

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED
Committee Substitute
for
Senate Bill 523

SENATOR WELD, *original sponsor*

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 APR 24 P 4: 29

FILED

SB 523

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 523

SENATOR WELD, original sponsor

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

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 APR 24 P 4: 29

FILED

1 AN ACT to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; to
2 amend and reenact §11B-2-12 of said code; to amend and reenact §12-3-12a and
3 §12-3-13b of said code; to amend and reenact §15-2-5 of said code; to amend and reenact
4 §18-3-1 of said code; to amend and reenact §20-1-5 of said code; to amend and reenact
5 §20-7-1 of said code; to amend and reenact §22C-1-4 of said code; to amend and reenact
6 §24-1-3 of said code; to amend and reenact §24A-6-6 of said code; to amend and reenact
7 §24B-5-2 of said code; to amend and reenact §25-1-19 of said code; to amend and reenact
8 §31-19-4 of said code; to amend and reenact §33-2-2 of said code; to amend and reenact
9 §50-1-8 and §50-1-9 of said code; to amend and reenact §51-7-3 and §51-7-5 of said
10 code; to amend and reenact §51-8-2 of said code; and to amend and reenact §62-12-5 of
11 said code, all relating to converting to a biweekly pay cycle from a monthly or semimonthly
12 cycle for state employees; modifying pay cycle of members of the legislature; submitting
13 expenditure schedules to the Secretary of the Department of Revenue; modifying pay
14 cycle of employees of the Higher Education Policy Commission, Council for Community
15 and Technical College Education and institutions which they govern; modifying pay cycle
16 of the West Virginia State Police; modifying pay cycle of the State Superintendent of
17 Schools; modifying pay cycle of the Division of Natural Resources; modifying pay cycle of
18 the Water Development Authority; modifying pay cycle of the Public Service Commission;
19 modifying pay cycle of the Division of Corrections; modifying pay cycle of West Virginia
20 Community Infrastructure Authority; modifying pay cycle of the Insurance Commissioner;
21 modifying pay cycle of magistrate courts; modifying pay cycle of official court reporters;
22 modifying pay cycle of state law librarian and assistants; and modifying pay cycle of
23 probation officers and clerical assistants.

Be it enacted by the Legislature of West Virginia:

1 That §4-2A-2 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; that §11B-2-12 of said code be amended and reenacted; that §12-3-12a and §12-3-

3 13b of said code be amended and reenacted; that §15-2-5 of said code be amended and
4 reenacted; that §18-3-1 of said code be amended and reenacted; that §20-1-5 of said code be
5 amended and reenacted; that §20-7-1 of said code be amended and reenacted; that §22C-1-4 of
6 said code be amended and reenacted; that §24-1-3 of said code be amended and reenacted; that
7 §24A-6-6 of said code be amended and reenacted; that §24B-5-2 of said code be amended and
8 reenacted; that §25-1-19 of said code be amended and reenacted; that §31-19-4 of said code be
9 amended and reenacted; that §33-2-2 of said code be amended and reenacted; that §50-1-8 and
10 §50-1-9 of said code be amended and reenacted; that §51-7-3 and §51-7-5 of said code be
11 amended and reenacted; that §51-8-2 of said code be amended and reenacted; and that §62-12-5
12 of said code be amended and reenacted, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

ARTICLE 2A. COMPENSATION FOR AND EXPENSES OF MEMBERS OF THE LEGISLATURE.

§4-2A-2. Basic compensation for services; proration.

1 (a) Beginning in the calendar year 2009 and for each calendar year after that, each
2 member of the Legislature shall receive as basic compensation for his or her services the sum of
3 \$20,000 per calendar year, to be paid as provided in subsection (b) of this section. In addition to
4 the basic compensation, members shall receive the additional compensations as are expressly
5 provided in sections three, four and five of this article. All other increased amounts or new
6 amounts in respect to the compensation of members of the Legislature, set forth in the resolution
7 of the Citizens Legislative Compensation Commission, dated January 9, 2007, and implemented
8 in sections two, four, six and eight of this article providing for new amounts or amounts increased
9 to new amounts greater than those in force and effect on January 1, 2007, become effective for
10 calendar year 2009 and each calendar year after that: *Provided*, That increased amounts or new
11 amounts in respect to the expenses of members of the Legislature, set forth in said resolution,

12 and implemented in sections six and eight of this article providing for new amounts or amounts
13 increased to new amounts greater than those in force and effect on January 1, 2007, become
14 effective for calendar year 2008 and each calendar year after that.

15 (b) The basic compensation is payable as follows:

16 (1) In the year 2009, and every fourth year after that:

17 (A) Five thousand dollars in each of February, March and April, payable at least twice per
18 month; and

19 (B) Six hundred twenty-five dollars in each of January, May, June, July, August,
20 September, October and November, payable at least twice per month;

21 (2) Beginning in 2010, in all years except those described in subdivision (1) of this
22 subsection:

23 (A) Five thousand dollars in each of January, February and March, payable at least twice
24 per month; and

25 (B) Six hundred twenty-five dollars in each of April, May, June, July, August, September,
26 October and November, payable at least twice per month.

27 (c) In the event of the death, resignation or removal of a member of the Legislature and
28 the appointment and qualification of his or her successor, the compensation provided in this
29 section for the month in which the death, resignation or removal of the member of the Legislature
30 occurs shall be prorated between the original member and his or her successor on the basis of
31 the number of days served, including Saturdays and Sundays in the month.

CHAPTER 11B. DEPARTMENT OF REVENUE.

ARTICLE 2. STATE BUDGET OFFICE.

**§11B-2-12. Submission of expenditure schedules; contents; submission of information on
unpaid obligations; copies to Legislative Auditor.**

1 (a) Prior to the beginning of each fiscal year, the spending officer of a spending unit shall
2 submit to the secretary a detailed expenditure schedule for the ensuing fiscal year. The schedule
3 shall be submitted in such form and at such time as the secretary may require. The schedule shall
4 show:

5 (1) A proposed biweekly rate of expenditure for amounts appropriated for personal
6 services;

7 (2) Each and every position budgeted under personal services for the next ensuing fiscal
8 year, with the biweekly salary or compensation of each position;

9 (3) A proposed quarterly rate of expenditure for amounts appropriated for employee
10 benefits, current expenses, equipment and repairs and alterations classified by a uniform system
11 of accounting as called for in section twenty-five of this article for each item of every appropriation;

12 (4) A proposed yearly plan of expenditure for amounts appropriated for buildings and
13 lands; and

14 (5) A proposed quarterly plan of receipts itemized by type of revenue.

