

# WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

**ENROLLED**  
**Committee Substitute**  
**for**  
**Senate Bill 204**

SENATORS BOSO, BLAIR AND FACEMIRE,

*original sponsors*

[Passed April 8, 2017; in effect 90 days from passage]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2017 APR 26 P 1:55

FILED

SB 204

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1 AN ACT to amend and reenact §5-1-22 of the Code of West Virginia, 1931, as amended, relating  
2 to filling vacancies in offices by appointment of the Governor; requiring certain  
3 appointments be made within ninety days; authorizing temporary appointments; and  
4 providing requirements for persons appointed temporarily to fill vacancies.

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

1 That §5-1-22 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 to read as follows:

**ARTICLE 1. THE GOVERNOR.**

**§5-1-22. Vacancies in offices filled by appointment of Governor; Senate action;  
bond requirements; filling vacancies in other appointive offices.**

1 (a) In case of a vacancy, during the recess of the Senate, in any office, which vacancy the  
2 Governor is authorized to fill by and with the advice and consent of the Senate, the Governor  
3 shall, by appointment within ninety days, fill such vacancy until the next meeting of the Senate,  
4 when the Governor shall submit to the Senate a nomination to fill such vacancy and, upon  
5 confirmation of such nomination by the Senate, by a vote of a majority of all the members elected  
6 to the Senate, taken by yeas and nays, the person so nominated and confirmed shall hold said  
7 office during the remainder of the term for which his or her predecessor in office was appointed,  
8 and until his or her successor shall be appointed and qualified. No person whose nomination for  
9 office has been rejected by the Senate shall again be nominated for the same office during the  
10 session in which his or her nomination was so rejected, unless at the request of the Senate, nor  
11 shall the person be appointed to the same office during the recess of the Senate. No appointee  
12 who resigns from any such office prior to confirmation, or whose name has not been submitted  
13 for confirmation while the Senate is in session, shall be eligible, during the recess of the Senate,  
14 to hold any office the nomination for which must be confirmed by the Senate.

15 (b) Any person appointed to temporarily fill a vacancy shall possess the qualifications  
16 required by law for that vacant position, and may only remain in the vacated position for a  
17 maximum of ninety days.

18 (c) If an employee of a state agency is temporarily appointed to fill a vacancy, the  
19 employee may fill such vacancy without resigning from the position he or she ordinarily holds:  
20 *Provided*, that the employee's compensation shall be the greater of:

21 (1) The employee's regular salary in his or her usual position; or

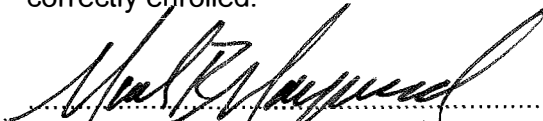
22 (2) The salary for the office the employee temporarily fills.

23 (d) If a vacancy is temporarily filled by a person not otherwise employed by any agency of  
24 the State of West Virginia, then that person shall be compensated at a rate no greater than that  
25 of the salary for the office that person temporarily fills.

26 (e) The bond, if any, required by law to be given by any officer so temporarily appointed  
27 by the Governor, shall be in such penalty as is required by law of the incumbent of such office.

28 (f) Any vacancy in any other office filled by appointment, or in any office hereafter created  
29 to be filled by appointment, shall be filled by the same person, court or body authorized to make  
30 appointment to such office for the full term thereof.


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

  
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Chairman, Senate Committee

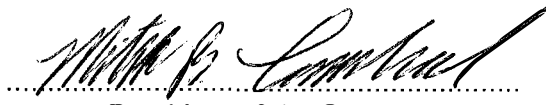
  
.....  
Chairman, House Committee


Originated in the Senate.

In effect 90 days from passage.

  
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Clerk of the Senate

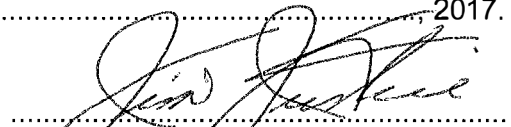
  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

FILED  
2017 APR 26 P 7:56  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 26<sup>th</sup>  
Day of April, 2017.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 20 2017

Time 10:40 am