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SECRETARY OF STATE  
SERVICES DIVISION

**WEST VIRGINIA LEGISLATURE**

FIRST EXTRAORDINARY SESSION, 1999



**ENROLLED**

**House Bill No. 105**

(By Mr. Speaker, Mr. Kiss, and Delegates Martin,  
Varner, Michael, Pino, Douglas and Doyle)



Passed March 22, 1999

In Effect Ninety Days from Passage

HB 105

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CLERK OF THE HOUSE  
STATE OF WEST VIRGINIA

## ENROLLED

# H. B. 105

(BY MR. SPEAKER, MR. KISS, AND DELEGATES MARTIN,  
VARNER, MICHAEL, PINO, DOUGLAS AND DOYLE)

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[Passed March 22, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section three, article one, chapter five-f of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections two and two-a, article seven, chapter six of said code; to amend and reenact section one, article three, chapter eighteen of said code; to amend and reenact section three, article four, chapter forty-eight-a of said code; to amend and reenact section three, article one, chapter fifty of said code; to amend and reenact section ten-a, article one, chapter fifty-one of said code; and to amend and reenact section thirteen, article two of said chapter, all relating to salary adjustments for certain public officials.

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

That section three, article one, chapter five-f of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that sections two and two-a, article seven, chapter six of said code be amended and reenacted; that section one, article three, chapter eighteen of said code be amended and reenacted; that section three, article four, chapter forty-eight-a of said code be amended and reenacted; that section three, article one, chapter fifty of said code be amended and reenacted; that section ten-a, article one, chapter fifty-one of said code be amended and reenacted; and that

section thirteen, article two of said chapter be amended and reenacted, all to read as follows:

**CHAPTER 5F. REORGANIZATION OF THE EXECUTIVE  
BRANCH OF STATE GOVERNMENT.**

**ARTICLE 1. GENERAL PROVISIONS.**

**§5F-1-3. Oath; bond; compensation.**

1       (a) Each person appointed to serve as a secretary shall take  
2 the oath or affirmation prescribed by section five, article four  
3 of the constitution, and such oath shall be certified by the  
4 person who administers the same and filed in the office of the  
5 secretary of state.

6       (b) Each person so appointed shall give bond in the penalty  
7 of twenty-five thousand dollars conditioned for the faithful  
8 performance of the duties of the office, which bond shall be  
9 approved by the attorney general as to form and by the governor  
10 as to sufficiency. The surety of such bond may be a bonding or  
11 surety company, in which case the premium shall be paid out of  
12 the appropriation made for the administration of the depart-  
13 ment.

14       (c) Each secretary shall receive a salary of seventy thousand  
15 dollars per year. Beginning the first day of July, one thousand  
16 nine hundred ninety-nine, the secretary of the department of  
17 health and human resources shall receive an annual salary of  
18 eighty-five thousand dollars.

19       (d) The salary and expenses necessary for each secretary  
20 and all expenditures for personal services for the office of  
21 secretary shall be paid from and within existing appropriations  
22 made to the agencies and boards transferred to the department  
23 headed by the secretary, and revised expenditure schedules  
24 shall be submitted to the commissioner of finance and adminis-  
25 tration and the legislative auditor stating the amount and source  
26 of funds to be expended: *Provided*, That for fiscal years  
27 beginning the first day of July, one thousand nine hundred  
28 eighty-nine, such amounts shall follow the procedures described  
29 in chapter five-a of this code.

**CHAPTER 6. GENERAL PROVISIONS  
RESPECTING OFFICERS.**

**ARTICLE 7. COMPENSATION AND ALLOWANCES.**

**§6-7-2. Salaries of certain state officers.**

1       The salaries for each of the state constitutional officers  
2 shall be as follows:

3       (a) The salary of the governor shall be ninety thousand  
4 dollars per year;

5       (b) The salary of the attorney general shall be seventy-five  
6 thousand dollars per year;

7       (c) The salary of the auditor shall be seventy thousand  
8 dollars per year;

9       (d) The salary of the secretary of state shall be sixty-five  
10 thousand dollars per year;

11       (e) The salary of the commissioner of agriculture shall be  
12 seventy thousand dollars per year; and

13       (f) The salary of the state treasurer shall be seventy  
14 thousand dollars per year.

