

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4461

BY DELEGATE HANSHAW (MR. SPEAKER)

(BY REQUEST)

[Passed March 7, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §6-7-2a of the Code of West Virginia, 1931, as amended, relating
2 to requiring the Governor to fix the annual salaries of certain state appointed officers after
3 the office is vacated or after July 1, 2020, whichever occurs first; requiring that the salary
4 be within the current budget allocation; requiring the amount of the annual salary for
5 appointed state officer be set forth in a line-item in the budget bill; limiting payment of
6 salary to amount approved in budget bill; allowing lower salaries; and requiring that the
7 salary of each such appointed state officer be listed in the appointment letter for the
8 position.

Be it enacted by the Legislature of West Virginia:

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 and
11 Rehabilitation, \$90,000; Director, Division of Natural Resources, \$75,000; Superintendent, State
12 Police, \$85,000; Commissioner, Division of Financial Institutions, \$75,000; Commissioner,
13 Division of Culture and History, \$65,000; Commissioner, Alcohol Beverage Control Commission,
14 \$75,000; Commissioner, Division of Motor Vehicles, \$75,000; Director, Human Rights

15 Commission, \$55,000; Commissioner, Division of Labor, \$70,000; Chairperson, Board of Parole,
16 \$55,000; members, Board of Parole, \$50,000; members, Employment Security Review Board,
17 \$17,000; and Commissioner, Workforce West Virginia, \$75,000. Secretaries of the departments
18 shall be paid an annual salary as follows: Health and Human Resources, \$95,000: *Provided*, That
19 effective July 1, 2013, the Secretary of the Department of Health and Human Resources shall be
20 paid an annual salary not to exceed \$175,000; Transportation, \$95,000: *Provided, however*, That
21 if the same person is serving as both the Secretary of Transportation and the Commissioner of
22 Highways, he or she shall be paid \$120,000; Revenue, \$95,000; Military Affairs and Public Safety,
23 \$95,000; Administration, \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000;
24 Veterans' Assistance, \$95,000; and Environmental Protection, \$95,000: *Provided further*, That
25 any officer specified in this subsection whose salary is increased by more than \$5,000 as a result
26 of the amendment and reenactment of this section during the 2011 regular session of the
27 Legislature shall be paid the salary increase in increments of \$5,000 per fiscal year beginning
28 July 1, 2011, up to the maximum salary provided in this subsection.

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

31 Director, Board of Risk and Insurance Management, \$80,000; Director, Division of
32 Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director,
33 Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director,
34 Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute,
35 \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of
36 Senior Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital
37 Finance Authority, \$35,000; member, Racing Commission, \$12,000; Chairman, Public Service
38 Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division of
39 Forestry, \$75,000; and Executive Director of the Health Care Authority, \$80,000.

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

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

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

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

58 (e) The annual salary of each appointive state officer named in this section shall continue
59 in the amount as set forth in this section from the effective date of the amendments to this section
60 enacted in 2020, whichever occurs first. After the vacancy or after July 1, 2020, whichever occurs
61 first, unless otherwise prohibited by law, the annual salary of each appointed state officer named
62 in this section shall be fixed by the Governor within the current budget allocation. In the event the
63 annual salary fixed by the Governor for an appointed state officer named in this section exceeds
64 the amount set forth in this section for the appointed state officer, the amount of the annual salary
65 for the appointed state officer shall be set forth in a line-item in the budget bill, and payment of an

66 annual salary to the appointed state officer may not exceed that amount but may be lower than
67 the salary approved in the budget bill or established in this section. The salary of a newly
68 appointed state officer named in this section shall be included in the appointment letter for the
69 position.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman, House Committee

.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

.....
Speaker of the House of Delegates

.....
President of the Senate

The within this the.....
day of, 2020.

.....
Governor