

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 4415

FISCAL  
NOTE

BY DELEGATES J. NELSON, MOFFATT, R. SMITH,  
PHILLIPS, WAGNER, IHLE, MCGEEHAN, FOLK, FAIRCLOTH,  
MARCUM AND LANE

[Introduced February 5, 2016; Referred  
to the Committee on Finance.]

1 A BILL to amend and reenact §4-2A-2, §4-2A-4 and §4-2A-5 of the Code of West Virginia, 1931,  
 2 as amended; to amend and reenact §6-7-2 of said code; and to amend and reenact §18-  
 3 2-3 of said code, all relating to reducing the compensation of all elected state officials and  
 4 members of the state Board Of Education by twenty-five percent; and providing that the  
 5 savings be used to offset the shortfall of the Public Employees Insurance Agency.

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

1 That §4-2A-2, §4-2A-4 and §4-2A-5 of the Code of West Virginia, 1931, as amended, be  
 2 amended and reenacted; that §6-7-2 of said code be amended and reenacted; and that §18-2-3  
 3 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 twice a month;

18 and

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

24 and

25 (B) Six hundred twenty-five dollars in each of April, May, June, July, August, September,  
26 October and November, payable once a 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.

32 (d) Notwithstanding any provision of this article and code to the contrary, effective on the  
33 passage of this amendment to this section, the basic compensation of each member of the  
34 Legislature is reduced by twenty-five percent for the next term and thereafter. The savings shall  
35 be used to offset the current shortfall of the Public Employees Insurance Agency.

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

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

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

10 (b) In addition to the basic and additional compensation provided in sections two and three  
11 of this article, the majority leaders and minority leaders of the Senate and of the House of  
12 Delegates shall each receive additional compensation of \$50 per day for each day actually served  
13 during any regular, extension of regular or during extraordinary session, including Saturdays and  
14 Sundays, as the selected legislative leaders of their respective political parties.

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

18 (d) In addition to the basic and additional compensation provided in sections two and three  
19 of this article, the chairpersons of the committees on finance and committees on the judiciary of  
20 the respective houses and up to six additional persons from each house, to be named by the  
21 presiding officer, shall each receive an additional compensation of \$150 per day up to a maximum  
22 of thirty days for attending to legislative business when the Legislature is not in regular, extended  
23 or extraordinary session and interim committees are not meeting.

24 (e) Notwithstanding any provision of this article and code to the contrary, effective on the  
25 passage of this amendment to this section, the additional compensation for the President of the  
26 Senate and the Speaker of the House of Delegates is reduced by twenty-five percent for the next

27 term and thereafter. The savings shall be used to offset the current shortfall of the Public  
28 Employees Insurance Agency.

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

1 (a) In addition to the basic and any additional compensation provided for in sections two,  
2 three and four of this article, each member shall receive interim compensation of \$150 per day  
3 for each day actually engaged in the performance of interim duties as a member of any interim  
4 committee between regular sessions of the Legislature: *Provided*, That the total additional interim  
5 compensation payable to any member and his or her replacement, if any, on a committee or  
6 commission under the provisions of this subsection shall not exceed the sum of \$4,500 per  
7 calendar year.

8 (b) In addition to the basic and any additional compensation provided for in sections two,  
9 three and four of this article and subsection (a) of this section, each member shall receive interim  
10 compensation of \$150 per day for each day actually engaged in the performance of legislative  
11 duties at a meeting of any statutorily created legislative committee which meets between regular  
12 sessions of the Legislature and outside of regular interim meetings when authorized by the  
13 committee cochairs and approved by the President of the Senate and the Speaker of the House  
14 of Delegates, not to exceed fifteen days per calendar year.

15 (c) Notwithstanding any provision of this article and code to the contrary, effective on the  
16 passage of this amendment to this section, the interim compensation for each member of the  
17 Legislature is reduced by twenty-five percent for the next term and thereafter. The savings shall  
18 be used to offset the current shortfall of the Public Employees Insurance Agency.

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

**ARTICLE 7. COMPENSATION AND ALLOWANCES.**

**§6-7-2. Salaries of certain state officers.**

1 (a) Beginning in the calendar year 2005, and for each calendar year after that, salaries for

2 each of the state Constitutional officers are as follows:

- 3 (1) The salary of the Governor is \$95,000 per year;
- 4 (2) The salary of the Attorney General is \$80,000 per year;
- 5 (3) The salary of the Auditor is \$75,000 per year;
- 6 (4) The salary of the Secretary of State is \$70,000 per year;
- 7 (5) The salary of the Commissioner of Agriculture is \$75,000 per year; and
- 8 (6) The salary of the State Treasurer is \$75,000 per year.

9 (b) Notwithstanding the provisions of subsection (a) of this section, beginning in the  
 10 calendar year 2009, and for each calendar year thereafter, salaries for each of the state  
 11 Constitutional officers shall be as follows:

- 12 (1) The salary of the Governor shall be \$150,000 per year;
- 13 (2) The salary of the Attorney General shall be \$95,000 per year;
- 14 (3) The salary of the Auditor shall be \$95,000 per year;
- 15 (4) The salary of the Secretary of State shall be \$95,000 per year;
- 16 (5) The salary of the Commissioner of Agriculture shall be \$95,000 per year; and
- 17 (6) The salary of the State Treasurer shall be \$95,000 per year.

18 (c) Notwithstanding any provision of this article and code to the contrary, effective on the  
 19 passage of this amendment to this section, the salaries for each of the state Constitutional officers  
 20 are reduced by twenty-five percent for the next term and thereafter. The savings shall be used to  
 21 offset the current shortfall of the Public Employees Insurance Agency.

**CHAPTER 18. EDUCATION.**

**ARTICLE 2. STATE BOARD OF EDUCATION.**

**§18-2-3. Meetings; compensation and expenses of members.**

1 The state board shall hold at least six meetings in every year at such times and places as  
 2 it may prescribe. It may meet at such other times as may be necessary, such meetings to be held

3 upon its own resolution or at the call of the president of the state board. The members of the state  
4 board, other than the ex officio members of the board, shall be paid \$100 per diem each day or  
5 any part thereof spent in the performance of their duties under this article, and shall be reimbursed  
6 for all reasonable and necessary expenses actually incurred incident to the performance of their  
7 duties. The State Superintendent of Schools, the chancellor of the board of trustees and the  
8 chancellor of the board of directors shall be reimbursed for such expenses, but shall not receive  
9 a per diem allowance. Upon presentation of itemized sworn statements, the per diem and  
10 reimbursement payments shall be made from appropriations made by the Legislature to the state  
11 board.

12 Notwithstanding any provision of this article and code to the contrary, effective on the  
13 passage of this amendment to this section, the salary of the state superintendent of Schools and  
14 the per diem of the members of the State Board of Education are reduced by twenty-five percent  
15 for the next term and thereafter. The savings shall be used to offset the current shortfall of the  
16 Public Employees Insurance Agency.

NOTE: The purpose of this bill is to reduce the compensation of all elected state officials and members of the State Boards of Education by twenty-five percent. The bill provides that the savings be used to offset the shortfall of the Public Employees Insurance Agency.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.