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

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

13       Notwithstanding any other provision of this code to the  
14 contrary, beginning on the first day of July, one thousand nine

15 hundred ninety-nine, the annual salary of each such named  
16 appointive state officer shall be as follows:

17 Administrator, division of highways, eighty-five thousand  
18 dollars; administrator, division of health, fifty-seven thousand  
19 two hundred dollars; administrator, division of human services,  
20 forty-seven thousand eight hundred dollars; administrator, state  
21 tax division, sixty-five thousand dollars; administrator, division  
22 of energy, sixty-five thousand dollars; administrator, division  
23 of corrections, seventy thousand dollars; administrator, division  
24 of natural resources, sixty-five thousand dollars; superinten-  
25 dent, state police, seventy thousand dollars; administrator,  
26 lottery division, seventy thousand dollars; director, public  
27 employees insurance agency, seventy thousand dollars;  
28 administrator, division of banking, fifty-five thousand dollars;  
29 administrator, division of insurance, fifty-five thousand dollars;  
30 administrator, division of culture and history, fifty thousand  
31 dollars; administrator, alcohol beverage control commission,  
32 seventy thousand dollars; administrator, division of motor  
33 vehicles, seventy thousand dollars; director, division of  
34 personnel, fifty thousand dollars; adjutant general, seventy  
35 thousand dollars; chairman, health care authority, sixty-five  
36 thousand dollars; members, health care authority, sixty thou-  
37 sand dollars; director, human rights commission, forty thousand  
38 dollars; administrator, division of labor, fifty-five thousand  
39 dollars; administrator, division of veterans affairs, forty  
40 thousand dollars; administrator, division of emergency services,  
41 forty thousand dollars; members, board of parole, forty thou-  
42 sand dollars; members, employment security review board,  
43 seventeen thousand dollars; members, workers' compensation  
44 appeal board, seventeen thousand eight hundred dollars.

45 (b) Each of the state officers named in this subsection shall  
46 continue to be appointed in the manner prescribed in this code,  
47 and, prior to the first day of July, one thousand nine hundred  
48 ninety-nine, each of the state officers named in this subsection  
49 shall continue to receive the annual salaries they were receiving  
50 as of the effective date of the enactment of this section in one  
51 thousand nine hundred ninety-nine, and shall thereafter,  
52 notwithstanding any other provision of this code to the contrary,

53 be paid an annual salary as follows: Administrator, division of  
54 risk and insurance management, fifty thousand dollars; director,  
55 division of rehabilitation services, fifty-five thousand dollars;  
56 executive director, educational broadcasting authority, fifty-five  
57 thousand dollars; secretary, library commission, sixty-two  
58 thousand five hundred dollars; director, geological and eco-  
59 nomic survey, forty-seven thousand five hundred dollars;  
60 executive director, water development authority, fifty-four  
61 thousand two hundred dollars; executive director, public  
62 defender services, fifty-five thousand dollars; commissioner,  
63 bureau of senior services, sixty-five thousand dollars; commis-  
64 sioner, oil and gas conservation commission, forty thousand  
65 dollars; director, farm management commission, thirty-two  
66 thousand five hundred dollars; director, state rail authority, fifty  
67 thousand dollars; executive secretary, women's commission,  
68 thirty thousand one hundred dollars; director, regional jail and  
69 correctional facility authority, seventy thousand dollars;  
70 director, hospital finance authority, twenty-five thousand eight  
71 hundred dollars.

72 (c) No increase in the salary of any appointive state officer  
73 pursuant to this section shall be paid until and unless such  
74 appointive state officer shall have first filed with the state  
75 auditor and the legislative auditor a sworn statement, on a form  
76 to be prescribed by the attorney general, certifying that his or  
77 her spending unit is in compliance with any general law  
78 providing for a salary increase for his or her employees. The  
79 attorney general shall prepare and distribute such form to the  
80 affected spending units.

## CHAPTER 18. EDUCATION.

### ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

#### **§18-3-1. Appointment; qualifications; compensation; traveling expenses; office and residence.**

1 There shall be appointed by the state board a state superin-  
2 tendent of schools. The superintendent shall be a person of good  
3 moral character, of recognized ability as a school administrator,  
4 holding at least a master's degree in educational administration,  
5 and shall have had not less than five years of experience in

6 public school work. The superintendent shall receive an annual  
7 salary of one hundred thousand dollars: *Provided*, That begin-  
8 ning the first day of July, two thousand, the superintendent shall  
9 receive an annual salary of one hundred ten thousand dollars.  
10 The state superintendent shall also receive necessary traveling  
11 expenses incident to the performance of his or her duties, the  
12 expenses to be paid out of the general school fund upon  
13 warrants of the state auditor. The superintendent shall have his  
14 or her office at the state capital.

