

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4348

FISCAL
NOTE

BY DELEGATES FRICH, CANTERBURY, AMBLER,
HAMILTON, FAIRCLOTH, BUTLER, MCCUSKEY, WESTFALL,
TRECOST, STORCH AND MILLER

[Introduced February 2, 2016; Referred
to the Committee on the Judiciary then Finance]

1 A BILL to amend and reenact §4-2A-2 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §6-7-2 and §6-7-2a of said code, all relating to decreasing the basic
3 compensation paid to members of the Legislature and salaries paid to other state officers
4 by five percent.

Be it enacted by the Legislature of West Virginia:

1 That §4-2A-2 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and that §6-7-2 and §6-7-2a of said code be amended and reenacted, all to read as
3 follows:

CHAPTER 4. THE LEGISLATURE.

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

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

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: (A) \$5,000 in each of February,
17 March and April, payable twice a month; and (B) \$625 in each of January, May, June, July,
18 August, September, October and November, payable once a month.

19 (2) Beginning in 2010, in all years except those described in subdivision (1) of this
20 subsection: (A) \$5,000 in each of January, February and March, payable twice a month; and (B)
21 \$625 in each of April, May, June, July, August, September, October and November, payable once
22 a month;

23 (c) In the event of the death, resignation or removal of a member of the Legislature and
24 the appointment and qualification of his or her successor, the compensation provided in this
25 section for the month in which the death, resignation or removal of the member of the Legislature
26 occurs shall be prorated between the original member and his or her successor on the basis of
27 the number of days served, including Saturdays and Sundays in the month.

28 (d) Notwithstanding any other provision of law, beginning in calendar year 2017, all
29 compensation paid to a member under this section shall be reduced by five percent.

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2. Salaries of certain state officers; reduction.

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 other provision of law, beginning in calendar year 2017, salaries
19 provided in subsection (b) of this section shall be reduced by five percent.

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

20 (a) Each of the following appointive state officers named in this subsection shall be
21 appointed by the Governor, by and with the advice and consent of the Senate. Each of the
22 appointive state officers serves at the will and pleasure of the Governor for the term for which the
23 Governor was elected and until the respective state officers' successors have been appointed
24 and qualified. Each of the appointive state officers are subject to the existing qualifications for
25 holding each respective office and each has and is hereby granted all of the powers and authority
26 and shall perform all of the functions and services heretofore vested in and performed by virtue
27 of existing law respecting each office.

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

29 Commissioner, Division of Highways, \$92,500; Commissioner, Division of Corrections,
30 \$80,000; Director, Division of Natural Resources, \$75,000; Superintendent, State Police,

31 \$85,000; Commissioner, Division of Banking, \$75,000; Commissioner, Division of Culture and
32 History, \$65,000; Commissioner, Alcohol Beverage Control Commission, \$75,000;
33 Commissioner, Division of Motor Vehicles, \$75,000; Chairman, Health Care Authority, \$80,000;
34 members, Health Care Authority, \$70,000; Director, Human Rights Commission, \$55,000;
35 Commissioner, Division of Labor, \$70,000; prior to July 1, 2011, Director, Division of Veterans
36 Affairs, \$65,000; Chairperson, Board of Parole, \$55,000; members, Board of Parole, \$50,000;
37 members, Employment Security Review Board, \$17,000; and Commissioner, Workforce West
38 Virginia, \$75,000. Secretaries of the departments shall be paid an annual salary as follows: Health
39 and Human Resources, \$95,000: *Provided*, That effective July 1, 2013, the Secretary of the
40 Department of Health and Human Resources shall be paid an annual salary not to exceed
41 \$175,000; Transportation, \$95,000: *Provided, however*, That if the same person is serving as both
42 the Secretary of Transportation and the Commissioner of Highways, he or she shall be paid
43 \$120,000; Revenue, \$95,000; Military Affairs and Public Safety, \$95,000; Administration,
44 \$95,000; Education and the Arts, \$95,000; Commerce, \$95,000; Veterans' Assistance, \$95,000;
45 and Environmental Protection, \$95,000: *Provided further*, That any officer specified in this
46 subsection whose salary is increased by more than \$5,000 as a result of the amendment and
47 reenactment of this section during the 2011 regular session of the Legislature shall be paid the
48 salary increase in increments of \$5,000 per fiscal year beginning July 1, 2011, up to the maximum
49 salary provided in this subsection.

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

52 Director, Board of Risk and Insurance Management, \$80,000; Director, Division of
53 Rehabilitation Services, \$70,000; Director, Division of Personnel, \$70,000; Executive Director,
54 Educational Broadcasting Authority, \$75,000; Secretary, Library Commission, \$72,000; Director,
55 Geological and Economic Survey, \$75,000; Executive Director, Prosecuting Attorneys Institute,
56 \$80,000; Executive Director, Public Defender Services, \$70,000; Commissioner, Bureau of

57 Senior Services, \$75,000; Executive Director, Women's Commission, \$45,000; Director, Hospital
58 Finance Authority, \$35,000; member, Racing Commission, \$12,000; Chairman, Public Service
59 Commission, \$85,000; members, Public Service Commission, \$85,000; Director, Division of
60 Forestry, \$75,000; Director, Division of Juvenile Services, \$80,000; and Executive Director,
61 Regional Jail and Correctional Facility Authority, \$80,000.

62 (c) Each of the following appointive state officers named in this subsection shall be
63 appointed by the Governor, by and with the advice and consent of the Senate. Each of the
64 appointive state officers serves at the will and pleasure of the Governor for the term for which the
65 Governor was elected and until the respective state officers' successors have been appointed
66 and qualified. Each of the appointive state officers are subject to the existing qualifications for
67 holding each respective office and each has and is hereby granted all of the powers and authority
68 and shall perform all of the functions and services heretofore vested in and performed by virtue
69 of existing law respecting each office.

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

71 Commissioner, State Tax Division, \$92,500; Insurance Commissioner, \$92,500; Director,
72 Lottery Commission, \$92,500; Director, Division of Homeland Security and Emergency
73 Management, \$65,000; and Adjutant General, \$125,000.

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

80 (e) Notwithstanding any other provision of law, beginning in calendar year 2017, all
81 salaries provided in this section shall be reduced by five percent.

82 (f) In addition to the salaries specified in this section, the salary of every state officer

83 appointed by the Governor, a board or commission, or the Legislature whose salary is specified
84 in another section of this code or whose salary is determined by the Governor, a board or
85 commission, or the Legislature, beginning in calendar year 2017, shall be reduced by five percent,

NOTE: The purpose of this bill is to decrease the basic compensation paid to members of the Legislature and salaries paid to other state officers by five percent.

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