

HB 4076

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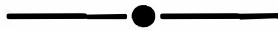
WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 4076**

(By Delegate Cowles)



Passed February 29, 2008

In Effect from Passage

FILED

2009 MAR 10 AM 4:53

CLERK OF COURTS
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4076

(BY DELEGATE COWLES)

[Passed February 29, 2008; in effect from passage.]

AN ACT to amend and reenact §4-2A-2, §4-2A-4, §4-2A-6 and §4-2A-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §5-5-2 of said code, all relating to providing employment benefits to public officials generally; increasing basic compensation and per diem expense allowance for members of the Legislature; increasing certain additional compensations for certain members of the Legislature; and increasing the annual incremental salary increase for certain eligible employees of the state.

Be it enacted by the Legislature of West Virginia:

That §4-2A-2, §4-2A-4, §4-2A-6 and §4-2A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and

that §5-5-2 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.

PART II. COMPENSATION.

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

1 (a) Beginning in the calendar year two thousand nine and
 2 for each calendar year after that, each member of the
 3 Legislature shall receive as basic compensation for his or her
 4 services the sum of twenty thousand dollars per calendar
 5 year, to be paid as provided in subsection (b) of this section.
 6 In addition to the basic compensation, members shall receive
 7 the additional compensations as are expressly provided in
 8 sections three, four and five of this article. All other increased
 9 amounts or new amounts in respect to the compensation of
 10 members of the Legislature, set forth in the resolution of the
 11 Citizens Legislative Compensation Commission, dated the
 12 ninth day of January, two thousand seven, and implemented
 13 in sections two, four, six and eight of this article providing
 14 for new amounts or amounts increased to new amounts
 15 greater than those in force and effect on the first day of
 16 January, two thousand seven, become effective for calendar
 17 year two thousand nine and each calendar year after that:
 18 *Provided*, That increased amounts or new amounts in respect
 19 to the expenses of members of the Legislature, set forth in
 20 said resolution, and implemented in sections six and eight of
 21 this article providing for new amounts or amounts increased
 22 to new amounts greater than those in force and effect on the
 23 first day of January, ^{two thousand} seven, become effective for calendar
 24 year two thousand eight and each calendar year after that.

*at
 Engr. & Gov.
 Clerk of the House*

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

26 (1) In the year two thousand nine, and every fourth year
27 after that:

28 (A) Five thousand dollars in each of February, March
29 and April, payable twice a month; and

30 (B) Six hundred twenty-five dollars in each of January,
31 May, June, July, August, September, October and November,
32 payable once a month.

33 (2) Beginning in two thousand ten, in all years except
34 those described in subdivision (1) of this subsection:

35 (A) Five thousand dollars in each of January, February
36 and March, payable twice a month; and

37 (B) Six hundred twenty-five dollars in each of April,
38 May, June, July, August, September, October and November,
39 payable once a month;

40 (c) In the event of the death, resignation or removal of a
41 member of the Legislature and the appointment and
42 qualification of his or her successor, the compensation
43 provided in this section for the month in which the death,
44 resignation or removal of the member of the Legislature
45 occurs shall be prorated between the original member and his
46 or her successor on the basis of the number of days served,
47 including Saturdays and Sundays in the month.

**§4-2A-4. Additional compensation for President of Senate,
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 compensation
2 provided in sections two and three of this article, the
3 President of the Senate and the Speaker of the House of
4 Delegates shall each receive additional compensation of:

5 (1) One hundred fifty dollars per day for each day
6 actually served during any regular, extension of regular or
7 extraordinary session as presiding officer, including
8 Saturdays and Sundays; and

9 (2) One hundred fifty dollars per day for attending to
10 legislative business when the Legislature is not in regular,
11 extension of regular or extraordinary session and interim
12 committees are not meeting.

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

21 (c) The presiding officer and majority and minority leader
22 compensation shall be paid, from time to time, during any
23 such session or interim period, as the case may be, as may be
24 prescribed by rules established by the Legislative Auditor.

25 (d) In addition to the basic and additional compensation
26 provided in sections two and three of this article, the
27 chairpersons of the committees on finance and committees on
28 the judiciary of the respective houses and up to six additional
29 persons from each house, to be named by the presiding
30 officer, shall each receive an additional compensation of one
31 hundred fifty dollars per day up to a maximum of thirty days
32 for attending to legislative business when the Legislature is
33 not in regular, extended or extraordinary session and interim
34 committees are not meeting.

PART III. EXPENSES.

§4-2A-6. Travel expenses.

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

23 (b) In addition to the travel expense in subsection (a) of
24 this section, the president of the Senate and the speaker of the
25 House of Delegates are entitled to be reimbursed as provided
26 in subsection (a) of this section, upon submission of an
27 expense voucher, for expenses incurred incident to travel
28 which is related to their duties as presiding officers of the
29 respective houses of the Legislature, but which takes place
30 when the Legislature is not in regular, extension of regular or
31 extraordinary session and interim committees are not
32 meeting.

