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
ENROLLED

H. B. 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.]

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.

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

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

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

(d) The salary and expenses necessary for each secretary and all expenditures for personal services for the office of secretary shall be paid from and within existing appropriations made to the agencies and boards transferred to the department headed by the secretary, and revised expenditure schedules shall be submitted to the commissioner of finance and administration and the legislative auditor stating the amount and source of funds to be expended: Provided, That for fiscal years beginning the first day of July, one thousand nine hundred eighty-nine, such amounts shall follow the procedures described 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 shall be as follows:

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

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

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

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

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

7 (f) The salary of the state treasurer shall be seventy 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 this subsection shall be appointed by the governor, by and with the advice and consent of the Senate. Each of such appointive state officers shall serve at the will and pleasure of the governor for the term for which the governor was elected and until the respective state officers' successors have been appointed and qualified. Each of such appointive state officers shall be subject to the existing qualifications for holding each such respective office and each shall have and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each such office.

2 Notwithstanding any other provision of this code to the contrary, beginning on the first day of July, one thousand nine
hundred ninety-nine, the annual salary of each such named
appointive state officer shall be as follows:

Administrator, division of highways, eighty-five thousand
dollars; administrator, division of health, fifty-seven thousand
two hundred dollars; administrator, division of human services,
forty-seven thousand eight hundred dollars; administrator, state
tax division, sixty-five thousand dollars; administrator, division
of energy, sixty-five thousand dollars; administrator, division
of corrections, seventy thousand dollars; administrator, division
of natural resources, sixty-five thousand dollars; superintendent,
state police, seventy thousand dollars; administrator,
lottery division, seventy thousand dollars; director, public
employees insurance agency, seventy thousand dollars;
administrator, division of banking, fifty-five thousand dollars;
administrator, division of insurance, fifty-five thousand dollars;
administrator, division of culture and history, fifty thousand
dollars; administrator, alcohol beverage control commission,
seventy thousand dollars; administrator, division of motor
vehicles, seventy thousand dollars; director, division of
personnel, fifty thousand dollars; adjutant general, seventy
thousand dollars; chairman, health care authority, sixty-five
thousand dollars; members, health care authority, sixty-thou-
sand dollars; director, human rights commission, forty thousand
dollars; administrator, division of labor, fifty-five thousand
dollars; administrator, division of veterans affairs, forty
thousand dollars; administrator, division of emergency services,
fifty thousand dollars; members, board of parole, forty thou-
sand dollars; members, employment security review board,
seventeen thousand dollars; members, workers' compensation
appeal board, seventeen thousand eight hundred dollars.

(b) Each of the state officers named in this subsection shall
continue to be appointed in the manner prescribed in this code,
and, prior to the first day of July, one thousand nine hundred
ninety-nine, each of the state officers named in this subsection
shall continue to receive the annual salaries they were receiving
as of the effective date of the enactment of this section in one
thousand nine hundred ninety-nine, and shall thereafter,
notwithstanding any other provision of this code to the contrary,
be paid an annual salary as follows: Administrator, division of
risk and insurance management, fifty thousand dollars; director,
division of rehabilitation services, fifty-five thousand dollars;
executive director, educational broadcasting authority, fifty-five
thousand dollars; secretary, library commission, sixty-two
thousand five hundred dollars; director, geological and eco-
nomic survey, forty-seven thousand five hundred dollars;
executive director, water development authority, fifty-four
thousand two hundred dollars; executive director, public
defender services, fifty-five thousand dollars; commissioner,
bureau of senior services, sixty-five thousand dollars; commis-
sioner, oil and gas conservation commission, forty thousand
dollars; director, farm management commission, thirty-two
thousand five hundred dollars; director, state rail authority, fifty
thousand dollars; executive secretary, women's commission,
three thousand one hundred dollars; director, regional jail and
correctional facility authority, seventy thousand dollars;
director, hospital finance authority, twenty-five thousand eight
hundred dollars.

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

CHAPTER 18. EDUCATION.

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

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

There shall be appointed by the state board a state superin-
tendent of schools. The superintendent shall be a person of good
moral character, of recognized ability as a school administrator,
holding at least a master's degree in educational administration,
and shall have had not less than five years of experience in
public school work. The superintendent shall receive an annual
salary of one hundred thousand dollars: Provided, That begin-
ing the first day of July, two thousand, the superintendent shall
receive an annual salary of one hundred ten thousand dollars.
The state superintendent shall also receive necessary traveling
expenses incident to the performance of his or her duties, the
expenses to be paid out of the general school fund upon
warrants of the state auditor. The superintendent shall have his
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.

