

HB 4031

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Com. Sub. for
HOUSE BILL No. 4031

(By ~~Delegate~~ *Mr. Speaker, Mr. Chambers + Del. Burk*)
[By Request of the Executive]



Passed *March 11,* 1994

In Effect *90 Days From* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4031
(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)
[By Request of the Executive]

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to repeal section nine, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections two, three, four, five, six, seven and eight of said article; to amend and reenact sections two and two-a, article seven, chapter six of said code; to amend and reenact section ten-a, article one, chapter fifty-one of said code; to amend and reenact section thirteen, article two of said chapter; and to amend and reenact section four, article nine of said chapter, all generally relating to the salaries of elected or appointed state officers; increasing the basic compensation and expense reimbursement for members of the Legislature; increasing the daily allowance for members during sessions and during the interim; providing for additional compensation for presiding officers and specified committee chairs, as well as certain other members to be designated by the presiding officers; increasing the salaries of state constitutional officers; changing the salaries of certain state administrators; updating the provisions related to state administrators' salaries; increasing the salary for circuit court judges; increasing the salaries of justices of the supreme court of appeals; and increasing required

contributions to retirement system for judges of courts of record.

Be it enacted by the Legislature of West Virginia:

That section nine, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections two, three, four, five, six, seven and eight of said article be amended and reenacted; that sections two and two-a, article seven, chapter six be amended and reenacted; that section ten-a, article one, chapter fifty-one be amended and reenacted; that section thirteen, article two of said chapter be amended and reenacted; and that section four, article nine of said chapter fifty-one be amended and reenacted, all to read as follows:

CHAPTER 4. THE LEGISLATURE.

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

PART II. COMPENSATION.

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

1 (a) Each member of the Legislature shall receive as
2 basic compensation for his or her services the sum of six
3 thousand five hundred dollars per calendar year.
4 Beginning in the calendar year one thousand nine
5 hundred ninety-five, and for each calendar year thereaf-
6 ter, each member of the Legislature shall receive as
7 basic compensation for his or her services the sum of
8 fifteen thousand dollars. In addition to such basic
9 compensation, members shall receive the additional
10 compensations as are expressly provided for in sections
11 three, four and five of this article. The increased basic
12 compensation as set forth in this subsection and all other
13 increased amounts or new amounts in respect to the
14 compensation or expenses of members of the Legisla-
15 ture, set forth in the resolution of the citizens legislative
16 compensation commission, dated the third day of March,
17 one thousand nine hundred ninety-four, and imple-
18 mented in sections two through nine of this article
19 providing for new amounts or amounts increased to new
20 amounts greater than those in force and effect on the
21 first day of January, one thousand nine hundred ninety-

22 four, shall all become effective only for calendar year
23 one thousand nine hundred ninety-five, and each
24 calendar year thereafter.

25 (b) The basic compensation shall be payable twice a
26 month during each regular session of the Legislature,
27 without regard to any extension of such regular session.
28 In the event of the death, resignation or removal of a
29 member of the Legislature during a regular session of
30 the Legislature and the appointment and qualification
31 of his or her successor during any such regular session,
32 the basic compensation provided for in this section shall
33 be prorated between the original member and his or her
34 successor on the basis of the number of days served
35 (including Saturdays and Sundays) as a member of the
36 Legislature by each during such regular session of sixty
37 calendar days.

38 (c) In the event of the death, resignation or removal
39 of a member of the Legislature and the appointment and
40 qualification of his or her successor subsequent to the
41 regular session of the Legislature held in the calendar
42 year in which such successor was appointed and
43 qualified, none of the basic compensation provided for
44 in this section shall be paid to such successor.

**§4-2A-3. Compensation for members of the Legislature
during any extension of regular session or
during extraordinary session.**

1 Each member of the Legislature shall receive, in
2 addition to the basic compensation provided for in
3 section two of this article, additional compensation of
4 one hundred dollars per day for each day of attendance
5 in person upon any business of the Senate or House of
6 Delegates, as the case may be, on each day upon which
7 said Senate or House of Delegates is actually called to
8 order during each extension of regular session or during
9 extraordinary session of the Legislature. Such addi-
10 tional compensation shall be paid from time to time
11 during any such extended session or extraordinary
12 session, as may be prescribed by rules established by the
13 legislative auditor.

§4-2A-4. Additional compensation for president of Se-

nate, speaker of House of Delegates, majority leaders, minority leaders, certain committee chairs and selected members of both houses.

