WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

Com. Jnl. for

HOUSE BILL No. 4031

(By Delegate Mr. Speaker, Mr. Chambers & Del. Bunk)
[By Request of the Executive]

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Passed March 11, 1994

In Effect 90 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
Enr. Com. Sub. for H. B. 4031] 2

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nine, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections two, three, four, five, six, seven and eight of said article be amended and reenacted; that sections two and two-a, article seven, chapter six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.

(a) Each member of the Legislature shall receive as basic compensation for his or her services the sum of six thousand five hundred dollars per calendar year. Beginning in the calendar year one thousand nine hundred ninety-five, and for each calendar year thereafter, each member of the Legislature shall receive as basic compensation for his or her services the sum of fifteen thousand dollars. In addition to such basic compensation, members shall receive the additional compensations as are expressly provided for in sections three, four and five of this article. The increased basic compensation as set forth in this subsection and all other increased amounts or new amounts in respect to the compensation or expenses of members of the Legislature, set forth in the resolution of the citizens legislative compensation commission, dated the third day of March, one thousand nine hundred ninety-four, and implemented in sections two through nine of this article providing for new amounts or amounts increased to new amounts greater than those in force and effect on the first day of January, one thousand nine hundred ninety-
four, shall all become effective only for calendar year
one thousand nine hundred ninety-five, and each
calendar year thereafter.
(b) The basic compensation shall be payable twice a
month during each regular session of the Legislature,
without regard to any extension of such regular session.
In the event of the death, resignation or removal of a
member of the Legislature during a regular session of
the Legislature and the appointment and qualification
of his or her successor during any such regular session,
the basic compensation provided for in this section shall
be prorated between the original member and his or her
successor on the basis of the number of days served
(including Saturdays and Sundays) as a member of the
Legislature by each during such regular session of sixty
calendar days.
(c) In the event of the death, resignation or removal
of a member of the Legislature and the appointment and
qualification of his or her successor subsequent to the
regular session of the Legislature held in the calendar
year in which such successor was appointed and
qualified, none of the basic compensation provided for
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.
Each member of the Legislature shall receive, in
addition to the basic compensation provided for in
section two of this article, additional compensation of
one hundred dollars per day for each day of attendance
in person upon any business of the Senate or House of
Delegates, as the case may be, on each day upon which
said Senate or House of Delegates is actually called to
order during each extension of regular session or during
extraordinary session of the Legislature. Such addi-
tional compensation shall be paid from time to time
during any such extended session or extraordinary
session, as may be prescribed by rules established by the
legislative auditor.
§4-2A-4. Additional compensation for president of Se-
(a) In addition to the basic and additional compensation provided for in sections two and three of this article, the president of the Senate and the speaker of the House of Delegates shall each receive additional compensation of:

(1) Fifty dollars per day for each day actually served during any regular, extension of regular or extraordinary session as presiding officer, including Saturdays and Sundays; and

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

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

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

(d) In addition to the basic and additional compensation provided for in sections two and three of this article, the chairpersons of the committees on finance and committees on the judiciary of the respective houses and up to four additional persons from each house, to be named by the presiding officer, shall each receive an additional compensation of one hundred dollars per day
up to a maximum of thirty days for attending to legislative business in their offices in the capitol building when the Legislature is not in regular, extended or extraordinary session and interim committees are not meeting.

§4-2A-5. Interim compensation for members.
1 In addition to the basic and any additional compensation provided for in sections two, three and four of this article, each member shall receive interim compensation of one hundred dollars per day for each day actually engaged in the performance of interim duties as a member of any interim committee between regular sessions of the Legislature: Provided, That the total additional interim compensation payable to any member and his replacement, if any, on a committee or commission under the provisions of this section shall not exceed 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 be reimbursed, upon submission of an expense voucher, for expenses incurred incident to travel in the performance of his or her duties as a member of the Legislature or any committee of the Legislature, whether such committee is operating under general law or resolution, including, but not limited to, attendance at party caucuses held in advance of the date of the assembly of the Legislature in regular session in odd-numbered years for the purpose of selecting candidates for officers of the two houses, at a rate equal to that paid by the travel management office of the department of administration for the most direct usually traveled route, if travel is by private automobile, or for actual transportation costs for direct route travel, if travel is by public carrier, or for any combination of such means of transportation actually used, plus the cost of necessary taxi or limousine service, tolls and parking fees in connection therewith, but during any regular, extension of regular or extraordinary session, travel expenses shall not be paid to any member for more than one
round trip to and from the seat of government and to
and from his or her place of residence for each week of
any such session.