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

(b) After the first day of July, one thousand nine hundred
ninety-four, a full-time family law master shall receive as full
compensation for his or her services an annual salary of fifty
thousand dollars and a part-time family law master shall receive
as full compensation for his or her services an annual salary of
thirty-seven thousand five hundred dollars: Provided, That on
and after the first day of July, one thousand nine hundred
ninety-nine, a full-time family law master shall receive as full
compensation for his or her services an annual salary of fifty-
four thousand dollars and a part-time family law master shall
receive as full compensation for his or her services an annual
salary of forty thousand five hundred dollars.

(c) The secretary-clerk of the family law master shall be
appointed by the family law master and serve at his or her will
and pleasure and shall receive an annual salary of seventeen
thousand five hundred dollars: Provided, That beginning the
first day of July, one thousand nine hundred ninety-seven, the
secretary-clerk of the family law master appointed by the
family law master shall receive an annual salary of twenty-two thousand three hundred eight dollars: Provided, however, That subsequent to the first day of July, one thousand nine hundred ninety-three, the secretary-clerk may receive such percentage or proportional salary increases as may be provided for by general law for other public employees and shall receive the annual incremental salary increase as provided for in article five, chapter five of this code.

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

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

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

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.


(a) The Legislature finds and declares that:

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

(2) The West Virginia supreme court of appeals has held that a salary system for magistrates which is based upon the population that each magistrate serves does not violate article VI, section 39 of the Constitution of West Virginia;
(3) The utilization of a two-tiered salary schedule for
magistrates is an equitable and rational manner by which
district court judges should be compensated for work performed;

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

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

(b) The salary of each magistrate shall be paid by the state.
Magistrates who serve less than ten thousand in population
shall be paid annual salaries of twenty thousand six hundred
twenty-five dollars and magistrates who serve ten thousand or
more in population shall be paid annual salaries of twenty-
seven thousand dollars: Provided, That on and after the first day
of January, one thousand nine hundred ninety-two, magistrates
who serve less than ten thousand in population shall be paid
annual salaries of twenty-one thousand six hundred twenty-five
dollars and magistrates who serve ten thousand or more in
population shall be paid annual salaries of twenty-eight
thousand dollars: Provided, however, That on and after the first
day of January, one thousand nine hundred ninety-three,
magistrates who serve less than eight thousand five hundred in
population shall be paid annual salaries of twenty-three
thousand six hundred twenty-five dollars and magistrates who
serve eight thousand five hundred or more in population shall
be paid annual salaries of thirty thousand dollars: Provided
further, That on and after the first day of January, one thousand
nine hundred ninety-seven, magistrates who serve less than
eight thousand five hundred in population shall be paid annual
salaries of twenty-six thousand six hundred twenty-five dollars
and magistrates who serve eight thousand five hundred or more
in population shall be paid annual salaries of thirty-three
thousand dollars: And provided further, That on and after the
first day of July, one thousand nine hundred ninety-nine,
magistrates who serve less than eight thousand five hundred in
population shall be paid annual salaries of thirty thousand six
hundred twenty-five dollars and magistrates who serve eight
dozen five hundred or more in population shall be paid
annual salaries of thirty-seven thousand dollars.

(c) For the purpose of determining the population served by
each magistrate, the number of magistrates authorized for each
county shall be divided into the population of each county. For
the purpose of this article, the population of each county is the
population as determined by the last preceding decennial census
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.

The salary of each of the justices of the supreme court of
appeals shall be seventy-two thousand dollars per year: Pro-
vided, That beginning the first day of January, one thousand
nine hundred ninety-five, the salary of each of the justices of
the supreme court shall be eighty-five thousand dollars per
year: Provided, however, That beginning the first day of July,
one thousand nine hundred ninety-nine, the salary of each of the
justices of the supreme court shall be ninety-five thousand
dollars per year.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.


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

The annual salary of all circuit judges shall be sixty-five
hundred dollars per year: Provided, That beginning the first
day of January, one thousand nine hundred ninety-five, the
annual salary of all circuit judges shall be eighty thousand
dollars per year: Provided, however, That beginning the first
day of July, one thousand nine hundred ninety-nine, the annual
salary of all circuit judges shall be ninety thousand dollars per
year.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

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 27th day of March, 1999.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/26/49
Time 5:24 PM