

2/13/75
A message from the Senate, by

Mr. Fanning, announced that the Senate had reconsidered Enrolled Senate Bill No. 232, heretofore disapproved and returned by His Excellency, the Governor, with his objections, passed the same, by a majority vote of all the members elected to the Senate, to take effect from passage, and requested the concurrence of the House in its action.

J. C. Dillon Jr.
Clerk of the Senate

ENROLLED

SENATE BILL NO. 232

(By Mr. Brotherton (Mr. President)
and Mr. Rogerson)

PASSED February 3, 1975

In Effect from Passage


2/12/75

Reconsidered and again passed, notwithstanding the objections of the Governor, to take effect from passage, by a majority vote of the members elected to the House of Delegates.

Mr. Shuflet to the Senate, Carl Blankenship, Clerk
House of Delegates

2/13/75

A message from the Senate, by

Mr. Fanning, announced that the Senate had reconsidered Enrolled Senate Bill No. 232, heretofore disapproved and returned by His Excellency, the Governor, with his objections, passed the same, by a majority vote of all the members elected to the Senate, to take effect from passage, and requested the concurrence of the House in its action.

C. C. Duller, Jr.
Clerk of the Senate

ENROLLED

SENATE BILL NO. 232

(By Mr. Crathorn (Mr. President)
and Don Rogers)

PASSED February 3, 1975

In Effect from Passage



2/12/75

Reconsidered and again passed, notwithstanding the objections of the Governor, to take effect from passage, by a majority vote of the members elected to the House of Delegates,

Mr. Stuplet to the Senate, Ch. Bookkeeping, Clerk
House & Delegation

ENROLLED

Senate Bill No. 232

(By MR. BROTHERTON, MR. PRESIDENT, and MR. ROGERSON)

[Passed February 3, 1975; in effect from passage.]

AN ACT to amend and reenact sections two, three, four, five, six, seven, eight, nine and ten, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend article ten, chapter five of said code, by adding thereto a new section, designated section fifty-two; and to amend article sixteen of said chapter five, by adding thereto a new section, designated section seventeen-a, all to implement the one thousand nine hundred seventy-four recommendations of the citizens legislative compensation commission created by section thirty-three, article six of the West Virginia constitution, and relating to compensation for and expenses of members of the Legislature, the West Virginia public employees' retirement system as it applies to certain members of the Legislature and certain service by members of the Legislature and the West Virginia public employees' insurance act as it applies to members of the Legislature.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, six, seven, eight, nine and ten, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that article ten, chapter five of said code be amended by adding thereto a new section, designated section fifty-two; and that article sixteen of said chapter five be amended by adding thereto a new section, designated section seventeen-a, 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) Each member of the Legislature shall receive as
- 2 compensation for his services the sum of four thousand
- 3 eight hundred dollars per calendar year. For the year
- 4 one thousand nine hundred seventy-five, said sum shall
- 5 be payable to each member as soon as possible after the
- 6 effective date of this section.

7 (b) Beginning in the year one thousand nine hundred
8 seventy-six and each year thereafter, said sum shall be
9 payable twice a month during each regular session of the
10 Legislature, without regard to any extension of such
11 regular session. In the event of the death, resignation or
12 removal of a member of the Legislature during a regular
13 session of the Legislature and the appointment and qualifi-
14 cation of his successor during any such regular session,
15 the compensation provided for in this section shall be
16 prorated between the original member and his successor
17 on the basis of the number of days served (including
18 Saturdays and Sundays) as a member of the Legislature
19 by each during said regular session.

20 (c) In the event of the death, resignation or removal
21 of a member of the Legislature and the appointment and
22 qualification of his successor subsequent to the regular
23 session of the Legislature held in the calendar year in
24 which such successor was appointed and qualified, none
25 of the compensation provided for in this section shall
26 be paid to such successor.

**§4-2A-3. Compensation for members of the Legislature during
any extraordinary session.**

1 Each member of the Legislature shall receive, in addi-
2 tion to the basic compensation provided for in section
3 two of this article, additional compensation of thirty-five
4 dollars per day for each day of his attendance in person
5 upon any business of the Senate or House of Delegates,
6 as the case may be, on any day upon which said Senate
7 or House of Delegates is actually called to order during
8 any extraordinary session of the Legislature. Such addi-
9 tional compensation shall be paid from time to time dur-
10 ing any such extraordinary session, as may be prescribed
11 by rules established by the legislative auditor.

**§4-2A-4. Additional compensation for president of Senate,
speaker of House of Delegates and minority leaders
of both houses.**

1 In addition to the basic and additional compensation
2 provided for 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 twenty-five dollars per day for each day actually served
6 during any regular or extraordinary session as presiding
7 officer, including Saturdays and Sundays.