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

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

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

(a) Each member of the Legislature who does not
commute daily shall receive the sum of eighty-five
dollars per day as per diem allowance in connection with
any regular, extended, extraordinary session, interim
assignment or for any member so authorized by the
presiding officer. Any member of the Legislature who
does commute daily shall receive the sum of forty-five
dollars per day as said per diem allowance and, in
addition to such allowance, shall be reimbursed for
overnight commuting expenses at the mileage rate equal
to the amount paid by the travel management office of
the department of administration for the most direct
usually traveled route, if travel is by private automobile,
or for actual transportation costs for direct route travel,
if travel is by public carrier, or for any combination of
such means of transportation actually used, plus the
costs of necessary taxi or limousine service, tolls and
parking fees in connection therewith: Provided, That the
total of this per diem allowance plus travel expense for
a daily commuting member shall not exceed eighty-five dollars per day. The amount for mileage paid pursuant to this paragraph may change from time to time in accordance with changes in the level of reimbursement by the said travel management office.

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


In addition to reimbursement for travel expenses as authorized in section six of this article, each member of the Legislature traveling from West Virginia to an out-of-state point or points and returning incident to the performance of his or her duties as a member of the Legislature or any committee of the Legislature, whether such committee is operating under general law or resolution, which travel has been duly authorized, shall be entitled to be reimbursed, upon submission of an expense voucher therefor, for all reasonable and necessary expenses actually incurred incident thereto, but the total of any and all such reimbursed expenses, exclusive of reimbursement for such travel expenses, shall not under any circumstances exceed the actual cost of housing at the least expensive available single rate and meal and miscellaneous expenses of forty-five dollars per day. A receipt for the amount paid for housing and for travel by any public transportation to and from West Virginia shall be submitted with the expense voucher, but a receipt shall not be required to
be submitted with any such expense voucher for meal
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
granted all of the powers and authority and shall
perform all of the functions and services heretofore
vested in and performed by virtue of existing law
respecting each such office.

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

Administrator, division of highways, sixty-five thou-
sand dollars; administrator, division of health, fifty-
seven thousand two hundred dollars; administrator,
division of human services, forty-seven thousand eight
hundred dollars; administrator, state tax division, forty-
nine thousand nine hundred dollars; administrator,
division of energy, sixty-five thousand dollars; adminis-
trator, division of corrections, fifty-five thousand dollars;
administrator, division of natural resources, sixty-five
thousand dollars; administrator, division of public
safety, sixty thousand dollars; administrator, lottery
division, sixty thousand dollars; director, public em-
ployees insurance agency, fifty-five thousand dollars;
administrator, division of banking, fifty-five thousand
dollars; administrator, division of insurance, fifty-five
thousand dollars; administrator, division of culture and
history, fifty thousand dollars; administrator, alcohol
beverage control commission, sixty thousand dollars;
administrator, division of motor vehicles, fifty-five
thousand dollars; director, division of personnel, fifty
thousand dollars; adjutant general, fifty thousand
dollars; chairman, health care cost review authority,
fifty-five thousand dollars; members, health care cost
review authority, fifty-one thousand two hundred
dollars; director, human rights commission, forty
thousand dollars; administrator, division of labor, fifty-
five thousand dollars; administrator, division of veterans
affairs, forty thousand dollars; administrator, division of
emergency services, forty thousand dollars; members,
board of parole, forty thousand dollars; members,
employment security review board, seventeen thousand
dollars; members, workers' compensation appeal board,
seventeen thousand eight hundred dollars.