15 (b) The secretary may accept a differently itemized expenditure schedule from a spending
16 unit to which the above itemizations are not applicable.

17 (c) The secretary shall consult with and assist spending officers in the preparation of
18 expenditure schedules.

19 (d) Within fifteen days after the end of each month of the fiscal year, the head of every
20 spending unit shall certify to the Legislative Auditor the status of obligations and payments of the
21 spending unit for amounts of employee benefits, including, but not limited to, obligations and
22 payments for social security withholding and employer matching, public employees' insurance
23 premiums and public employees' retirement and Teachers Retirement Systems.

24 (e) In the event the Legislative Auditor determines from certified reports or from other
25 sources that any spending unit is not making all payments and transfers for employee benefits
26 from funds appropriated for that purpose, the Legislative Auditor shall notify the secretary of

27 administration, Auditor and Treasurer of the determination and thereafter no funds appropriated
28 to the spending unit shall be encumbered or expended for the salary or compensation to the head
29 of the spending unit until the Legislative Auditor determines that the payments or transfers are
30 being made on a timely basis.

31 (f) When a spending officer submits an expenditure schedule to the secretary as required
32 by this section, the spending officer shall at the same time transmit a copy thereof to the
33 Legislative Auditor and the Joint Committee on Government and Finance or its designee. If a
34 spending officer of a spending unit fails to transmit a copy to the Legislative Auditor on or before
35 the beginning of the fiscal year, the Legislative Auditor shall notify the secretary, Auditor and
36 Treasurer of the failure and thereafter no funds appropriated to the spending unit shall be
37 encumbered or expended until the spending officer thereof has transmitted a copy to the
38 Legislative Auditor.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS, EXPENDITURES AND DEDUCTIONS.

§12-3-12a. Payment of salaries of employees of Higher Education Policy Commission, Council for Community and Technical College Education and institutions of higher education over the twenty-six biweekly pay cycle.

1 Notwithstanding the provisions of section twelve of this article, in the event that an
2 employee of the Higher Education Policy Commission, Council for Community and Technical
3 College Education or of any of the institutions which they govern elects to receive his or her salary
4 over the complete twenty-six biweekly pay cycle, warrants may be drawn for the biweekly pay
5 periods covering the months of July and August following the fiscal year during which such salary
6 was earned: *Provided*, That such warrants have been encumbered by the commission, council or
7 institution and the Budget Office prior to June 30 of said fiscal year.

§12-3-13b. Voluntary deductions by State Auditor from salaries of employees to pay association dues or fees and to pay supplemental health and life insurance premiums.

1 Any officer or employee of the State of West Virginia may authorize that a voluntary
2 deduction from his or her net wages be made for the payment of membership dues or fees to an
3 employee association. Voluntary deductions may also be authorized by an officer or employee
4 for any supplemental health and life insurance premium, subject to prior approval by the Auditor.
5 Such deductions shall be authorized on a form provided by the Auditor of the State of West
6 Virginia and shall state: (a) The identity of the employee; (b) the amount and frequency of such
7 deductions; and (c) the identity and address of the association or insurance company to which
8 such dues shall be paid. Upon execution of such authorization and its receipt by the office of the
9 Auditor, such deductions shall be made in the manner specified on the form and remitted to the
10 designated association or insurance company on the tenth day of each month: *Provided*, That
11 voluntary other deductions, as approved and authorized by the Auditor, may be made in
12 accordance with rules proposed by the Auditor pursuant to article three, chapter twenty-nine-a of
13 this code: *Provided, however*, That deductions shall be made at least twice monthly. Deduction
14 authorizations may be revoked at any time thirty days prior to the date on which the deduction is
15 regularly made and on a form to be provided by the office of the State Auditor: *Provided further*,
16 That nothing in this section shall interfere with or remove any existing arrangement for dues
17 deduction between an employer or any political subdivision of the state and its employees.

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 2. WEST VIRGINIA STATE POLICE.

§15-2-5. Career progression system; salaries; exclusion from wages and hour law, with supplemental payment; bond; leave time for members called to duty in guard or reserves.

1 (a) The superintendent shall establish within the West Virginia State Police a system to
2 provide for: The promotion of members to the supervisory ranks of sergeant, first sergeant,
3 second lieutenant and first lieutenant; the classification of nonsupervisory members within the
4 field operations force to the ranks of trooper, senior trooper, trooper first class or corporal; the
5 classification of members assigned to the forensic laboratory as criminalist I-VIII; and the
6 temporary reclassification of members assigned to administrative duties as administrative support
7 specialist I-VIII.

8 (b) The superintendent may propose legislative rules for promulgation in accordance with
9 article three, chapter twenty-nine-a of this code for the purpose of ensuring consistency,
10 predictability and independent review of any system developed under the provisions of this
11 section.

12 (c) The superintendent shall provide to each member a written manual governing any
13 system established under the provisions of this section and specific procedures shall be identified
14 for the evaluation and testing of members for promotion or reclassification and the subsequent
15 placement of any members on a promotional eligibility or reclassification recommendation list.

16 (d) Beginning on July 1, 2011, members shall receive annual salaries payable at least
17 twice per month as follows:

18 ANNUAL SALARY SCHEDULE (BASE PAY)

19 SUPERVISORY AND NONSUPERVISORY RANKS

20	Cadet During Training	\$ 33,994
21	Cadet Trooper After Training	\$ 41,258
22	Trooper Second Year	42,266
23	Trooper Third Year	42,649
24	Senior Trooper	43,048
25	Trooper First Class	43,654
26	Corporal	44,260

27	Sergeant.....	48,561
28	First Sergeant.....	50,712
29	Second Lieutenant	52,862
30	First Lieutenant.....	55,013
31	Captain.....	57,164
32	Major	59,314
33	Lieutenant Colonel	61,465

ANNUAL SALARY SCHEDULE (BASE PAY)

ADMINISTRATION SUPPORT SPECIALIST CLASSIFICATION

36	I	42,266
37	II	43,048
38	III	43,654
39	IV	44,260
40	V	48,561
41	VI	50,712
42	VII	52,862
43	VIII	55,013

ANNUAL SALARY SCHEDULE (BASE PAY)

CRIMINALIST CLASSIFICATION

46	I	42,266
47	II	43,048
48	III	43,654
49	IV	44,260
50	V	48,561
51	VI	50,712
52	VII	52,862

53 VIII 55,013

54 Each member of the West Virginia State Police whose salary is fixed and specified in this
55 annual salary schedule is entitled to the length of service increases set forth in subsection (e) of
56 this section and supplemental pay as provided in subsection (g) of this section.

