

**H. B. 2606**

(By Delegates Hartman, Campbell, Evans, A., Rowan,  
Boggs and Lynch)

[Introduced February 22, 2013; referred to the  
Committee on Government Organization then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §6-7-2a of the Code of West Virginia,  
1931, as amended; and to amend said code by adding thereto a  
new section, designated §29-18-4a, all relating to having the  
salary of the executive director of the West Virginia State  
Rail Authority set by the authority.

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

That §6-7-2a of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; and that said code be amended by adding  
thereto a new section, designated §29-18-4a, all to read as  
follows:

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

**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

1 advice and consent of the Senate. Each of the appointive state  
2 officers serves at the will and pleasure of the Governor for the  
3 term for which the Governor was elected and until the respective  
4 state officers' successors have been appointed and qualified. Each  
5 of the appointive state officers are subject to the existing  
6 qualifications for holding each respective office and each has and  
7 is hereby granted all of the powers and authority and shall perform  
8 all of the functions and services heretofore vested in and  
9 performed by virtue of existing law respecting each office.

10 The annual salary of each named appointive state officer is as  
11 follows:

12 Commissioner, Division of Highways, \$92,500; Commissioner,  
13 Division of Corrections, \$80,000; Director, Division of Natural  
14 Resources, \$75,000; Superintendent, State Police, \$85,000;  
15 Commissioner, Division of Banking, \$75,000; Commissioner, Division  
16 of Culture and History, \$65,000; Commissioner, Alcohol Beverage  
17 Control Commission, \$75,000; Commissioner, Division of Motor  
18 Vehicles, \$75,000; Chairman, Health Care Authority, \$80,000;  
19 members, Health Care Authority, \$70,000; Director, Human Rights  
20 Commission, \$55,000; Commissioner, Division of Labor, \$70,000;  
21 prior to July 1, 2011, Director, Division of Veterans Affairs,  
22 \$65,000; Chairperson, Board of Parole, \$55,000; members, Board of  
23 Parole, \$50,000; members, Employment Security Review Board,  
24 \$17,000; and Commissioner, Workforce West Virginia, \$75,000.

1 Secretaries of the departments shall be paid an annual salary as  
2 follows: Health and Human Resources, \$95,000; Transportation,  
3 \$95,000: *Provided*, That if the same person is serving as both the  
4 Secretary of Transportation and the Commissioner of Highways, he or  
5 she shall be paid \$120,000; Revenue, \$95,000; Military Affairs and  
6 Public Safety, \$95,000; Administration, \$95,000; Education and the  
7 Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance, \$95,000;  
8 and Environmental Protection, \$95,000: *Provided, however*, That any  
9 officer specified in this subsection whose salary is increased by  
10 more than \$5,000 as a result of the amendment and reenactment of  
11 this section during the 2011 regular session of the Legislature  
12 shall be paid the salary increase in increments of \$5,000 per  
13 fiscal year beginning July 1, 2011 up to the maximum salary  
14 provided in this subsection.

15 (b) Each of the state officers named in this subsection shall  
16 continue to be appointed in the manner prescribed in this code, and  
17 shall be paid an annual salary as follows:

18 Director, Board of Risk and Insurance Management, \$80,000;  
19 Director, Division of Rehabilitation Services, \$70,000; Director,  
20 Division of Personnel, \$70,000; Executive Director, Educational  
21 Broadcasting Authority, \$75,000; Secretary, Library Commission,  
22 \$72,000; Director, Geological and Economic Survey, \$75,000;  
23 Executive Director, prosecuting attorneys Institute, \$70,000;  
24 Executive Director, Public Defender Services, \$70,000;

1 Commissioner, Bureau of Senior Services, \$75,000; ~~Director, State~~  
2 ~~Rail Authority, \$65,000~~; Executive Director, Women's Commission,  
3 \$45,000; Director, Hospital Finance Authority, \$35,000; member,  
4 Racing Commission, \$12,000; Chairman, Public Service Commission,  
5 \$85,000; members, Public Service Commission, \$85,000; Director,  
6 Division of Forestry, \$75,000; Director, Division of Juvenile  
7 Services, \$80,000; and Executive Director, Regional Jail and  
8 Correctional Facility Authority, \$80,000.

9 (c) Each of the following appointive state officers named in  
10 this subsection shall be appointed by the Governor, by and with the  
11 advice and consent of the Senate. Each of the appointive state  
12 officers serves at the will and pleasure of the Governor for the  
13 term for which the Governor was elected and until the respective  
14 state officers' successors have been appointed and qualified. Each  
15 of the appointive state officers are subject to the existing  
16 qualifications for holding each respective office and each has and  
17 is hereby granted all of the powers and authority and shall perform  
18 all of the functions and services heretofore vested in and  
19 performed by virtue of existing law respecting each office.

20 The annual salary of each named appointive state officer shall  
21 be as follows:

22 Commissioner, State Tax Division, \$92,500; Insurance  
23 Commissioner, \$92,500; Director, Lottery Commission, \$92,500;  
24 Director, Division of Homeland Security and Emergency Management,

1 \$65,000; and Adjutant General, \$125,000.

2 (d) No increase in the salary of any appointive state officer  
3 pursuant to this section may be paid until and unless the  
4 appointive state officer has first filed with the State Auditor and  
5 the Legislative Auditor a sworn statement, on a form to be  
6 prescribed by the Attorney General, certifying that his or her  
7 spending unit is in compliance with any general law providing for  
8 a salary increase for his or her employees. The Attorney General  
9 shall prepare and distribute the form to the affected spending  
10 units.

11 **CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**

12 **ARTICLE 18. WEST VIRGINIA STATE RAIL AUTHORITY.**

13 **§29-18-4a. West Virginia State Rail Authority director's salary**  
14 **set by the authority.**

15 (a) Notwithstanding any other provisions of this code to the  
16 contrary, the salary of the Executive Director of the State Rail  
17 Authority shall be set by the authority.

NOTE: The purpose of this bill is to permit the State Rail Authority to set the salary of the executive director. It is now set by statute.

Section 29-18-4a is new; therefore, it has been completely underscored.