1 (a) In addition to the basic and additional compensa-
2 tion provided for in sections two and three of this article,
3 the president of the Senate and the speaker of the House
4 of Delegates shall each receive additional compensation
5 of:

6 (1) Fifty dollars per day for each day actually served
7 during any regular, extension of regular or extraordi-
8 nary session as presiding officer, including Saturdays
9 and Sundays; and

10 (2) One hundred dollars per day up to a maximum of
11 eighty such days per calendar year for attending to
12 legislative business in their offices in the capitol
13 building when the Legislature is not in regular,
14 extension of regular or extraordinary session and
15 interim committees are not meeting.

16 (b) In addition to the basic and additional compensa-
17 tion provided for in sections two and three of this article,
18 the majority leaders and minority leaders of the Senate
19 and of the House of Delegates shall each receive
20 additional compensation of twenty-five dollars per day
21 for each day actually served during any regular,
22 extension of regular or during extraordinary session,
23 including Saturdays and Sundays, as the selected
24 legislative leaders of their respective political parties.

25 (c) Such presiding officer and majority and minority
26 leader compensation shall be paid from time to time
27 during any such session or interim period, as the case
28 may be, as may be prescribed by rules established by
29 the legislative auditor.

30 (d) In addition to the basic and additional compensa-
31 tion provided for in sections two and three of this article,
32 the chairpersons of the committees on finance and
33 committees on the judiciary of the respective houses and
34 up to four additional persons from each house, to be
35 named by the presiding officer, shall each receive an
36 additional compensation of one hundred dollars per day

37 up to a maximum of thirty days for attending to
38 legislative business in their offices in the capitol
39 building when the Legislature is not in regular,
40 extended or extraordinary session and interim commit-
41 tees are not meeting.

§4-2A-5. Interim compensation for members.

1 In addition to the basic and any additional compen-
2 sation provided for in sections two, three and four of this
3 article, each member shall receive interim compensation
4 of one hundred dollars per day for each day actually
5 engaged in the performance of interim duties as a
6 member of any interim committee between regular
7 sessions of the Legislature: *Provided*, That the total
8 additional interim compensation payable to any member
9 and his replacement, if any, on a committee or commis-
10 sion under the provisions of this section shall not exceed
11 the sum of three thousand dollars per calendar year.

PART III. EXPENSES.

§4-2A-6. Travel expenses.

1 Each member of the Legislature shall be entitled to
2 be reimbursed, upon submission of an expense voucher,
3 for expenses incurred incident to travel in the perfor-
4 mance of his or her duties as a member of the Legis-
5 lature or any committee of the Legislature, whether
6 such committee is operating under general law or
7 resolution, including, but not limited to, attendance at
8 party caucuses held in advance of the date of the
9 assembly of the Legislature in regular session in odd-
10 numbered years for the purpose of selecting candidates
11 for officers of the two houses, at a rate equal to that paid
12 by the travel management office of the department of
13 administration for the most direct usually traveled
14 route, if travel is by private automobile, or for actual
15 transportation costs for direct route travel, if travel is
16 by public carrier, or for any combination of such means
17 of transportation actually used, plus the cost of neces-
18 sary taxi or limousine service, tolls and parking fees in
19 connection therewith, but during any regular, extension
20 of regular or extraordinary session, travel expenses
21 shall not be paid to any member for more than one

22 round trip to and from the seat of government and to
23 and from his or her place of residence for each week of
24 any such session.

25 In addition to the above travel expense, the president
26 of the Senate and the speaker of the House of Delegates
27 shall be entitled to be reimbursed as provided above,
28 upon submission of an expense voucher, for expenses
29 incurred incident to travel for up to a maximum of
30 eighty days per calendar year in connection with their
31 visits to the capitol building for business which is
32 related to their duties as presiding officers of the
33 respective houses of the Legislature, but which takes
34 place when the Legislature is not in regular, extension
35 of regular or extraordinary session and interim commit-
36 tees are not meeting.

37 The rate paid for mileage pursuant to this section may
38 change from time to time in accordance with changes
39 in the reimbursement rates established by the travel
40 management office, or its successor agency.