## CHAPTER 48A. ENFORCEMENT OF FAMILY OBLIGATIONS.

### ARTICLE 4. PROCEEDINGS BEFORE A MASTER.

#### **§48A-4-3. Compensation and expenses of family law masters and their staffs.**

1 (a) Prior to the first day of July, one thousand nine hundred  
2 ninety-four, a family law master shall receive as full compensa-  
3 tion for his or her services an annual salary of thirty-five  
4 thousand dollars.

5 (b) After the first day of July, one thousand nine hundred  
6 ninety-four, a full-time family law master shall receive as full  
7 compensation for his or her services an annual salary of fifty  
8 thousand dollars and a part-time family law master shall receive  
9 as full compensation for his or her services an annual salary of  
10 thirty-seven thousand five hundred dollars: *Provided*, That on  
11 and after the first day of July, one thousand nine hundred  
12 ninety-nine, a full-time family law master shall receive as full  
13 compensation for his or her services an annual salary of fifty-  
14 four thousand dollars and a part-time family law master shall  
15 receive as full compensation for his or her services an annual  
16 salary of forty thousand five hundred dollars.

17 (c) The secretary-clerk of the family law master shall be  
18 appointed by the family law master and serve at his or her will  
19 and pleasure and shall receive an annual salary of seventeen  
20 thousand five hundred dollars: *Provided*, That beginning the  
21 first day of July, one thousand nine hundred ninety-seven, the  
22 secretary-clerk of the family law master appointed by the

23 family law master shall receive an annual salary of twenty-two  
24 thousand three hundred eight dollars: *Provided, however,* That  
25 subsequent to the first day of July, one thousand nine hundred  
26 ninety-three, the secretary-clerk may receive such percentage  
27 or proportional salary increases as may be provided for by  
28 general law for other public employees and shall receive the  
29 annual incremental salary increase as provided for in article  
30 five, chapter five of this code.

31 (d) A temporary or special family law master shall be  
32 compensated by the supreme court of appeals at an hourly rate  
33 not to exceed the hourly rate paid to panel attorneys for  
34 performing work in court pursuant to the provisions of section  
35 thirteen-a, article twenty-one, chapter twenty-nine of this code.

36 (e) Disbursement of salaries for family law masters and  
37 members of their staffs shall be made by or pursuant to the  
38 order of the director of the administrative office of the supreme  
39 court of appeals.

40 (f) Family law masters, members of their staffs and  
41 temporary family law masters shall be allowed their actual and  
42 necessary expenses incurred in the performance of their duties.  
43 Such expenses and compensation shall be determined and paid  
44 by the director of the administrative office of the supreme court  
45 of appeals under such guidelines as he or she may prescribe as  
46 approved by the supreme court of appeals.

## CHAPTER 50. MAGISTRATE COURTS.

### ARTICLE 1. COURTS AND OFFICERS.

#### §50-1-3. Salaries of magistrates.

1 (a) The Legislature finds and declares that:

2 (1) The West Virginia supreme court of appeals has held  
3 that a salary system for magistrates which is based upon the  
4 population that each magistrate serves does not violate the  
5 equal protection clause of the Constitution of the United States;

6 (2) The West Virginia supreme court of appeals has held  
7 that a salary system for magistrates which is based upon the  
8 population that each magistrate serves does not violate article  
9 VI, section 39 of the Constitution of West Virginia;

10 (3) The utilization of a two-tiered salary schedule for  
11 magistrates is an equitable and rational manner by which  
12 magistrates should be compensated for work performed;

13 (4) Organizing the two tiers of the salary schedule into one  
14 tier for magistrates serving less than eight thousand five  
15 hundred in population and the second tier for magistrates  
16 serving eight thousand five hundred or more in population is  
17 rational and equitable given current statistical information  
18 relating to population and caseload; and

19 (5) That all magistrates who fall under the same tier should  
20 be compensated equally.

