

4 (b) The Racing Commission shall consist of ~~three~~ five members, not more than three ~~two~~
5 of whom shall belong to the same political party, to be appointed by the Governor by and with the
6 advice and consent of the Senate. Individuals appointed to the commission shall be persons who,
7 by reason of previous training and experience, can be classified as capable and experienced in
8 fields of knowledge relevant to racing. One of the appointees to the commission shall be a person
9 who, by reason of previous training and experience, can be classified as one capable and
10 experienced in the tourism industry and shall be designated the tourism representative. One of
11 the appointees to the commission shall be a person who, by reason of previous training and
12 experience, can be classified as one who is knowledgeable and experienced in the thoroughbred
13 racing industry and shall be designated the thoroughbred horse racing representative. One of
14 the appointees to the commission shall be a person who, by reason of previous training and
15 experience, can be classified as one who is knowledgeable and experienced in the greyhound
16 racing industry and shall be designated the greyhound racing representative. One of the
17 appointees to the commission shall be a person who, by reason of previous training and
18 experience, can be classified as one who is knowledgeable and experienced in the casino
19 industry or in racetrack management and shall be designated the casino representative. One of
20 the appointees to the commission shall be a person who, by reason of previous training and
21 experience, can be classified as one who is knowledgeable and experienced in veterinary
22 services and medical care for thoroughbred horses and shall be designated the veterinary
23 representative. On or after the effective date of the 2018 amendment and reenactment of this
24 section, the Governor shall, with advice and consent from the Senate, appoint two additional
25 members to occupy the two newly created positions on the commission according to the
26 classifications and areas of expertise listed above. The current members of the commission as of
27 the effective date of the 2018 amendment shall retain their seats: *Provided*, That each member
28 of the commission who is reappointed after the effective date of the 2018 amendment must be
29 qualified according to at least one of the five classifications above, so that each of the five fields

30 of knowledge relevant to racing is represented on the commission. The term of office for the
31 members of the Racing Commission is four years, ~~and~~ until their successors have been appointed
32 and have qualified, and members of the Racing Commission may serve any number of successive
33 terms. The members of the Racing Commission in office on the effective date of the amendment
34 and reenactment of this section in ~~two thousand one~~ 2018 shall, unless removed by the Governor
35 after the effective date of this article, continue to serve until their terms expire and until their
36 successors have been appointed and have qualified. Any vacancy in the office of a member of
37 the Racing Commission shall be filled by appointment by the Governor for the unexpired term of
38 the member whose office shall be vacant. No person is eligible for appointment to or to serve
39 upon the Racing Commission:

40 (1) Unless he or she is an actual and bona fide resident of this state, shall have resided in
41 this state for a period of at least five years ~~next~~ preceding his or her appointment, shall be a
42 qualified voter of this state, and be not less than ~~25~~ twenty-five years of age;

43 (2) Who directly or indirectly, or in any capacity, owns or has any interest, in any manner
44 whatever, in any racetrack where horse or dog race meetings may be held, including, but not
45 limited to, an interest as owner, lessor, lessee, stockholder, or employee;

46 (3) While serving as a member of the Legislature or as an elective officer of this state; or

47 (4) Who has been or shall be convicted of an offense which, under the law of this state or
48 any other state or of the United States of America, constitutes a felony, or is a violation of §61-4-
49 1 et seq. ~~article four, chapter sixty-one~~ of this code.

50 (c) Each member of the Racing Commission shall be reimbursed for all reasonable and
51 necessary expenses actually incurred in the performance of his or her duties as a member of the
52 Racing Commission.

53 (d) The Racing Commission shall have its principal office at the seat of government, and
54 shall meet annually at its principal office in the month of January, and at any other times and
55 places designated by its chairman. At the annual meeting the Racing Commission shall elect from

56 its membership a chairman and any other officers that are desired. Other meetings of the Racing
57 Commission may be called by the chairman on such notice to the other members prescribed by
58 the Racing Commission.

59 (e) A majority of the members of the Racing Commission constitute a quorum for the
60 transaction of its business or the exercise of any of its powers and authority. No person not a
61 bona fide member of the Racing Commission shall vote upon or participate in the deliberations of
62 the Racing Commission on any matter which may come before it. All Racing Commission records,
63 except as otherwise provided by law, shall be open to public inspection during regular office hours.

64 (f) As soon as possible after the close of each calendar year, the Racing Commission shall
65 submit to the Governor a report of the transactions of the Racing Commission during the
66 preceding calendar year.