57 (e) Each member of the West Virginia State Police whose salary is fixed and specified
58 pursuant to this section shall receive, and is entitled to, an increase in salary over that set forth in
59 subsection (d) of this section for grade in rank, based on length of service, including that service
60 served before and after the effective date of this section with the West Virginia State Police as
61 follows: Beginning on January 1, 2015 and continuing thereafter, at the end of two years of service
62 with the West Virginia State Police, the member shall receive a salary increase of \$500 to be
63 effective during his or her next year of service and a like increase at yearly intervals thereafter,
64 with the increases to be cumulative.

65 (f) In applying the salary schedules set forth in this section where salary increases are
66 provided for length of service, members of the West Virginia State Police in service at the time
67 the schedules become effective shall be given credit for prior service and shall be paid the salaries
68 the same length of service entitles them to receive under the provisions of this section.

69 (g) The Legislature finds and declares that because of the unique duties of members of
70 the West Virginia State Police, it is not appropriate to apply the provisions of state wage and hour
71 laws to them. Accordingly, members of the West Virginia State Police are excluded from the
72 provisions of state wage and hour law. This express exclusion shall not be construed as any
73 indication that the members were or were not covered by the wage and hour law prior to this
74 exclusion.

75 In lieu of any overtime pay they might otherwise have received under the wage and hour
76 law, and in addition to their salaries and increases for length of service, members who have
77 completed basic training and who are exempt from federal Fair Labor Standards Act guidelines
78 may receive supplemental pay as provided in this section.

79 The authority of the superintendent to propose a legislative rule or amendment thereto for
80 promulgation in accordance with article three, chapter twenty-nine-a of this code to establish the
81 number of hours which constitute the standard pay period for the members of the West Virginia
82 State Police is hereby continued. The rule shall further establish, on a graduated hourly basis, the
83 criteria for receipt of a portion or all of supplemental payment when hours are worked in excess
84 of the standard pay period. The superintendent shall certify at least twice per month to the West
85 Virginia State Police's payroll officer the names of those members who have worked in excess of
86 the standard pay period and the amount of their entitlement to supplemental payment. The
87 supplemental payment may not exceed \$200 per pay period. The superintendent and civilian
88 employees of the West Virginia State Police are not eligible for any supplemental payments.

89 (h) Each member of the West Virginia State Police, except the superintendent and civilian
90 employees, shall execute, before entering upon the discharge of his or her duties, a bond with
91 security in the sum of \$5,000 payable to the State of West Virginia, conditioned upon the faithful
92 performance of his or her duties, and the bond shall be approved as to form by the Attorney
93 General and as to sufficiency by the Governor.

94 (i) In consideration for compensation paid by the West Virginia State Police to its members
95 during those members' participation in the West Virginia State Police Cadet Training Program
96 pursuant to section eight, article twenty-nine, chapter thirty of this code, the West Virginia State
97 Police may require of its members by written agreement entered into with each of them in advance
98 of such participation in the program that, if a member should voluntarily discontinue employment
99 any time within one year immediately following completion of the training program, he or she shall
100 be obligated to pay to the West Virginia State Police a pro rata portion of such compensation
101 equal to that part of such year which the member has chosen not to remain in the employ of the
102 West Virginia State Police.

103 (j) Any member of the West Virginia State Police who is called to perform active duty
104 training or inactive duty training in the National Guard or any reserve component of the armed

105 forces of the United States annually shall be granted, upon request, leave time not to exceed
106 thirty calendar days for the purpose of performing the active duty training or inactive duty training
107 and the time granted may not be deducted from any leave accumulated as a member of the West
108 Virginia State Police.

CHAPTER 18. EDUCATION.

ARTICLE 3. STATE SUPERINTENDENT OF SCHOOLS.

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

1 There shall be appointed by the state board a State Superintendent of Schools who serves
2 at the will and pleasure of the state board. He or she shall be a person of good moral character,
3 shall be able to perform the duties listed in this article and possess such other educational,
4 administrative, experiential and other qualifications as determined by the State Board of
5 Education. He or she shall hold at least a master's degree from a regionally accredited institution
6 of higher education or equivalent degree as determined by the state board. He or she shall receive
7 an annual salary set by the state board, to be paid at least twice per month. The state
8 superintendent also shall receive necessary traveling expenses incident to the performance of his
9 or her duties to be paid out of the General School Fund upon warrants of the State Auditor. The
10 state superintendent shall have his or her office at the state Capitol. The state board shall report
11 to the Legislative Oversight Commission on Education Accountability upon request concerning its
12 progress during any hiring process for a state superintendent.

13 The state board annually shall evaluate the performance of the state superintendent and
14 publicly announce the results of the evaluation.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-5. Salary, expenses, oath and bond of director.

1 The director shall receive an annual salary as provided in section two-a, article seven,
2 chapter six of this code, payable at least twice per month and shall be allowed and paid necessary
3 expenses incident to the performance of his or her official duties. Prior to the assumption of the
4 duties of his or her office, he or she shall take and subscribe to the oath required of public officers
5 by the Constitution of West Virginia and shall execute a bond, with surety approved by the
6 Governor, in the penal sum of \$10,000, which executed oath and bond shall be filed in the office
7 of the Secretary of State. Premiums on the bond shall be paid from division funds.

ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.

**§20-7-1. Chief natural resources police officer; natural resources police officers; special
and emergency natural resources police officers; subsistence allowance;
expenses.**

1 (a) The division's law-enforcement policies, practices and programs are under the
2 immediate supervision and direction of the division law-enforcement officer selected by the
3 director and designated as chief natural resources police officer as provided in section thirteen,
4 article one of this chapter.

5 (b) Under the supervision of the director, the chief natural resources police officer shall
6 organize, develop and maintain law-enforcement practices, means and methods geared, timed
7 and adjustable to seasonal, emergency and other needs and requirements of the division's
8 comprehensive natural resources program. All division personnel detailed and assigned to
9 law-enforcement duties and services under this section shall be known and designated as natural
10 resources police officers and are under the immediate supervision and direction of the chief
11 natural resources police officer except as otherwise provided. All natural resources police officers
12 shall be trained, equipped and conditioned for duty and services wherever and whenever required
13 by division law-enforcement needs. The chief natural resources police officer may also assign
14 natural resources police officers to perform law-enforcement duties on any trail, grounds,
15 appurtenant facility or other areas accessible to the public within the Hatfield-McCoy Recreation

16 Area, under agreement that the Hatfield-McCoy Regional Recreation Authority, created pursuant
17 to article fourteen of this chapter, shall reimburse the division for salaries paid to the officers and
18 shall either pay directly or reimburse the division for all other expenses of the officers in
19 accordance with actual or estimated costs determined by the chief natural resources police officer.