**§4-2A-7. Reimbursement for expenses incurred during
any session or interim assignment.**

1 (a) Each member of the Legislature who does not
2 commute daily shall receive the sum of eighty-five
3 dollars per day as per diem allowance in connection with
4 any regular, extended, extraordinary session, interim
5 assignment or for any member so authorized by the
6 presiding officer. Any member of the Legislature who
7 does commute daily shall receive the sum of forty-five
8 dollars per day as said per diem allowance and, in
9 addition to such allowance, shall be reimbursed for
10 overnight commuting expenses at the mileage rate equal
11 to the amount paid by the travel management office of
12 the department of administration for the most direct
13 usually traveled route, if travel is by private automobile,
14 or for actual transportation costs for direct route travel,
15 if travel is by public carrier, or for any combination of
16 such means of transportation actually used, plus the
17 costs of necessary taxi or limousine service, tolls and
18 parking fees in connection therewith: *Provided*, That the
19 total of this per diem allowance plus travel expense for

20 a daily commuting member shall not exceed eighty-five
21 dollars per day. The amount for mileage paid pursuant
22 to this paragraph may change from time to time in
23 accordance with changes in the level of reimbursement
24 by the said travel management office.

25 (b) The president of the Senate and the speaker of the
26 House of Delegates, the chairman of the house commit-
27 tee on finance, the chairman of the senate committee on
28 finance, the chairman of the house committee on the
29 judiciary, the chairman of the senate committee on the
30 judiciary, and up to four additional persons from each
31 house designated by the presiding officer pursuant to
32 section four of this article, shall be reimbursed for travel
33 at the rate established in subsection (a) above, and shall
34 further receive the per diem allowance established in
35 said subsection in connection with their visits to the
36 capitol for business which is related to their duties as
37 such officers at the times when the Legislature is not
38 in regular, extended or extraordinary session, and
39 interim committees are not meeting.

§4-2A-8. Out-of-state expenses.

1 In addition to reimbursement for travel expenses as
2 authorized in section six of this article, each member of
3 the Legislature traveling from West Virginia to an out-
4 of-state point or points and returning incident to the
5 performance of his or her duties as a member of the
6 Legislature or any committee of the Legislature,
7 whether such committee is operating under general law
8 or resolution, which travel has been duly authorized,
9 shall be entitled to be reimbursed, upon submission of
10 an expense voucher therefor, for all reasonable and
11 necessary expenses actually incurred incident thereto,
12 but the total of any and all such reimbursed expenses,
13 exclusive of reimbursement for such travel expenses,
14 shall not under any circumstances exceed the actual cost
15 of housing at the least expensive available single rate
16 and meal and miscellaneous expenses of forty-five
17 dollars per day. A receipt for the amount paid for
18 housing and for travel by any public transportation to
19 and from West Virginia shall be submitted with the
20 expense voucher, but a receipt shall not be required to

21 be submitted with any such expense voucher for meal
22 and miscellaneous expenses.

**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
2 shall be as follows:

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

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

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

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

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

13 (f) The salary of the state treasurer shall be sixty-five
14 thousand dollars per year.

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

1 (a) Notwithstanding any other provision of this code
2 to the contrary enacted prior to the first day of January,
3 one thousand nine hundred ninety-four, each of the
4 following appointive state officers named in this
5 subsection shall be appointed by the governor, by and
6 with the advice and consent of the Senate. Each of such
7 appointive state officers shall serve at the will and
8 pleasure of the governor for the term for which the
9 governor was elected and until the respective state
10 officers' successors have been appointed and qualified.
11 Each of such appointive state officers shall hereafter be
12 subject to the existing qualifications for holding each
13 such respective office and each shall have and is hereby

14 granted all of the powers and authority and shall
15 perform all of the functions and services heretofore
16 vested in and performed by virtue of existing law
17 respecting each such office.

18 Beginning on the first day of July, one thousand nine
19 hundred ninety-four, the annual salary of each such
20 named appointive state officer shall be as follows:

21 Administrator, division of highways, sixty-five thou-
22 sand dollars; administrator, division of health, fifty-
23 seven thousand two hundred dollars; administrator,
24 division of human services, forty-seven thousand eight
25 hundred dollars; administrator, state tax division, forty-
26 nine thousand nine hundred dollars; administrator,
27 division of energy, sixty-five thousand dollars; adminis-
28 trator, division of corrections, fifty-five thousand dollars;
29 administrator, division of natural resources, sixty-five
30 thousand dollars; administrator, division of public
31 safety, sixty thousand dollars; administrator, lottery
32 division, sixty thousand dollars; director, public em-
33 ployees insurance agency, fifty-five thousand dollars;
34 administrator, division of banking, fifty-five thousand
35 dollars; administrator, division of insurance, fifty-five
36 thousand dollars; administrator, division of culture and
37 history, fifty thousand dollars; administrator, alcohol
38 beverage control commission, sixty thousand dollars;
39 administrator, division of motor vehicles, fifty-five
40 thousand dollars; director, division of personnel, fifty
41 thousand dollars; adjutant general, fifty thousand
42 dollars; chairman, health care cost review authority,
43 fifty-five thousand dollars; members, health care cost
44 review authority, fifty-one thousand two hundred
45 dollars; director, human rights commission, forty
46 thousand dollars; administrator, division of labor, fifty-
47 five thousand dollars; administrator, division of veterans
48 affairs, forty thousand dollars; administrator, division of
49 emergency services, forty thousand dollars; members,
50 board of parole, forty thousand dollars; members,
51 employment security review board, seventeen thousand
52 dollars; members, workers' compensation appeal board,
53 seventeen thousand eight hundred dollars.

54 Prior to the first day of July, one thousand nine

55 hundred ninety-four, each of the aforesaid officers shall
56 continue to receive the annual salaries they were
57 receiving as of the last day of December, one thousand
58 nine hundred ninety-three.

59 (b) Notwithstanding any other provisions of this code
60 to the contrary enacted prior to the first day of January,
61 one thousand nine hundred ninety-four, each of the state
62 officers named in this subsection shall continue to be
63 appointed in the manner prescribed in this code, and,
64 prior to the first day of July, one thousand nine hundred
65 ninety-four, each of the state officers named in this
66 subsection shall continue to receive the annual salaries
67 they were receiving as of the last day of December, one
68 thousand nine hundred ninety-three, and shall thereaf-
69 ter be paid an annual salary as follows: State superin-
70 tendent of schools, seventy-five thousand dollars;
71 administrator, division of risk and insurance manage-
72 ment, fifty thousand dollars; director, division of
73 rehabilitation services, fifty-five thousand dollars;
74 executive director, educational broadcasting authority,
75 forty-seven thousand five hundred dollars; secretary,
76 library commission, forty-seven thousand five hundred
77 dollars; director, geologic and economic survey, forty-
78 seven thousand five hundred dollars; executive director,
79 water development authority, fifty-four thousand two
80 hundred dollars; executive director, public defender
81 services, fifty-five thousand dollars; director, commis-
82 sion on aging, forty thousand dollars; commissioner, oil
83 and gas conservation commission, forty thousand
84 dollars; director, farm management commission, thirty-
85 two thousand five hundred dollars; director, railroad
86 maintenance authority, fifty thousand dollars; executive
87 secretary, women's commission, thirty thousand one
88 hundred dollars; director, regional jail authority, fifty-
89 five thousand dollars; director, hospital finance author-
90 ity, twenty-five thousand eight hundred dollars.

91 (c) No increase in the salary of any appointive state
92 officer pursuant to this section shall be paid until and
93 unless such appointive state officer shall have first filed
94 with the state auditor and the legislative auditor a
95 sworn statement, on a form to be prescribed by the

96 attorney general, certifying that his or her spending
 97 unit is in compliance with any general law providing for
 98 a salary increase for his or her employees. The attorney
 99 general shall prepare and distribute such form to the
 100 affected spending units: *Provided*, That no decrease in
 101 salary shall be effective for any current appointive state
 102 officer appointed prior to the first day of January, one
 103 thousand nine hundred eighty-nine: *Provided, however*,
 104 That such decreases shall take effect at such time as any
 105 appointive office is vacated: *Provided further*, That the
 106 increase provided for the state superintendent of schools
 107 enacted during the regular session, one thousand nine
 108 hundred ninety-four, should not become effective until
 109 the first day of January, one thousand nine hundred
 110 ninety-seven.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

1 The salary of each of the justices of the supreme court
 2 of appeals shall be seventy-two thousand dollars per
 3 year: *Provided*, That beginning the first day of January,
 4 one thousand nine hundred ninety-five, the salary of
 5 each of the justices of the supreme court shall be eighty-
 6 five thousand dollars per year.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-13. Salaries of judges of circuit courts.

1 The salaries of the judges of the various circuit courts
 2 shall be paid solely out of the state treasury. No county,
 3 county commission, board of commissioners or other
 4 political subdivision shall supplement or add to such
 5 salaries.

