WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

Committee Substitute For

SENATE BILL NO. 690

(By Senator Bousman et al.)

PASSED March 9, 2002

In Effect 90 days from Passage
AN ACT to amend and reenact section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article one, chapter twenty-two-c of said code, all relating generally to salary increases for public officials; and increasing the salary of members of the West Virginia racing commission and water development authority board members from five thousand dollars to twelve thousand dollars a year.

Be it enacted by the Legislature of West Virginia:
That section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section four, article one, chapter twenty-two-c of said code be amended and reenacted, all to read as follows:

CHAPTER 6. MISCELLANEOUS PROVISIONS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

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

(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 the appointive state officers serves 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 the appointive state officers are subject to the existing qualifications for holding each respective office and each has 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 office.

Prior to the first day of July, two thousand one, each such named appointive state officer shall continue to receive the annual salaries they were receiving as of the effective date of the enactment of this section in two thousand one, and thereafter, notwithstanding any other provision of this code to the contrary, the annual salary of each named appointive state officer shall be as follows:

Administrator, division of highways, ninety thousand dollars; administrator, state tax division, sixty-five thousand dollars; administrator, division of corrections, seventy-five thousand dollars; administrator, division of natural resources, seventy thousand dollars; superintendent, state police, seventy-five thousand dollars; adminis-
trator, lottery division, seventy-five thousand dollars; director, public employees insurance agency, seventy-five thousand dollars; administrator, division of banking, sixty thousand dollars; administrator, division of insurance, sixty thousand dollars; administrator, division of culture and history, fifty-five thousand dollars; administrator, alcohol beverage control commission, seventy thousand dollars; administrator, division of motor vehicles, seventy thousand dollars; director, division of personnel, fifty-five thousand dollars; adjutant general, seventy-five thousand dollars; chairman, health care authority, seventy thousand dollars; members, health care authority, sixty thousand dollars; director, human rights commission, forty-five thousand dollars; administrator, division of labor, sixty thousand dollars; administrator, division of veterans' affairs, forty-five thousand dollars; administrator, division of emergency services, forty-five thousand dollars; members, board of parole, forty-five thousand dollars; members, employment security review board, seventeen thousand dollars; members, workers' compensation appeal board, seventeen thousand eight hundred dollars; administrator, bureau of employment programs, seventy thousand dollars; administrator, bureau of commerce, seventy thousand dollars; administrator, bureau of environment, seventy thousand dollars; and director, office of miner's health, safety and training, sixty-five thousand dollars.

Secretaries of the departments shall be paid an annual salary as follows: Health and human resources, ninety thousand dollars; transportation, seventy-five thousand dollars; tax and revenue, seventy-five thousand dollars; military affairs and public safety, seventy-five thousand dollars; administration, seventy-five thousand dollars; education and the arts, seventy-five thousand dollars; and environmental protection, seventy-five thousand 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, two thousand two, each of the state officers named in this subsection
shall continue to receive the annual salaries he or she was receiving as of the effective date of the enactment of this section in two thousand two, 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-five thousand dollars; director, division of rehabilitation services, sixty thousand dollars; executive director, educational broadcasting authority, sixty thousand dollars; secretary, library commission, sixty-seven thousand dollars; director, geological and economic survey, fifty-two thousand five hundred dollars; executive director, prosecuting attorneys institute, sixty thousand dollars; executive director, public defender services, sixty thousand dollars; commissioner, bureau of senior services, seventy thousand dollars; director, state rail authority, fifty-five thousand dollars; executive secretary, women's commission, thirty-one thousand dollars; director, hospital finance authority, twenty-six thousand dollars; member, racing commission, twelve thousand dollars; chairman, public service commission, seventy thousand dollars; and members, public service commission, seventy thousand dollars.

(c) No increase in the salary of any appointive state officer pursuant to this section shall be paid until and unless the appointive state officer has 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 the form to the affected spending units.

CHAPTER 22C. ENVIRONMENTAL RESOURCES; BOARDS, AUTHORITIES, COMMISSIONS AND COMPACTS.

ARTICLE 1. WATER DEVELOPMENT AUTHORITY.
§22C-1-4. Water development authority; water development board; organization of authority and board; appointment of board members; their term of office, compensation and expenses; director of authority; compensation.

(a) The water development authority is continued. The authority is a governmental instrumentality of the state and a body corporate. The exercise by the authority of the powers conferred by this article and the carrying out of its purposes and duties are essential governmental functions and for a public purpose.

(b) The authority is controlled, managed and operated by the seven-member board known as the water development board. The director of the division of environmental protection, the commissioner of the bureau for public health and the state officer or employee who, in the judgment of the governor, is most responsible for economic or community development are members ex officio of the board. The governor shall designate annually the member who is the state officer or employee most responsible for economic or community development. The other four members of the board are appointed by the governor, by and with the advice and consent of the Senate, for terms of two, three, four and six years, respectively. The successor of each such appointed member shall be appointed for a term of six years in the same manner the original appointments were made, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. Each board member serves until the appointment and qualification of his or her successor. No more than two of the appointed board members shall at any one time belong to the same political party. Appointed board members may be reappointed to serve additional terms.

(c) All members of the board shall be citizens of the state. Each appointed member of the board, before
entering upon his or her duties, shall comply with the
requirements of article one, chapter six of this code and
give bond in the sum of twenty-five thousand dollars in
the manner provided in article two of said chapter. The
governor may remove any board member for cause as
provided in article six of said chapter.

(d) Annually the board shall elect one of its appointed
members as chair and another as vice chair and shall
appoint a secretary-treasurer, who need not be a member
of the board. Four members of the board is a quorum and
the affirmative vote of four members is necessary for any
action taken by vote of the board. No vacancy in the
membership of the board impairs the rights of a quorum
by such vote to exercise all the rights and perform all the
duties of the board and the authority. The person ap-
pointed as secretary-treasurer, including a board member
if he or she is appointed, shall give bond in the sum of fifty
thousand dollars in the manner provided in article two,
chapter six of this code.

(e) The secretary of the division of environmental
protection, the commissioner of the bureau of public
health and the state officer or employee most responsible
for economic or community development shall not receive
any compensation for serving as board members. Each of
the four appointed members of the board shall receive an
annual salary of twelve thousand dollars, payable in
monthly installments. Each of the seven board members
shall be reimbursed for all reasonable and necessary
expenses actually incurred in the performance of his or her
duties as a member of the board. All expenses incurred by
the board are payable solely from funds of the authority or
from funds appropriated for that purpose by the Legisla-
ture and no liability or obligation shall be incurred by the
authority beyond the extent to which moneys are available
from funds of the authority or from such appropriations.

(f) There shall also be a director of the authority ap-
pointed by the board. The compensation of the director
shall be fixed by the board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within... approved... this the 3rd Day of April, 2002.

Governor