20 (c) The chief natural resources police officer, acting under supervision of the director, is
21 authorized to select and appoint emergency natural resources police officers for a limited period
22 for effective enforcement of the provisions of this chapter when considered necessary because
23 of emergency or other unusual circumstances. The emergency natural resources police officers
24 shall be selected from qualified civil service personnel of the division, except in emergency
25 situations and circumstances when the director may designate officers, without regard to civil
26 service requirements and qualifications, to meet law-enforcement needs. Emergency natural
27 resources police officers shall exercise all powers and duties prescribed in section four of this
28 article for full-time salaried natural resources police officers except the provisions of subdivision
29 (8), subsection (b) of said section.

30 (d) The chief natural resources police officer, acting under supervision of the director, is
31 also authorized to select and appoint as special natural resources police officers any full-time civil
32 service employee who is assigned to, and has direct responsibility for management of, an area
33 owned, leased or under the control of the division and who has satisfactorily completed a course
34 of training established and administered by the chief natural resources police officer, when the
35 action is considered necessary because of law-enforcement needs. The powers and duties of a
36 special natural resources police officer, appointed under this provision, is the same within his or
37 her assigned area as prescribed for full-time salaried natural resources police officers. The
38 jurisdiction of the person appointed as a special natural resources police officer, under this
39 provision, shall be limited to the division area or areas to which he or she is assigned and directly
40 manages.

41 (e) The Director of the Division of Forestry is authorized to appoint and revoke Division of
42 Forestry special natural resources police officers who are full-time civil service personnel who
43 have satisfactorily completed a course of training as required by the Director of the Division of
44 Forestry. The jurisdiction, powers and duties of Division of Forestry special natural resources
45 police officers are set forth by the Director of the Division of Forestry pursuant to article three of
46 this chapter and articles one-a and one-b, chapter nineteen of this code.

47 (f) The chief natural resources police officer, with the approval of the director, has the
48 power and authority to revoke any appointment of an emergency natural resources police officer
49 or of a special natural resources police officer at any time.

50 (g) Natural resources police officers are subject to seasonal or other assignment and detail
51 to duty whenever and wherever required by the functions, services and needs of the division.

52 (h) The chief natural resources police officer shall designate the area of primary residence
53 of each natural resources police officer, including himself or herself. Since the area of business
54 activity of the division is actually anywhere within the territorial confines of the State of West
55 Virginia, actual expenses incurred shall be paid whenever the duties are performed outside the
56 area of primary assignment and still within the state.

57 (i) Natural resources police officers shall receive, in addition to their base pay salary, a
58 minimum biweekly subsistence allowance for their required telephone service, dry cleaning or
59 required uniforms, and meal expenses while performing their regular duties in their area of primary
60 assignment in the amount of \$60 per biweekly pay. This subsistence allowance does not apply to
61 special or emergency natural resources police officers appointed under this section.

62 (j) After June 30, 2010, all those full-time law-enforcement officers employed by the
63 Division of Natural Resources as conservation officers shall be titled and known as natural
64 resources police officers. Wherever used in this code the term "conservation officer", or its plural,
65 means "natural resources police officer", or its plural, respectively.

66 (k) Notwithstanding any provision of this code to the contrary, the provisions of subdivision
67 (6), subsection c, section twelve, article twenty-one, chapter eleven of this code are inapplicable
68 to pensions of natural resources police officers paid through the Public Employees Retirement
69 System.

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.

1 (a) The Water Development Authority is continued. The authority is a governmental
2 instrumentality of the state and a body corporate. The exercise by the authority of the powers
3 conferred by this article and the carrying out of its purposes and duties are essential governmental
4 functions and for a public purpose.

5 (b) The authority is controlled, managed and operated by a seven-member board known
6 as the Water Development Board. The Governor or designee, the secretary of the Department of
7 Environmental Protection or designee and the Commissioner of the Bureau for Public Health or
8 designee are members ex officio of the board. Four members are appointed by the Governor, by
9 and with the advice and consent of the Senate, for six-year terms, which are staggered in
10 accordance with the initial appointments under prior enactment of this section. In the event of a
11 vacancy, appointments are filled in the same manner as the original appointment for the
12 remainder of the unexpired term. A member continues to serve until the appointment and
13 qualification of the successor. More than two appointed board members may not at any one time
14 belong to the same political party. Appointed board members may be reappointed to serve
15 additional terms.

16 (c) All members of the board shall be citizens of the state. Each appointed member of the
17 board, before entering upon his or her duties, shall comply with the requirements of article one,
18 chapter six of this code and give bond in the sum of \$25,000 in the manner provided in article two
19 of said chapter. The Governor may remove any board member for cause as provided in article
20 six of said chapter.

21 (d) The Governor or designee serves as chair. The board annually elects one of its
22 appointed members as vice chair and appoints a secretary-treasurer, who need not be a member
23 of the board. Four members of the board is a quorum and the affirmative vote of four members is
24 necessary for any action taken by vote of the board. A vacancy in the membership of the board
25 does not impair the rights of a quorum by such vote to exercise all the rights and perform all the
26 duties of the board and the authority. The person appointed as secretary-treasurer, including a
27 board member if so appointed, shall give bond in the sum of \$50,000 in the manner provided in
28 article two, chapter six of this code.

29 (e) The Governor or designee, the Secretary of the Department of Environmental
30 Protection and the Commissioner of the Bureau for Public Health do not receive compensation
31 for serving as board members. Each appointed member receives an annual salary of \$12,000,
32 payable at least twice per month. Each of the seven board members is reimbursed for all
33 reasonable and necessary expenses actually incurred in the performance of duties as a member
34 of the board in a manner consistent with guidelines of the Travel Management Office of the
35 Department of Administration. All expenses incurred by the board are payable solely from funds
36 of the authority or from funds appropriated for that purpose by the Legislature. Liability or
37 obligation is not incurred by the authority beyond the extent to which moneys are available from
38 funds of the authority or from such appropriations.

39 (f) There is a director of the authority appointed by the Governor, with the advice and
40 consent of the Senate, who serves at the Governor's will and pleasure. The director is responsible
41 for managing and administering the daily functions of the authority and for performing other

42 functions necessary to the effective operation of the authority. The compensation of the director
43 is fixed annually by the board.

CHAPTER 24. PUBLIC SERVICE COMMISSION.

ARTICLE 1. GENERAL PROVISIONS.