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

(b) Notwithstanding any other provisions of this code to the contrary enacted prior to the first day of January, one thousand nine hundred ninety-four, each of the state officers named in this subsection shall continue to be appointed in the manner prescribed in this code, and, prior to the first day of July, one thousand nine hundred ninety-four, each of the state officers named in this subsection shall continue to receive the annual salaries they were receiving as of the last day of December, one thousand nine hundred ninety-three, and shall thereafter be paid an annual salary as follows: State superintendent of schools, seventy-five thousand dollars; administrator, division of risk and insurance management, fifty thousand dollars; director, division of rehabilitation services, fifty-five thousand dollars; executive director, educational broadcasting authority, forty-seven thousand five hundred dollars; secretary, library commission, forty-seven thousand five hundred dollars; director, geologic and economic survey, forty-seven thousand five hundred dollars; executive director, water development authority, fifty-four thousand two hundred dollars; executive director, public defender services, fifty-five thousand dollars; director, commission on aging, forty thousand dollars; commissioner, oil and gas conservation commission, forty thousand dollars; director, farm management commission, thirty-two thousand five hundred dollars; director, railroad maintenance authority, fifty thousand dollars; executive secretary, women's commission, thirty thousand one hundred dollars; director, regional jail authority, fifty-five thousand dollars; director, hospital finance authority, twenty-five thousand eight hundred dollars.

(c) No increase in the salary of any appointive state officer pursuant to this section shall be paid until and unless such appointive state officer shall have first filed with the state auditor and the legislative auditor a sworn statement, on a form to be prescribed by the
attorney general, certifying that his or her spending unit is in compliance with any general law providing for a salary increase for his or her employees. The attorney general shall prepare and distribute such form to the affected spending units: Provided, That no decrease in salary shall be effective for any current appointive state officer appointed prior to the first day of January, one thousand nine hundred eighty-nine: Provided, however, that such decreases shall take effect at such time as any appointive office is vacated: Provided further, That the increase provided for the state superintendent of schools enacted during the regular session, one thousand nine hundred ninety-four, should not become effective until the first day of January, one thousand nine hundred ninety-seven.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

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

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.


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

The annual salary of all circuit judges shall be sixty-five thousand dollars per year: Provided, That beginning the first day of January, one thousand nine hundred ninety-five, the annual salary of all circuit judges shall 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; qualifiable prosecutorial service.

(a) Every person who is now serving or shall hereafter serve as a judge of any court of record of this state shall pay into the judges' retirement fund six percent of the salary received by such person out of the state treasury:

Provided, That when a judge becomes eligible to receive benefits from such trust fund by actual retirement, no further payment by him or her shall be required, since such employee contribution, in an equal treatment sense, ceases to be required in the other retirement systems of the state, also, only after actual retirement: Provided, however, That on and after the first day of January, one thousand nine hundred ninety-five, every person who is then serving or shall thereafter serve as a judge of any court of record in this state shall pay into the judges' retirement fund nine percent of the salary received by that person. Any prior occurrence or practice to the contrary, in any way allowing discontinuance of required employee contributions prior to actual retirement under this retirement system, is rejected as erroneous and contrary to legislative intent and as violative of required equal treatment and is hereby nullified and discontinued fully, with the state auditor to require such contribution in every instance hereafter, except where no contributions are required to be made under any of the provisions of this article.

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

Any judge seeking to qualify military service to be claimed as credited service, in allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same without any required payment in respect thereof to the judges' retirement fund. Any judge holding office as such on the effective date of the
amendments to this article adopted by the Legislature at its regular session in the year one thousand nine hundred eighty-seven, who seeks to qualify service as a prosecuting attorney as credited service, which service credit must have been earned prior to the year one thousand nine hundred eighty-seven, shall be required to pay into the judges' retirement fund six percent of the annual salary which was actually received by such person as prosecuting attorney during the time such prosecutorial service was rendered prior to the year one thousand nine hundred eighty-seven, and for which credited service is being sought, together with applicable interest. No judge whose term of office shall commence after the effective date of such amendments to this article shall be eligible to claim any credit for service rendered as a prosecuting attorney as eligible service for retirement benefits under this article, nor shall any time served as a prosecutor after the year one thousand nine hundred eighty-eight, be considered as eligible service for any purposes of this article.

(b) The Legislature finds that any increase in salary for judges of courts of record directly affects the actuarial soundness of the retirement system for judges of courts of record, and therefore, an increase in the required percentage contributions of members of that retirement system is the same subject for purposes of determining the single object of this bill.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Ernest C. Moore

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Donald L. Vogt

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Gaston Caperton
Governor