8 In addition to the basic and additional compensation
9 provided for in sections two and three of this article, the
10 minority leader of the Senate and the minority leader
11 of the House of Delegates shall each receive additional
12 compensation of twelve dollars and fifty cents per day
13 for each day actually served during any regular or extraor-
14 dinary session as the elected legislative leaders of the
15 minority party, including Saturdays and Sundays.

16 Such presiding officer and minority leader compensation
17 shall be paid from time to time during any such session,
18 as may be prescribed by rules established by the legisla-
19 tive auditor.

**§4-2A-5. Interim compensation for members of joint committee
on government and finance and commission on inter-
state cooperation.**

1 In addition to the basic and any additional and pre-
2 siding officer and minority leader compensation provided
3 for in sections two, three and four of this article, each
4 member of the joint committee on government and fi-
5 nance and the commission on interstate cooperation shall
6 receive interim compensation of thirty-five dollars per
7 day for each day actually engaged in the performance
8 of interim duties as a member of either such committee
9 or commission between regular sessions of the Legislature:
10 *Provided*, That not more than twenty-eight members
11 combined of both such committee and commission shall
12 be entitled to receive the interim compensation author-
13 ized in this section, and the total additional interim com-
14 pensation payable to any such member and his replace-
15 ment, if any, on such committee or commission under the
16 provisions of this section shall not exceed the sum of one
17 thousand fifty dollars per calendar year.

PART III. EXPENSES.

§4-2A-6. Travel expenses.

1 Each member of the Legislature shall be entitled to be
2 reimbursed, upon submission of an expense voucher, for
3 expenses incurred incident to travel in the performance

4 of his duties as a member of the Legislature or any com-
5 mittee of the Legislature, whether such committee is
6 operating under general law or resolution, including,
7 but not limited to, attendance at party caucuses held in
8 advance of the date of the assembly of the Legislature
9 in regular session in odd-numbered years for the purpose
10 of selecting candidates for officers of the two houses, at
11 the rate of fifteen cents per mile for the most direct
12 usually traveled route, if travel is by private automobile,
13 or for actual transportation costs for direct route travel,
14 if travel is by public carrier, or for any combination of
15 such means of transportation actually used, plus the cost
16 of necessary taxi or limousine service, tolls and parking
17 fees in connection therewith, but during any regular or
18 extraordinary session, travel expenses shall not be paid
19 to any member for more than one round trip to and
20 from the seat of government and to and from his place
21 of residence for each week of any such session.

§4-2A-7. Reimbursement for expenses incurred during any session.

1 In addition to reimbursement for any travel expenses,
2 as provided for in section six of this article, each member
3 of the Legislature shall also be entitled to be reimbursed,
4 upon submission of an expense voucher therefor, for all
5 reasonable and necessary expenses actually incurred in
6 connection with any regular or extraordinary session of
7 the Legislature, but the total of any and all such reim-
8 bursed expenses, exclusive of reimbursement for any
9 such travel expenses as aforesaid, shall not exceed lodg-
10 ing expenses of twenty-two dollars per day or one hun-
11 dred fifty-four dollars per week and meal and miscel-
12 laneous expenses of fifteen dollars per day or one hun-
13 dred five dollars per week. A receipt for the amount paid
14 for lodging shall be submitted with the expense voucher,
15 but a receipt shall not be required to be submitted with
16 any such expense voucher for meal and miscellaneous
17 expenses. In lieu of reimbursement for lodging expenses
18 pursuant to the provisions of this section, any member
19 of the Legislature shall be entitled to be reimbursed,
20 upon submission of an expense voucher, for expenses
21 incurred incident to daily travel to and from his place

22 of residence and to and from the seat of government at
23 a rate of fifteen cents per mile for the most direct usually
24 traveled route, but the total of such daily travel expenses
25 shall not exceed twenty-two dollars per day.

§4-2A-8. Interim expenses.

1 In addition to reimbursement for any travel expenses
2 and any such reimbursements for any and all such ses-
3 sion expenses as provided for in sections six and seven
4 of this article, each member of the Legislature serving
5 as a member of any committee of the Legislature estab-
6 lished by and operating under general law and desig-
7 nated for the performance of interim assignments by
8 the Legislature or otherwise duly authorized to perform
9 interim assignments between regular sessions of the Leg-
10 islatre shall also be entitled to be reimbursed, upon
11 submission of an expense voucher therefor, for all rea-
12 sonable and necessary expenses actually incurred inci-
13 dent to the performance of duties as a member of any
14 such committee, but the total of any and all such reim-
15 bursed interim expenses, exclusive of reimbursement for
16 any such travel and session expenses as aforesaid, shall
17 not under any circumstances exceed lodging expenses of
18 twenty-two dollars per day or meal and miscellaneous
19 expenses of fifteen dollars per day for each day actually
20 engaged in the performance of interim duties as a
21 member of any such committee. A receipt for the amount
22 paid for lodging shall be submitted with the expense
23 voucher, but a receipt shall not be required to be sub-
24 mitted with any such expense voucher for meal and mis-
25 cellaneous expenses.