§24-1-3. Commission continued; membership; chairman; compensation; quorum.

1 (a) The Public Service Commission of West Virginia is continued and directed as provided
2 by this chapter, chapter twenty-four-a, chapter twenty-four-b and chapter twenty-four-d of this
3 code. The Public Service Commission may sue and be sued by that name.

4 (b) The Public Service Commission shall consist of three members who shall be appointed
5 by the Governor, with the advice and consent of the Senate. The commissioners shall be citizens
6 and residents of this state and at least one of them shall be duly licensed to practice law in West
7 Virginia, with not less than ten years' actual work experience in the legal profession as a member
8 of a State Bar.

9 (c) No more than two of the commissioners shall be members of the same political party.

10 (d) Each commissioner shall, before entering upon the duties of his or her office, take and
11 subscribe to the oath provided by section five, article IV of the Constitution of West Virginia. The
12 oath shall be filed in the office of the Secretary of State.

13 (e) The Governor shall designate one of the commissioners to serve as chairman at the
14 Governor's will and pleasure. The chairman shall be the chief administrative officer of the
15 commission. The Governor may remove any commissioner only for incompetency, neglect of
16 duty, gross immorality, malfeasance in office or violation of subsections (g) and (h) of this section.

17 (f) Upon expiration of the terms, appointments are for terms of six years, except that an
18 appointment to fill a vacancy is for the unexpired term only.

19 (g) No person while in the employ of, or holding any official relation to, any public utility
20 subject to the provisions of this chapter or holding any stocks or bonds of a public utility subject

21 to the provisions of this chapter or who is pecuniarily interested in a public utility subject to the
22 provisions of this chapter may serve as a member of the commission or as an employee of the
23 commission.

24 (h) Nor may any commissioner be a candidate for or hold public office or be a member of
25 any political committee while acting as a commissioner; nor may any commissioner or employee
26 of the commission receive any pass, free transportation or other thing of value, either directly or
27 indirectly, from any public utility or motor carrier subject to the provisions of this chapter. In case
28 any of the commissioners becomes a candidate for any public office or a member of any political
29 committee, the Governor shall remove him or her from office and shall appoint a new
30 commissioner to fill the vacancy created.

31 (i) The annual salary of each commissioner provided in section two-a, article seven,
32 chapter six of this code shall be paid at least twice per month from the special funds in the
33 percentages that follow:

34 (1) From the Public Service Commission Fund collected under the provisions of section
35 six, article three of this chapter, eighty percent;

36 (2) From the Public Service Commission Motor Carrier Fund collected under the
37 provisions of section six, article six, chapter twenty-four-a of this code, seventeen percent; and

38 (3) From the Public Service Commission Gas Pipeline Safety Fund collected under the
39 provisions of section three, article five, chapter twenty-four-b of this code, three percent.

40 (j) In addition to the salary provided for all commissioners in section two-a, article seven,
41 chapter six of this code, the chairman of the commission shall receive \$5,000 per annum to be
42 paid at least twice per month from the Public Service Commission Fund collected under the
43 provisions of section six, article three of this chapter.

CHAPTER 24A. COMMERCIAL MOTOR CARRIERS.

ARTICLE 6. DUTIES AND PRIVILEGES OF MOTOR CARRIERS SUBJECT TO REGULATION OF THE COMMISSION.

§24A-6-6. Special annual assessment against motor carriers for expenses of administering chapter; Public Service Commission Motor Carrier Fund.

1 In addition to the license fees, registration fees, or any other taxes required by law to be
2 collected from motor carriers subject to this chapter, each such motor carrier shall be subject to,
3 and shall pay to the Public Service Commission, a special annual assessment for the purpose of
4 paying the salaries, compensation, costs and expenses of administering and enforcing this
5 chapter. All proceeds or funds derived from such assessment shall be paid into the State Treasury
6 and credited to a special fund, designated Public Service Commission Motor Carrier Fund, to be
7 appropriated as provided by law for the purposes herein stated. Each member of the commission
8 shall receive a salary in the amount set forth in section three, article one, chapter twenty-four of
9 this code as compensation for the administration of this chapter in addition to all other salary or
10 compensation otherwise provided by law, to be paid from said fund at least twice per month. The
11 special assessment against each motor carrier shall be apportioned upon the number and
12 capacity of motor vehicles used by said carrier, computed as hereinafter provided.

13 (a) For each uniform identification card\$ 3.00

14 (b) Upon each power unit of such carriers of property, in accordance with its capacity as
15 rated by its manufacturer, in addition to amount of subdivision (a):

16 of one ton or less capacity.....\$ 9.00

17 of over one to one and one-half tons capacity 13.50

18 of over one and one-half tons to two tons capacity 18.00

19 of over two tons to three tons capacity22.50

20 of over three tons to four tons capacity27.00

21 of over four tons to five tons capacity31.50

22 of over five tons to six tons capacity36.00

23 of over six tons to seven tons capacity40.50

24 of over seven tons to eight tons capacity45.00

25	of over eight tons to nine tons capacity	49.50
26	of over nine tons to ten tons capacity	54.00
27	of over ten tons capacity, \$54.00 plus \$4.50 for each additional ton of capacity in	
28	excess of ten tons.	

29 (c) Upon each trailer and semitrailer of such carriers of property, in accordance with its
30 capacity as rated by its manufacturer, in an amount of two thirds of the amount provided for
31 vehicles of its capacity in subdivision (b) of this section.

32 (d) Upon each power unit of such carriers of passengers, in accordance with the seating
33 capacity thereof, in addition to amount in subdivision (a):

34	of ten passengers or less	\$13.50
35	of eleven to twenty passengers, inclusive	22.50
36	of twenty-one to thirty passengers, inclusive	31.50
37	of thirty-one to forty passengers, inclusive	45.00
38	of over forty passengers	54.00

39 (e) The annual assessment of each motor carrier shall be paid on or before July 1 of each
40 year. Additional assessments shall be collected upon the placing in use of any additional motor
41 vehicle: *Provided*, That such additional assessments shall be subject to a reduction in the
42 amounts shown in subdivisions (b), (c) and (d) of this section corresponding to the unexpired
43 quarterly periods of the fiscal year, but shall not in any event be less than one fourth of such
44 amount plus the sum of \$3 provided in subdivision (a) of this section.

45 (f) Upon payment by any motor carrier of the assessment provided for, the Public Service
46 Commission shall advise the Division of Motor Vehicles by notice in writing that such assessment
47 has been paid, whereupon the Division of Motor Vehicles may issue motor vehicle license for the
48 vehicles described in said notice.