6 The annual salary of all circuit judges shall be sixty-
 7 five thousand dollars per year: *Provided*, That beginning
 8 the first day of January, one thousand nine hundred
 9 ninety-five, the annual salary of all circuit judges shall
 10 be eighty thousand dollars per year.

**ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS
 OF RECORD.**

§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; military service credit and maximum allowable; qualified prosecutorial service.

1 (a) Every person who is now serving or shall hereafter
2 serve as a judge of any court of record of this state shall
3 pay into the judges' retirement fund six percent of the
4 salary received by such person out of the state treasury:
5 *Provided*, That when a judge becomes eligible to receive
6 benefits from such trust fund by actual retirement, no
7 further payment by him or her shall be required, since
8 such employee contribution, in an equal treatment sense,
9 ceases to be required in the other retirement systems of
10 the state, also, only after actual retirement: *Provided*,
11 *however*, That on and after the first day of January, one
12 thousand nine hundred ninety-five, every person who is
13 then serving or shall thereafter serve as a judge of any
14 court of record in this state shall pay into the judges'
15 retirement fund nine percent of the salary received by
16 that person. Any prior occurrence or practice to the
17 contrary, in any way allowing discontinuance of re-
18 quired employee contributions prior to actual retire-
19 ment under this retirement system, is rejected as
20 erroneous and contrary to legislative intent and as
21 violative of required equal treatment and is hereby
22 nullified and discontinued fully, with the state auditor
23 to require such contribution in every instance hereafter,
24 except where no contributions are required to be made
25 under any of the provisions of this article.

26 In drawing warrants for the salary checks of judges,
27 the state auditor shall deduct from the amount of each
28 such salary check six percent thereof, which amount so
29 deducted shall be credited by the state treasurer to the
30 trust fund.

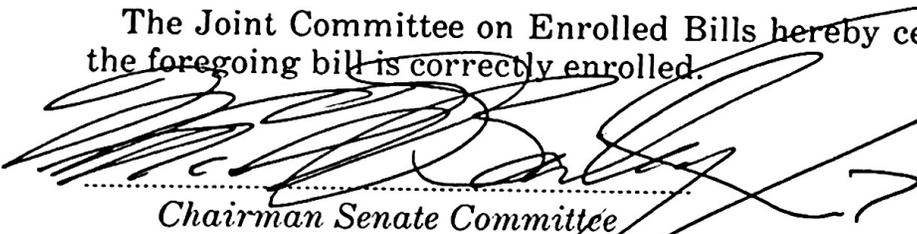
31 Any judge seeking to qualify military service to be
32 claimed as credited service, in allowable aggregate
33 maximum amount up to five years, shall be entitled to
34 be awarded the same without any required payment in
35 respect thereof to the judges' retirement fund. Any
36 judge holding office as such on the effective date of the

37 amendments to this article adopted by the Legislature
38 at its regular session in the year one thousand nine
39 hundred eighty-seven, who seeks to qualify service as a
40 prosecuting attorney as credited service, which service
41 credit must have been earned prior to the year one
42 thousand nine hundred eighty-seven, shall be required
43 to pay into the judges' retirement fund six percent of
44 the annual salary which was actually received by such
45 person as prosecuting attorney during the time such
46 prosecutorial service was rendered prior to the year one
47 thousand nine hundred eighty-seven, and for which
48 credited service is being sought, together with applica-
49 ble interest. No judge whose term of office shall
50 commence after the effective date of such amendments
51 to this article shall be eligible to claim any credit for
52 service rendered as a prosecuting attorney as eligible
53 service for retirement benefits under this article, nor
54 shall any time served as a prosecutor after the year one
55 thousand nine hundred eighty-eight, be considered as
56 eligible service for any purposes of this article.

57 (b) The Legislature finds that any increase in salary
58 for judges of courts of record directly affects the
59 actuarial soundness of the retirement system for judges
60 of courts of record, and therefore, an increase in the
61 required percentage contributions of members of that
62 retirement system is the same subject for purposes of
63 determining the single object of this bill.

Enr. Com. Sub. for H. B. 4031] 14

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



Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Barrett R. Allen
Clerk of the Senate

Donald L. Hoop
Clerk of the House of Delegates

Raymond A. ...
President of the Senate

W. H. ...
Speaker of the House of Delegates

The within is approved this the 19th day of March, 1994.

Walter D. ...
Governor



PRESENTED TO THE

GOVERNOR

Date 3/19/94

Time 11:52