WEST VIRGINIA CODE CHAPTER 4 ARTICLE 2A

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PART I. GENERAL.

§4-2A-1. Implementation of resolutions of citizens legislative compensation commission; definition.

The purpose of this article is to implement from time to time the resolutions submitted by the citizens legislative compensation commission created by section thirty-three, article six of the West Virginia Constitution. For the purposes of this article, the term "regular session" shall include any extension of a regular session of the Legislature.

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

(a) Beginning in the calendar year 2025 and for each calendar year after that, each member of the Legislature shall receive as basic compensation for his or her services, per calendar year, the amount equal to 75 percent of the per capita income in West Virginia as reported by the US Census Bureau on June 30 of the prior year, rounded down to the nearest $1,000, to be paid as provided in subsection (b) of this section. In addition to the basic compensation, members shall receive the additional compensations as are expressly provided in §4-2A-3, §4-2A-4, and §4-2A-5 of this code. All other increased amounts or new amounts in respect to the compensation of members of the Legislature, set forth in the resolution of the Citizens Legislative Compensation Commission, dated January 23, 2023, and implemented in this section, and §4-2A-4, §4-2A-6, and §4-2A-8 of this code providing for new amounts or amounts increased to new amounts greater than those in force and effect on January 1, 2023, become effective for calendar year 2025 and each calendar year after that: *Provided*, That increased amounts or new amounts in respect to the expenses of members of the Legislature, set forth in said resolution, and implemented in §4-2A-6, and §4-2A-8 of this code providing for new amounts or amounts increased to new amounts greater than those in force and effect on January 1, 2023, become effective for calendar year 2025 and each calendar year after that.

(b) The basic compensation is payable as follows:

(1) In the year 2025, and every fourth year after that:

(A) Six thousand dollars in each of February, March, and April, payable at least twice per month; and

(B) The remainder of the amount allowed by subsection (a) of this section split equally in each of January, May, June, July, August, September, October, and November, payable at least twice per month;

(2) Beginning in 2026, in all years except those described in subdivision (1) of this subsection:

(A) Six thousand dollars in each of January, February and March, payable at least twice per month; and

(B) The remainder of the amount allowed by subsection (a) of this section split equally in each of April, May, June, July, August, September, October, and November, payable at least twice per month.

(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, the compensation provided in this section for the month in which the death, resignation, or removal of the member of the Legislature occurs shall be prorated between the original member and his or her successor

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on the basis of the number of days served, including Saturdays and Sundays in the month.

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§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 §4-2A-2 of this code, additional compensation of $200 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 the Senate or House of Delegates is actually called to order during each extension of regular session or during extraordinary session of the Legislature. The additional compensation shall be paid, from time to time, during any extended session or extraordinary session, as prescribed by rules established by the Legislative Auditor.

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§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.

(a) In addition to the basic and additional compensation provided in §4-2A-2 and §4-2A-3 of this code, the President of the Senate and the Speaker of the House of Delegates shall each receive additional compensation of:

(1) $150 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) $200 per day for attending to legislative business when the Legislature is not in regular session: *Provided*, That no additional compensation shall be paid pursuant to this subdivision if the presiding officer is receiving compensation pursuant to §4-2A-3 or §4-2A-5 of this code.

(b) In addition to the basic and additional compensation provided in §4-2A-2 or §4-2A-3 of this code, the majority leaders and minority leaders of the Senate and of the House of Delegates shall each receive additional compensation of $50 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) The 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 in §4-2A-2 or §4-2A-3 of this code, the chairpersons of the committees on finance and committees on the judiciary of the respective houses and up to six additional persons from each house, to be named by the presiding officer, shall each receive an additional compensation of $200 per day up to a maximum of 30 days for attending to legislative business when the Legislature is not in regular session: *Provided*, That no additional compensation shall be paid pursuant to this subdivision if the chairperson or additional person is receiving compensation pursuant to §4-2A-3 or §4-2A-5 of this code.

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

(a) In addition to the basic and any additional compensation provided for in §4-2A-2, §4-2A-3, and §4-2A-4 of this code, each member shall receive interim compensation of $200 per day for each day actually engaged in the performance of interim duties *Provided*, That the total additional interim compensation payable to any member and his or her replacement, if any, on a committee or commission under the provisions of this subsection shall not exceed the sum of $6,000 per calendar year.

(b) In addition to the basic and any additional compensation provided for in §4-2A-2, §4-2A-3, and §4-2A-4 of this code and subsection (a) of this section, each member shall receive interim compensation of $200 per day for each day actually engaged in the performance of legislative duties at a meeting of any legislative committee which meets between regular sessions of the Legislature and outside of regular interim meetings when authorized by the committee co-chairs and approved by the President of the Senate and the Speaker of the House of Delegates, not to exceed 15 days per calendar year.

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§4-2A-6. Travel expenses.

(a) Each member of the Legislature is 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 the 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 those means of transportation actually used, plus the cost of necessary taxi service, tolls and parking fees in connection with the travel, 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 the session.

(b) In addition to the travel expense in subsection (a) of this section, the President of the Senate and the Speaker of the House of Delegates are entitled to be reimbursed as provided in subsection (a) of this section, upon submission of an expense voucher, for expenses incurred incident to travel 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 session.

(c) 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 of the Department of Administration, or its successor agency.

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§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 $175 per day as per diem allowance in connection with any regular, extended, extraordinary session, interim assignment or for any member authorized by the presiding officer. Any member of the Legislature who does commute daily shall receive the sum of $75 per day as the per diem allowance and, in addition to the 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 the means of transportation actually used, plus the costs of necessary taxi service, tolls and parking fees in connection with the travel: *Provided*, That the total of this per diem allowance plus travel expense for a daily commuting member may not exceed $175 per day. The amount for mileage paid pursuant to this subsection may change from time to time in accordance with changes in the level of reimbursement by the 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 six additional persons from each house designated by the presiding officer pursuant to §4-2A-4 of this code, shall be reimbursed for travel at the rate established in subsection (a) of this section, and shall further receive the per diem allowance established in the subsection in connection with business which is related to their duties as officers at the times when the Legislature is not in regular session.

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§4-2A-8. Out-of-state expenses.

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 the committee is operating under general law or resolution, where the travel has been duly authorized, is entitled to be reimbursed, upon submission of an expense voucher for the travel, for all reasonable and necessary expenses actually incurred incident to the travel, but the total of any and all reimbursed expenses, exclusive of reimbursement for 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 $55 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 is not required to be submitted with any expense voucher for meal and miscellaneous expenses.

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§4-2A-9.

Repealed.

Acts, 1994 Reg. Sess., Ch. 99.

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§4-2A-10. Affidavits required; approval by legislative Auditor of vouchers; travel and lodging expenses within Charleston not reimbursable; rules authorized.

Any expense voucher submitted pursuant to the provisions of sections six, seven, eight or nine of this article must be verified by the affidavit of the member incurring such expense and all such expense vouchers shall be approved by the Legislative Auditor prior to submission for payment.

Notwithstanding any other provisions of this article to the contrary, no member of the Legislature who resides within the corporate limits of the city of Charleston may be reimbursed under this article for any travel and lodging expenses incurred within such corporate limits.

The Legislative Auditor is hereby authorized to adopt, amend and repeal such rules as may be necessary to implement or effectuate the provisions of this article.

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