49 (g) Prior to the beginning of any fiscal year the Public Service Commission, after taking
50 into consideration any unexpended balance in the Motor Carrier Fund, the probable receipts to

51 be received in the ensuing fiscal year, and the probable costs of administering and enforcing this
52 chapter for the ensuing fiscal year, may fix the assessments provided for in this section for the
53 ensuing fiscal year in amounts which, in the commission's judgment, will produce sufficient
54 revenue to administer and enforce this chapter for said fiscal year: *Provided*, That in no event
55 shall such assessments exceed the amounts set up in this section.

CHAPTER 24B. GAS PIPELINE SAFETY.

ARTICLE 5. EMPLOYEES OF COMMISSION; FUNDING.

§24B-5-2. Compensation to commissioners.

1 Each member of the commission shall receive a salary in the amount set forth in section
2 three, article one, chapter twenty-four of this code as compensation for the administration of this
3 chapter in addition to all other salary or compensation otherwise provided for by law, to be paid
4 at least twice per month from the Public Service Commission Pipeline Safety Fund.

CHAPTER 25. DIVISION OF CORRECTIONS.

ARTICLE 1. ORGANIZATION, INSTITUTIONS AND CORRECTIONS MANAGEMENT.

§25-1-19. Reports by Commissioner of Corrections and chief officers of institutions to Auditor.

1 The Commissioner of Corrections shall, from time to time, as may be necessary, make a
2 report to the Auditor, which shall state the name of each person employed at any of the institutions
3 named in section three of this article, his or her official designation and biweekly rate of
4 compensation, and out of what funds or appropriation the same is payable. The chief officer of
5 any such institution, or other person who may have been appointed for the purpose by the
6 Commissioner of Corrections, shall make out and certify to the Auditor at the end of each month
7 a list of persons to whom any payments may be due, stating for what purpose due, the amount
8 due each person, and the fund or appropriation from which payable; one copy whereof shall be
9 filed in the office of the institution where made, and one in the office of the Commissioner of

10 Corrections. If the Auditor finds such list correct and in accordance with the reports made to him
11 or her by the Commissioner of Corrections, he or she may pay to the persons entitled thereto the
12 amounts so certified as due each.

CHAPTER 31. CORPORATIONS.

ARTICLE 19. WEST VIRGINIA COMMUNITY INFRASTRUCTURE AUTHORITY.

**§31-19-4. West Virginia Community Infrastructure Authority created; West Virginia
Community Infrastructure Board created; organization of Authority and Board;
appointment of board members; their term of office, compensation and expenses;
duties and responsibilities of director and staff of authority.**

1 (a) There is hereby created the West Virginia Community Infrastructure Authority. The
2 authority is a governmental instrumentality of the state and a body corporate. The exercise by the
3 authority of the powers conferred by this article and the carrying out of its purposes and duties
4 are essential governmental functions and for a public purpose.

5 The authority shall be controlled, managed and operated by the five-member board known
6 as the West Virginia Community Infrastructure Board, which is hereby created. The Director of
7 the West Virginia Development Office, or her or his designee, the Director of the Division of
8 Environmental Protection, or her or his designee, and the Commissioner of the Division of
9 Highways, or her or his designee, are members ex officio of the board. The Executive Director of
10 the West Virginia Development Office, or her or his designee, is the ex officio chair. Two members
11 of the board shall be representative of the general public, one of which shall have had experience
12 or a demonstrated interest in local government. The two members who are not ex officio members
13 of the board shall be appointed by the Governor, by and with the advice and consent of the
14 Senate, for initial terms of three and six years, respectively. The successor of each such appointed
15 member shall be appointed for a term of six years in the same manner as the original
16 appointments were made, except that any person appointed to fill a vacancy occurring prior to

17 the expiration of the term for which her or his predecessor was appointed shall be appointed only
18 for the remainder of such term. Each board member shall serve until the appointment and
19 qualification of her or his successor. The two appointed board members shall not at any one time
20 belong to the same political party. Appointed board members may be reappointed to serve
21 additional terms, not to exceed two consecutive full terms. All members of the board shall be
22 citizens of the state. Each appointed member of the board, before entering upon her or his duties,
23 shall comply with the requirements of article one, chapter six of this code and give bond in the
24 sum of \$20,000 in the manner provided in article two, chapter six of this code. The Governor may
25 remove any board member for cause as provided in article six, chapter six of this code.

26 Annually the board shall elect one of its appointed members as chair, and shall appoint a
27 secretary-treasurer, who need not be a member of the board. Three members of the board is a
28 quorum and the affirmative vote of three members is necessary for any action taken by vote of
29 the board. No vacancy in the membership of the board impairs the rights of a quorum by such
30 vote to exercise all the rights and perform all the duties of the board and the authority. The person
31 appointed as secretary-treasurer, including a board member if she or he is so appointed, shall
32 give bond in the sum of \$50,000 in the manner provided in article two, chapter six of this code.

33 The Executive Director of the West Virginia Development Office or her or his designee,
34 the Director of the Division of Environmental Protection or her or his designee, and the
35 Commissioner of the Division of Highways or her or his designee, shall not receive any
36 compensation for serving as board members. Each of the two appointed board members of the
37 board shall receive an annual salary of \$5,000, payable at least twice per month. Each of the five
38 board members shall be reimbursed for all reasonable and necessary expenses actually incurred
39 in the performance of her or his duties as a member of such board. All such expenses incurred
40 by the board are payable solely from funds of the authority or from funds appropriated for such
41 purpose by the Legislature and no liability or obligation shall be incurred by the authority beyond
42 the extent for which moneys are available from funds of the authority or from such appropriations.

43 (b) There shall be a director of the authority appointed by the board who shall supervise
44 and manage the Community Infrastructure Authority, and the West Virginia Development Office
45 shall serve as the staff for the authority. Except as otherwise provided in this section, the duties
46 and responsibilities of the director and of the staff shall be established by the authority. At the
47 board's discretion, it may provide for the position of general counsel, who shall be an employee
48 of the authority, or for the appointment of special counsel. As the board deems necessary and
49 desirable, it may at any time elect to change its decision on the employment or appointment of a
50 counsel.

51 (c) The director, or her or his designee, may employ or appoint any staff members in
52 addition to those provided by the West Virginia Development Office, including general or special
53 counsel if the position is established by the board. The number of employees needed, the
54 positions to be filled and their salaries or wages shall be determined by the director with the
55 approval of the board, unless the board elects to not require its approval. At any time the board
56 may elect to change its decision concerning approval of additional staff hiring and salaries.