§4-2A-9. Out-of-state expenses.

1 In addition to reimbursement for travel expenses as
2 authorized in section six of this article, each member of
3 the Legislature traveling from West Virginia to an out-of-
4 state point or points and return incident to the per-
5 formance of his duties as a member of the Legislature
6 or any committee of the Legislature, whether such com-
7 mittee is operating under general law or resolution, which
8 travel has been duly authorized, shall be entitled to be
9 reimbursed, upon submission of an expense voucher

10 therefor, for all reasonable and necessary expenses ac-
11 tually incurred incident thereto, but the total of any and
12 all such reimbursed expenses, exclusive of reimburse-
13 ment for such travel expenses, shall not under any cir-
14 cumstances exceed lodging expenses of thirty dollars per
15 day or meal and miscellaneous expenses of twenty dol-
16 lars per day. A receipt for the amount paid for lodging
17 and for travel to and from West Virginia shall be sub-
18 mitted with the expense voucher, but a receipt shall not
19 be required to be submitted with any such expense vou-
20 cher for meal and miscellaneous expenses.

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

1 Any expense voucher submitted pursuant to the pro-
2 visions of section six, seven, eight or nine of this article
3 must be verified by the affidavit of the member incurring
4 such expense and all such expense vouchers shall be
5 approved by the legislative auditor prior to submission
6 for payment.

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

12 The legislative auditor is hereby authorized to adopt
13 such rules as may be necessary to implement or effectu-
14 ate the provisions of this article.

**CHAPTER 5. GENERAL POWERS AND DUTIES OF
THE GOVERNOR, SECRETARY OF STATE AND
ATTORNEY GENERAL; BOARD OF PUBLIC WORKS;
STATE BUILDING COMMISSION; SOCIAL SECURITY
AGENCY; PUBLIC RECORDS MANAGEMENT AND
PRESERVATION ACT; DEPARTMENT OF COMMERCE;
WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT
ACT; HUMAN RIGHTS COMMISSION; WEST VIRGINIA
ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES' AND
TEACHERS' RECIPROCAL SERVICE CREDIT ACT; WHITE
CANE LAW; WEST VIRGINIA PUBLIC EMPLOYEES
INSURANCE ACT.**

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-52. Specific provisions relating to certain members of the Legislature and certain service by members of the Legislature.

1 The provisions of this article specifying that a legisla-
2 tor may be a member of the retirement system and at the
3 same time also a member of another state or political
4 subdivision retirement program and may receive credit
5 in the retirement system from two or more public em-
6 ployments simultaneously and authorizing automatic
7 increases in the annuities of retired legislators based upon
8 increases in compensation paid to members of the Legis-
9 lature shall not be applicable to any member of the
10 Legislature who first becomes a member of the retirement
11 system as a member of the Legislature during the year
12 one thousand nine hundred seventy-one, or any year
13 thereafter, nor shall such provisions be applicable to the
14 computation of service, credited service or benefits for
15 any period of service as a member of the Legislature for
16 the year one thousand nine hundred seventy-one, or any
17 year thereafter.

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT.

§5-16-17a. Members of Legislature may be covered, if cost of the entire coverage is paid by such members.

1 Notwithstanding the definition of the term "employee"
2 contained in section two of this article and notwithstand-
3 ing any other provision of this article to the contrary,
4 members of the Legislature may participate in and be cov-
5 ered by any insurance plan or plans authorized here-
6 under for state officers and employees, except that all
7 members of the Legislature who elect to participate in
8 or to be covered by any such plan or plans shall pay their
9 proportionate individual share of the full cost for all
10 group coverage on themselves and their spouses and de-
11 pendants, so that there will be no cost to the state for the
12 coverage of any such members, spouses and dependents.

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

James L. Davis
Chairman Senate Committee

Clarence C. Chushman Jr.
Chairman House Committee

Originated in the Senate.

Effective from passage.

J. C. Dillough Jr.
Clerk of the Senate

C. A. Blankenship Jr.
Clerk of the House of Delegates

W. H. Bolton Jr.
President of the Senate

Lewis R. McMane
Speaker House of Delegates

The within disapproved this the 8th
day of February, 1975.

And a. Maury Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/4/75

Time 5:00 p.m.