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SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

# ENROLLED

SENATE BILL NO. 2040

(By Mr. Originating in the  
Committee on Finance)

PASSED April 14, 1973

In Effect 90 Days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/3/73

Veto - 2040

**ENROLLED**  
**Senate Bill No. 2040**

(Originating in the Committee on Finance)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to out-of-state and in-state travel expenses by state officials and employees, restrictions on increases, recruitment expenses, moving expenses, dues to voluntary organizations and lodging expenses for claimants making claims against the workmen's compensation fund.

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

That section eleven, article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.**

**§12-3-11. Travel expenses; rules to be promulgated concerning same; recruitment expenses and moving expenses for state spending units; dues to voluntary organizations; restrictions on increases; lodging expenses for claimants making claims against the workmen's compensation fund.**

1 (a) Within the restrictions and limitations as hereinafter  
2 provided by law, the governor shall promulgate rules and  
3 regulations concerning out-of-state and in-state travel by  
4 state officials and employees of all governmental agencies  
5 and departments, except those in the legislative and judicial  
6 branches of the state government and except for the gover-  
7 nor, attorney general, auditor, secretary of state, treasurer  
8 and commissioner of agriculture and their employees. The  
9 Legislature, the supreme court of appeals and the governor,  
10 attorney general, auditor, secretary of state, treasurer and

11 commissioner of agriculture shall promulgate rules and  
12 regulations concerning out-of-state travel for their respective  
13 branches and departments of state government. Copies  
14 of such rules and regulations shall be filed with the auditor  
15 and the secretary of state. It shall be unlawful for the  
16 auditor to issue a warrant in payment of any claim for  
17 out-of-state or in-state travel expenses incurred by a state  
18 official or employee unless such claim meets all the require-  
19 ments of the rules and regulations so filed.

20 Mileage allowances for use of a personal car for both  
21 out-of-state and in-state travel shall be uniform in all  
22 executive agencies and departments to which this section  
23 applies and shall not exceed the rate of eleven cents per  
24 mile.

25 Reimbursement for lodging costs for in-state travel shall be  
26 uniform in all executive agencies and departments to which  
27 this section applies and shall be based on the actual lodging cost  
28 not to exceed twenty-five dollars per day. Notwithstanding any  
29 other provision of the code to the contrary, any claimant mak-  
30 ing a claim against the workmen's compensation fund pursuant  
31 to the Workmen's Compensation Act and required to be lodged at  
32 the expense of the workmen's compensation commission for any  
33 reason shall be paid from the workmen's compensation fund  
34 the same daily rate for in-state lodging that is authorized for em-  
35 ployees of all executive agencies and departments to which this  
36 section applies. Reimbursement for lodging costs for out-of-  
37 state travel shall be uniform in all executive agencies and  
38 departments to which this section applies and shall be based  
39 on the actual lodging cost not to exceed thirty-five dollars  
40 per day. Each request for reimbursement for lodging shall  
41 be supported by a proper receipt.

42 Reimbursement shall be made for actual cost of meals to  
43 a maximum of nine dollars per day for in-state travel and  
44 fifteen dollars per day for out-of-state travel.

45 Reimbursement for fares expended for travel via common  
46 carrier shall be made for actual cost supported by a pro-  
47 per receipt, however, officials and employees traveling by  
48 way of commercial airlines whose travel time does not ex-  
49 ceed two hours shall be reimbursed for such travel at tourist  
50 or economy rates unless the urgency or the airline booking  
51 schedule mandates otherwise.

52 Reimbursement for tips and gratuities shall not be allowed  
53 unless included in the maximum allowance for meals.

54 No increase in out-of-state or in-state travel and expense  
55 allowances above the level of allowances in effect as of the  
56 effective date of this section shall be made until the pro-  
57 posed increases have been submitted to the budget division of  
58 the department of finance and administration, presented to  
59 the Legislature and the moneys being requested for increased  
60 allowances have been approved and appropriated by the  
61 Legislature.

62 These rules and regulations shall apply only to persons  
63 who are employed by the state on an hourly or salary basis.

64 (b) It shall be lawful for state spending units to authorize  
65 the payment of traveling expenses incurred by any person  
66 invited to visit the state spending unit to be interviewed  
67 concerning his possible employment by the state agency  
68 or agent thereof.

69 It shall be lawful for each state spending unit to author-  
70 ize payment of: (1) All or part of the reasonable expense  
71 incurred by a person newly employed by the spending unit  
72 in moving his household furniture, effects and immediate  
73 family to his place of employment; and (2) all or part of  
74 the reasonable expense incurred by an employee of the  
75 spending unit in moving his household furniture, effects and  
76 immediate family as a result of a reassignment of the  
77 employee which is considered desirable and advantageous  
78 to and in the best interest of the state: *Provided*, That  
79 no part of the moving expenses of any one such employee  
80 shall be paid more frequently than once in twelve months.

81 Notwithstanding any other provisions of this code to  
82 the contrary which have granted certain state spending units  
83 the right to pay for or reimburse the expenses incurred  
84 by persons visiting the agency to be interviewed concerning  
85 possible employment and the right to pay a part or all  
86 of the costs incurred by an employee in moving of his  
87 household effects, this subsection eleven-b shall be the  
88 controlling and governing legal provision, upon the  
89 effective date of this section.

90 (c) Payment for dues or membership in annual or other  
91 voluntary organizations relating to the function of the

92 agency or departments subject to this section is hereby  
93 authorized and shall be made from the proper item or  
94 appropriation after an itemized schedule of such organiza-  
95 tions, together with the amount of such dues or membership,  
96 has been submitted to the budget director and approved by  
97 the governor.

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

N. Daniel Larty  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Harold W. Carson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton, Jr.  
President of the Senate

Leah A. Thomas  
Speaker House of Delegates

The within disapproved this the 27th  
day of April, 1973.  
Arch A. Thomas Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/27/73

Time 2:05 p.m.