21 (b) The salary of each magistrate shall be paid by the state.  
22 Magistrates who serve less than ten thousand in population  
23 shall be paid annual salaries of twenty thousand six hundred  
24 twenty-five dollars and magistrates who serve ten thousand or  
25 more in population shall be paid annual salaries of twenty-  
26 seven thousand dollars: *Provided*, That on and after the first day  
27 of January, one thousand nine hundred ninety-two, magistrates  
28 who serve less than ten thousand in population shall be paid  
29 annual salaries of twenty-one thousand six hundred twenty-five  
30 dollars and magistrates who serve ten thousand or more in  
31 population shall be paid annual salaries of twenty-eight  
32 thousand dollars: *Provided, however*, That on and after the first  
33 day of January, one thousand nine hundred ninety-three,  
34 magistrates who serve less than eight thousand five hundred in  
35 population shall be paid annual salaries of twenty-three  
36 thousand six hundred twenty-five dollars and magistrates who  
37 serve eight thousand five hundred or more in population shall  
38 be paid annual salaries of thirty thousand dollars: *Provided*  
39 *further*, That on and after the first day of January, one thousand  
40 nine hundred ninety-seven, magistrates who serve less than  
41 eight thousand five hundred in population shall be paid annual  
42 salaries of twenty-six thousand six hundred twenty-five dollars  
43 and magistrates who serve eight thousand five hundred or more  
44 in population shall be paid annual salaries of thirty-three  
45 thousand dollars: *And provided further*, That on and after the  
46 first day of July, one thousand nine hundred ninety-nine,  
47 magistrates who serve less than eight thousand five hundred in

48 population shall be paid annual salaries of thirty thousand six  
49 hundred twenty-five dollars and magistrates who serve eight  
50 thousand five hundred or more in population shall be paid  
51 annual salaries of thirty-seven thousand dollars.

52 (c) For the purpose of determining the population served by  
53 each magistrate, the number of magistrates authorized for each  
54 county shall be divided into the population of each county. For  
55 the purpose of this article, the population of each county is the  
56 population as determined by the last preceding decennial census  
57 taken under the authority of the United States government.

#### **CHAPTER 51. COURTS AND THEIR OFFICERS.**

##### **ARTICLE 1. SUPREME COURT OF APPEALS.**

###### **§51-1-10a. Salary of justices.**

1 The salary of each of the justices of the supreme court of  
2 appeals shall be seventy-two thousand dollars per year: *Pro-*  
3 *vided*, That beginning the first day of January, one thousand  
4 nine hundred ninety-five, the salary of each of the justices of  
5 the supreme court shall be eighty-five thousand dollars per  
6 year: *Provided, however*, That beginning the first day of July,  
7 one thousand nine hundred ninety-nine, the salary of each of the  
8 justices of the supreme court shall be ninety-five thousand  
9 dollars per year.

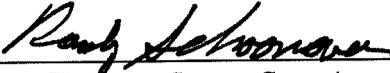
##### **ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.**

###### **§51-2-13. Salaries of judges of circuit courts.**

1 The salaries of the judges of the various circuit courts shall  
2 be paid solely out of the state treasury. No county, county  
3 commission, board of commissioners or other political subdivi-  
4 sion shall supplement or add to such salaries.

5 The annual salary of all circuit judges shall be sixty-five  
6 thousand dollars per year: *Provided*, That beginning the first  
7 day of January, one thousand nine hundred ninety-five, the  
8 annual salary of all circuit judges shall be eighty thousand  
9 dollars per year: *Provided, however*, That beginning the first  
10 day of July, one thousand nine hundred ninety-nine, the annual  
11 salary of all circuit judges shall be ninety thousand dollars per  
12 year.

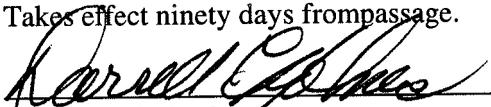
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

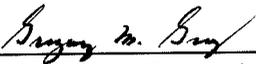
  
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Chairman Senate Committee

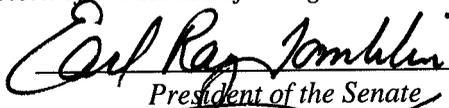
  
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Chairman House Committee

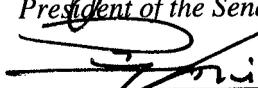
Originating in the House.

Takes effect ninety days from passage.

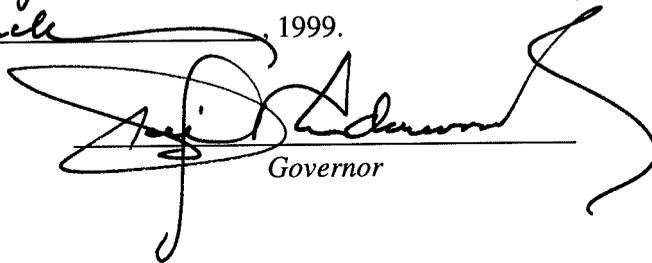
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within approved this the 27<sup>th</sup>  
day of March, 1999.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/09

Time 2:24pm