57 (d) The board shall meet at least quarterly, and more often as it deems necessary. The
58 director and any other staff member or members as the director deems expedient shall attend
59 board meetings.

CHAPTER 33. INSURANCE.

ARTICLE 2. INSURANCE COMMISSIONER.

§33-2-2. Compensation and expenses of commissioner and employees; location of office.

1 The commissioner shall receive an annual salary as provided in section two-a, article
2 seven, chapter six of this code and actual expenses incurred in the performance of official
3 business, which compensation shall be in full for all services. The office of the commissioner shall
4 be maintained in the Capitol or other suitable place in Charleston. The commissioner may employ
5 such persons and incur such expenses as may be necessary in the discharge of his or her duties

6 and shall fix the compensation of such employees, but such compensation shall not exceed the
7 appropriation therefor. The commissioner may reimburse employees for reasonable expenses
8 incurred for job-related training and educational seminars and courses. All compensation for
9 salaries and expenses of the commissioner and his or her employees shall be paid at least twice
10 per month out of the State Treasury by requisition upon the Auditor, properly certified by the
11 commissioner.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-8. Magistrate court clerks; salaries; duties; duties of circuit clerk.

1 (a) In each county having three or more magistrates the judge of the circuit court or the
2 chief judge of the circuit court, if there is more than one judge of the circuit court, shall appoint a
3 magistrate court clerk. In all other counties the judge may appoint a magistrate court clerk or may
4 by rule require the duties of the magistrate court clerk to be performed by the clerk of the circuit
5 court, in which event the circuit court clerk is entitled to additional compensation in the amount of
6 \$2,500 per year. The magistrate court clerk serves at the will and pleasure of the circuit judge.

7 (b) Magistrate court clerks shall be paid at least twice per month by the state. Magistrate
8 court clerks serving magistrates who serve less than seven thousand three hundred in population
9 shall be paid up to \$39,552 per year and magistrate court clerks serving magistrates who serve
10 seven thousand three hundred or more in population shall be paid up to \$44,712 per year:
11 *Provided*, That after the effective date of this section, any general salary increase granted to all
12 state employees, whose salaries are not set by statute, expressed as a percentage increase or
13 an across-the-board increase, may also be granted to magistrate court clerks. For the purpose of
14 determining the population served by each magistrate, the number of magistrates authorized for
15 each county shall be divided into the population of each county. The salary of the magistrate court

16 clerk shall be established by the judge of the circuit court, or the chief judge of the circuit court if
17 there is more than one judge of the circuit court, within the limits set forth in this section.

18 (c) In addition to other duties that may be imposed by the provisions of this chapter or by
19 the rules of the Supreme Court of Appeals or the judge of the circuit court or the chief judge of
20 the circuit court if there is more than one judge of the circuit court, it is the duty of the magistrate
21 court clerk to establish and maintain appropriate dockets and records in a centralized system for
22 the magistrate court, to assist in the preparation of the reports required of the court and to carry
23 out on behalf of the magistrates or chief magistrate if a chief magistrate is appointed, the
24 administrative duties of the court.

25 (d) The magistrate court clerk, or if there is no magistrate court clerk in the county, the
26 clerk of the circuit court, may issue all manner of civil process and require the enforcement of
27 subpoenas and subpoenas duces tecum in magistrate court.

28 (e) Notwithstanding any provision of this code to the contrary, the amendments made to
29 this section during the 2013 first extraordinary session are effective upon passage and are
30 retroactive to January 1, 2013.

31 (f) Beginning January 1, 2017, the annual salary of all magistrate court clerks is \$44,720.
32 After the effective date of this section, a general salary increase granted to state employees,
33 whose salaries are not set by statute, expressed as a percentage increase or an across-the-board
34 increase, may also be granted to magistrate court clerks.

§50-1-9. Magistrate assistants; salary; duties.

1 (a) In each county there shall be one magistrate assistant for each magistrate. Each
2 magistrate assistant shall be appointed by the magistrate under whose authority and supervision
3 and at whose will and pleasure he or she shall serve. The assistant shall not be a member of the
4 immediate family of any magistrate and shall not have been convicted of a felony or any
5 misdemeanor involving moral turpitude and shall reside in the State of West Virginia. For the

6 purpose of this section, "immediate family" means the relationships of mother, father, sister,
7 brother, child or spouse.

8 (b) A magistrate assistant shall have the duties, clerical or otherwise, assigned by the
9 magistrate and prescribed by the rules of the Supreme Court of Appeals or the judge of the circuit
10 court or the chief judge of the circuit court if there is more than one judge of the circuit court. In
11 addition to these duties, magistrate assistants shall perform and are accountable to the magistrate
12 court clerks with respect to the following duties:

13 (1) The preparation of summons in civil actions;

14 (2) The assignment of civil actions to the various magistrates;

15 (3) The collection of all costs, fees, fines, forfeitures and penalties which are payable to
16 the court;

17 (4) The submission of moneys, along with an accounting of the moneys, to appropriate
18 authorities as provided by law;

19 (5) The daily disposition of closed files which are to be located in the magistrate clerk's
20 office;

21 (6) All duties related to the gathering of information and documents necessary for the
22 preparation of administrative reports and documents required by the rules of the Supreme Court
23 of Appeals or the judge of the circuit court or the chief judge of the circuit court if there is more
24 than one judge of the circuit court;

25 (7) All duties relating to the notification, certification and payment of jurors serving
26 pursuant to the terms of this chapter; and

27 (8) All other duties or responsibilities whereby the magistrate assistant is accountable to
28 the magistrate court clerk as determined by the magistrate.

29 (c) Magistrate assistants shall be paid at least twice per month by the state. Magistrate
30 assistants serving magistrates who serve less than seven thousand three hundred in population
31 shall be paid up to \$36,048 per year and magistrate assistants serving magistrates who serve

32 seven thousand three hundred or more in population shall be paid up to \$39,348 per year:
33 *Provided*, That after the effective date of this section, any general salary increase granted to all
34 state employees, whose salaries are not set by statute, expressed as a percentage increase or
35 an across-the-board increase, may also be granted to magistrate assistants. For the purpose of
36 determining the population served by each magistrate, the number of magistrates authorized for
37 each county shall be divided into the population of each county. The salary of the magistrate
38 assistant shall be established by the magistrate within the limits set forth in this section.

39 (d) Notwithstanding any provision of this code to the contrary, the amendments made to
40 this section during the 2013 first extraordinary session are effective upon passage and are
41 retroactive to January 1, 2013.