33 (c) The rate paid for mileage pursuant to this section may
34 change from time to time in accordance with changes in the

35 reimbursement rates established by the travel management
36 office of the department of administration, or its successor
37 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 one hundred thirty-
3 one dollars per day as per diem allowance in connection with
4 any regular, extended, extraordinary session, interim
5 assignment or for any member authorized by the presiding
6 officer. Any member of the Legislature who does commute
7 daily shall receive the sum of fifty-five dollars per day as the
8 per diem allowance and, in addition to the allowance, shall be
9 reimbursed for overnight commuting expenses at the mileage
10 rate equal to the amount paid by the travel management
11 office of the department of administration for the most direct
12 usually traveled route, if travel is by private automobile, or
13 for actual transportation costs for direct route travel, if travel
14 is by public carrier, or for any combination of the means of
15 transportation actually used, plus the costs of necessary taxi
16 or limousine service, tolls and parking fees in connection
17 with the travel: *Provided*, That the total of this per diem
18 allowance plus travel expense for a daily commuting member
19 may not exceed one hundred thirty-one dollars per day. The
20 amount for mileage paid pursuant to this subsection may
21 change from time to time in accordance with changes in the
22 level of reimbursement by the travel management office.

23 (b) The president of the Senate and the speaker of the
24 House of Delegates, the chairman of the house committee on
25 finance, the chairman of the senate committee on finance, the
26 chairman of the house committee on the judiciary, the
27 chairman of the senate committee on the judiciary, and up to
28 six additional persons from each house designated by the
29 presiding officer pursuant to section four of this article, shall

30 be reimbursed for travel at the rate established in subsection
31 (a) of this section, and shall further receive the per diem
32 allowance established in the subsection in connection with
33 business which is related to their duties as officers at the
34 times when the Legislature is not in regular, extended or
35 extraordinary session, and interim committees are not
36 meeting.

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
MISCELLANEOUS AGENCIES, COMMISSIONS,
OFFICES, PROGRAMS, ETC.**

**ARTICLE 5. SALARY INCREASE FOR STATE
EMPLOYEES.**

**§5-5-2. Granting incremental salary increases based on years of
service.**

1 (a)(1) Every eligible employee with three or more years
2 of service shall receive an annual salary increase equal to
3 fifty dollars times the employee's years of service. In each
4 fiscal year and on the first day of July, each eligible
5 employee shall receive an annual increment increase of fifty
6 dollars for that fiscal year.

7 (2) For fiscal years beginning the first day of July, two
8 thousand eight, and each fiscal year thereafter, every eligible
9 employee with one or more years of service shall receive an
10 annual salary increase equal to sixty dollars times the
11 employee's years of service. In each fiscal year and on the
12 first day of July, each eligible employee shall receive an
13 annual increment increase of sixty dollars for that fiscal year.

14 (b)(1) Except as provided in subdivision (2) of this
15 subsection, every employee becoming newly eligible as a
16 result of meeting the three years of service minimum
17 requirement on the first day of July in any fiscal year is
18 entitled to the annual salary increase equal to fifty dollars

19 times the employee's years of service, where he or she has
20 not in a previous fiscal year received the benefit of an
21 increment computation. Thereafter, the employee shall
22 receive a single annual increment increase of fifty dollars for
23 each subsequent fiscal year.

24 (2) Every employee becoming newly eligible as a result
25 of meeting the three years of service minimum requirement
26 on the first day of July in any fiscal year subsequent to the
27 fiscal year ending the thirtieth day of June, two thousand
28 eight, is entitled to the annual salary increase equal to sixty
29 dollars times the employee's years of service, where he or
30 she has not in a previous fiscal year received the benefit of an
31 increment computation. Thereafter, the employee shall
32 receive a single annual increment increase of sixty dollars for
33 each subsequent fiscal year.

34 (c) These incremental increases are in addition to any
35 across-the-board, cost-of-living or percentage salary
36 increases which may be granted in any fiscal year by the
37 Legislature.

38 (d) This section shall not be construed to prohibit other
39 pay increases based on merit, seniority, promotion or other
40 reason, if funds are available for the other pay increases:
41 *Provided*, That the executive head of each spending unit shall
42 first grant the mandated increase in compensation in this
43 section to all eligible employees prior to the consideration of
44 any increases based on merit, seniority, promotion or other
45 reason.

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



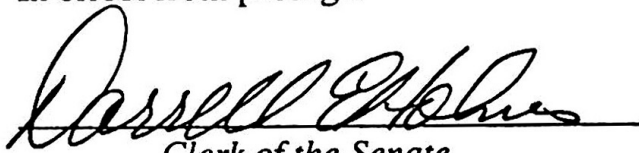
Chairman Senate Committee



Chairman House Committee

Originating in the House.

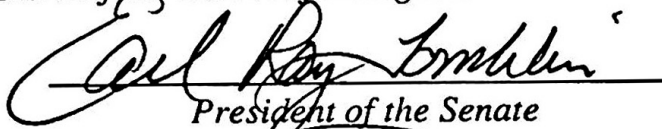
In effect from passage.



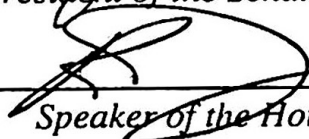
Clerk of the Senate



Clerk of the House of Delegates

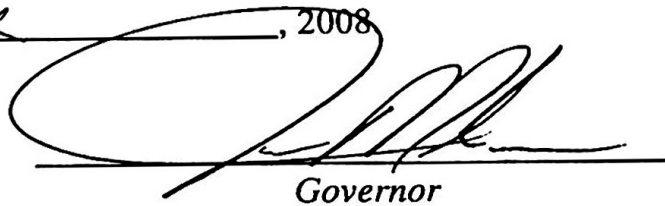


President of the Senate



Speaker of the House of Delegates

The within is approved this the 10th
day of March, 2008



Governor

PRESENTED TO THE
GOVERNOR

MAR 5 " 2008

Time 2:05 pm