42 (e) Beginning January 1, 2017, the annual salary of all magistrate assistants is \$39,348.
43 After the effective date of this section, a general salary increase granted to state employees,
44 whose salaries are not set by statute, expressed as a percentage increase or an across-the-board
45 increase, may also be granted to magistrate assistants.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 7. OFFICIAL REPORTERS.

§51-7-3. Compensation for attending court and taking notes.

1 The official reporter shall receive, for his or her services and expenses in attending the
2 court or judge and in taking the notes provided for in section two of this article, such salary or
3 other compensation as the court or judge, in accordance with the rules of the Supreme Court of
4 Appeals, may allow. If such salary be allowed, it shall be paid at least twice per month, out of the
5 State Treasury. If no such salary be allowed, such other compensation and expenses as may be
6 allowed in civil cases shall be certified by the court or judge to the Auditor and the same shall be
7 paid out of the State Treasury. Such other compensation and expenses in felony and,
8 misdemeanor cases shall be certified to the Auditor and paid out of the State Treasury. The salary

9 or other compensation provided for in this section shall not be deemed to include the making of
10 typewritten transcripts as provided for in section four of this article.

§51-7-5. Salary in lieu of all other compensation.

1 If neither of the methods of compensation provided for in section three of this article be
2 adopted, a salary may be allowed in lieu of all other compensation, which shall be paid at least
3 twice per month, out of the State Treasury, in such proportions as the court or judge may fix in
4 accordance with the rules of the Supreme Court of Appeals. All fees for services rendered by the
5 official reporter in the discharge of his or her duties as such, when he or she is allowed a salary
6 under the provisions of this section, may be collected, and shall, when collected by the sheriff or
7 official reporter, be paid into the State Treasury; and it shall be the duty of such reporter to make
8 out, sign and deliver to the sheriff a fee bill in every case, civil or criminal, giving the style thereof
9 and the amount due, and from whom, which amount may be collected or levied for by the sheriff,
10 and such fee bill shall have the force and effect of an execution when levied. An official reporter
11 compensated under the provisions of this section shall collect the fees mentioned in section four
12 of this article for any transcript of his or her shorthand notes of the testimony or proceedings
13 furnished by him or her to any party, and shall pay the same over to the sheriff of the county in
14 which the services were performed, to be by him or her accounted for and paid into the State
15 Treasury.

ARTICLE 8. STATE AND COUNTY LAW LIBRARIES; LAW CLERKS.

§51-8-2. Librarian; bond; assistants; compensation.

1 The Supreme Court of Appeals, or the judges thereof in vacation, shall appoint a
2 competent librarian to have immediate custody of the West Virginia Law Library under the
3 direction of the court. Such librarian shall give bond in a penalty fixed by the court of not less than
4 two nor more than \$5,000, with surety thereon, to be approved by the court, and conditioned as
5 provided for official bonds. Such bond shall be deposited for safekeeping with the clerk of the
6 court. The librarian shall be an officer of the court and shall hold his or her office and be removable

7 at its pleasure. Vacancies in the office of librarian occurring during vacation of the court may be
8 filled by appointment in writing made by the judges of the court, or any three of them. When, in
9 the opinion of the court, other employees are needed for the proper protection and use of the
10 library, it may employ such assistants as may be necessary for that purpose. The salary of the
11 librarian and assistants shall be fixed by the court and shall be paid at least twice per month.

CHAPTER 62. CRIMINAL PROCEDURE.

ARTICLE 12. PROBATION AND PAROLE.

§62-12-5. Probation officers and assistants.

1 (a) Each circuit court, subject to the approval of the Supreme Court of Appeals and in
2 accordance with its rules, is authorized to appoint one or more probation officers and clerical
3 assistants.

4 (b) The appointment of probation officers and clerical assistants shall be in writing and
5 entered on the order book of the court by the judge making such appointment and a copy of said
6 order of appointment shall be delivered to the Administrative Director of the Supreme Court of
7 Appeals. The order of appointment shall state the annual salary, fixed by the judge and approved
8 by the Supreme Court of Appeals, to be paid to the probation officer or clerical assistants so
9 appointed.

10 (c) The salary of probation officers and clerical assistants shall be paid at least twice per
11 month, as the Supreme Court of Appeals by rule may direct and they shall be reimbursed for all
12 reasonable and necessary expenses actually incurred in the line of duty in the field. The salary
13 and expenses shall be paid by the state from the judicial accounts thereof. The county commission
14 shall provide adequate office space for the probation officer and his or her assistants to be
15 approved by the appointing court. The equipment and supplies as may be needed by the
16 probation officer and his or her assistants shall be provided by the state and the cost thereof shall
17 be charged against the judicial accounts of the state.

18 (d) No judge may appoint any probation officer, assistant probation officer or clerical
19 assistant who is related to him or her either by consanguinity or affinity.

20 (e) Subject to the approval of the Supreme Court of Appeals and in accordance with its
21 rules, a judge of a circuit court whose circuit comprises more than one county may appoint a
22 probation officer and a clerical assistant in each county of the circuit or may appoint the same
23 persons to serve in these respective positions in two or more counties in the circuit.

24 (f) Nothing contained in this section alters, modifies, affects or supersedes the
25 appointment or tenure of any probation officer, medical assistant or psychiatric assistant
26 appointed by any court under any special act of the Legislature heretofore enacted, and the salary
27 or compensation of those persons shall remain as specified in the most recent amendment of any
28 special act until changed by the court, with approval of the Supreme Court of Appeals, by order
29 entered of record, and any such salary or compensation shall be paid out of the State Treasury.

30 (g) In order to carry out the supervision responsibilities set forth in section twenty-six,
31 article twelve, chapter sixty-two of this code, the Administrative Director of the Supreme Court of
32 Appeals, or his or her designee, in accordance with the court's procedures, is authorized to hire
33 multijudicial-circuit probation officers, to be employed through the court's Division of Probation
34 Services. Such officers may also supervise probationers who are on probation for sexual offences
35 with the approval of the administrative director of the Supreme Court of Appeals or his or her
36 designee.

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

Scott B. Johnson
.....
Chairman, Senate Committee

Gregg E. Cook
.....
Chairman, House Committee

Originated in the Senate.

In effect from passage.

Clark S. Lewis
.....
Clerk of the Senate

Steph D. Harris
.....
Clerk of the House of Delegates

Nicholas S. Commey
.....
President of the Senate

Robert R. Witt
.....
Speaker of the House of Delegates

FILED
2017 APR 24 P 4: 29
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *24th*
Day of *April*, 2017.

Jim Justice
.....
Governor

PRESENTED TO THE GOVERNOR

APR 20 2017

Time 10:40am