

Date 1-28-79

Time 10:30 A.M.

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1979**



**ENROLLED**

**SENATE BILL NO. 101**

(By Mr. Brotherton, Mr. President)

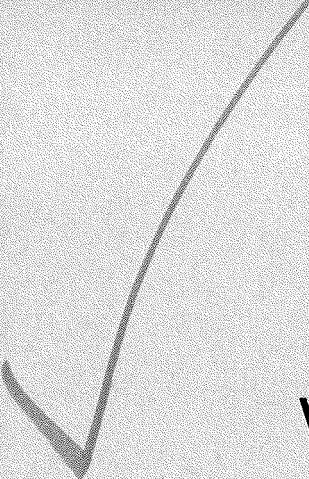


PASSED January 25 1979

In Effect from Passage



No. 101



**ENROLLED**  
**Senate Bill No. 101**

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed January 25, 1979; in effect from passage.]

AN ACT to amend and reenact sections two through ten, inclusive, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to implementing recommendations of one thousand nine hundred seventy-nine 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.

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

That sections two through ten, inclusive, article two-a, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**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 basic compensation for his services the sum of five thou-  
3 sand one hundred thirty-six dollars per calendar year as  
4 basic compensation, plus additional compensations as are  
5 expressly provided for in sections three, four and five of  
6 this article. For the year one thousand nine hundred  
7 seventy-nine, said basic compensation shall be payable to  
8 each member as soon as possible after the effective date  
9 of this section.

10    (b) Beginning in the year one thousand nine hundred  
11 eighty and each year thereafter, said basic compensation  
12 shall be payable twice a month during each regular

13 session of the Legislature, without regard to any exten-  
14 sion of such regular session. In the event of the death,  
15 resignation or removal of a member of the Legislature  
16 during a regular session of the Legislature and the ap-  
17 pointment and qualification of his successor during any  
18 such regular session, the basic compensation provided  
19 for in this section shall be prorated between the original  
20 member and his successor on the basis of the number of  
21 days served (including Saturdays and Sundays) as a  
22 member of the Legislature by each during said regular  
23 session.

24 (c) In the event of the death, resignation or removal  
25 of a member of the Legislature and the appointment and  
26 qualification of his successor subsequent to the regular  
27 session of the Legislature held in the calendar year in  
28 which such successor was appointed and qualified, none  
29 of the basic compensation provided for in this section  
30 shall 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 each day upon which said Senate  
7 or House of Delegates is actually called to order during  
8 each extraordinary session of the Legislature. Such ad-  
9 ditional compensation shall be paid from time to time  
10 during any such extraordinary session, as may be pre-  
11 scribed by rules established by the legislative auditor.

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

1 (a) 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  
4 of Delegates shall each receive additional compensation  
5 of:

6 (1) Thirty-five dollars per day for each day actually  
7 served during any regular or extraordinary session as  
8 presiding officer, including Saturdays and Sundays; and

9 (2) Thirty-five dollars per day up to a maximum of  
10 eighty such days per calendar year for attending to  
11 legislative business in their offices in the Capitol Build-  
12 ing when the Legislature is not in regular or extraor-  
13 dinary session and interim committees are not meeting.

14 (b) In addition to the basic and additional compensa-  
15 tion provided for in sections two and three of this article,  
16 the majority leaders and minority leaders of the Senate  
17 and of the House of Delegates shall each receive addi-  
18 tional compensation of fifteen dollars per day for each  
19 day actually served during any regular or extraordinary  
20 session as the selected legislative leaders of their respec-  
21 tive political parties, including Saturdays and Sundays.

22 (c) Such presiding officer and majority and minority  
23 leader compensation shall be paid from time to time  
24 during any such session or interim period, as the case  
25 may be, as may be prescribed by rules established by the  
26 legislative auditor.

**§4-2A-5. Interim compensation for members of joint commit-  
tee on government and finance and commission on  
interstate cooperation and for restructured interim  
meetings.**

1 (a) In addition to the basic and any additional and  
2 presiding officer and majority and minority leader com-  
3 pensation provided for in sections two, three and four of  
4 this article, each member of the joint committee on  
5 government and finance and the commission on interstate  
6 cooperation shall receive interim compensation of thirty-  
7 five dollars per day for each day actually engaged in  
8 the performance of interim duties as a member of either  
9 such committee or commission between regular sessions  
10 of the Legislature: *Provided*, That not more than twenty-  
11 eight members combined of both such committee and  
12 commission shall be entitled to receive the interim com-  
13 pensation authorized in this section, and the total addi-  
14 tional interim compensation payable to any such member  
15 and his replacement, if any, on such committee or com-

16 mission under the provisions of this section shall not  
17 exceed the sum of one thousand fifty dollars per calendar  
18 year.

19 (b) If, for whatever reason, the Legislature should  
20 restructure its interim committee meetings along any  
21 lines whatsoever, the interim compensation authorized  
22 in subsection (a) of this section for members of the  
23 joint committee on government and finance and of the  
24 commission on interstate cooperation and the additional  
25 interim compensation authorized in this subsection may  
26 be authorized as interim compensation by the Legislature  
27 as it may determine, but not to exceed either thirty-five  
28 dollars per member of the Legislature per day for each  
29 day actually engaged in the performance of interim  
30 duties as a member of the Legislature, or a total of one  
31 thousand fifty dollars per calendar year for any one  
32 member, or a total of fifty-five thousand dollars per  
33 calendar year for all such interim compensation for the  
34 members of both houses of the Legislature combined.

### 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 of  
4 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, but  
7 not limited to, attendance at party caucuses held in ad-  
8 vance of the date of the assembly of the Legislature in  
9 regular session in odd-numbered years for the purpose  
10 of selecting candidates for officers of the two houses, at  
11 the rate of seventeen 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 to  
19 any member for more than one round trip to and from the

20 seat of government and to and from his place of residence  
21 for each week of any such session.

22 In addition to the above travel expense, the president  
23 of the Senate and the speaker of the House of Delegates  
24 shall be entitled to be reimbursed as provided above, upon  
25 submission of an expense voucher, for expenses incurred  
26 incident to travel for up to a maximum of eighty days per  
27 calendar year in connection with their visits to the Capi-  
28 tol Building for business which is related to their duties  
29 as presiding officers of the respective houses of the  
30 Legislature, but which takes place when the Legislature  
31 is not in regular or extraordinary session and interim  
32 committees are not meeting.

**§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 such  
9 travel expenses as aforesaid, shall not exceed lodging  
10 expenses of thirty dollars per day and meal and miscel-  
11 laneous expenses of twenty dollars per day. A receipt for  
12 the amount paid for lodging shall be submitted with the  
13 expense voucher, but a receipt shall not be required to be  
14 submitted with any such expense voucher for meal and  
15 miscellaneous expenses. In lieu of reimbursement for  
16 lodging expenses pursuant to the provisions of this sec-  
17 tion, any member of the Legislature shall be entitled to be  
18 reimbursed, upon submission of an expense voucher, for  
19 expenses incurred incident to daily travel to and from his  
20 place of residence and to and from the seat of govern-  
21 ment at a rate of *jes* seventeen cents per mile for the most  
22 direct usually traveled route, but the total of such daily  
23 travel expenses shall not exceed thirty dollars per night.

**§4-2A-8. Interim expenses.**

1 In addition to reimbursement for any travel expenses

2 and any such reimbursements for any and all such  
3 session expenses as provided for in sections six and seven  
4 of this article, each member of the Legislature serving as  
5 a member of any committee of the Legislature established  
6 by and operating under general law and designated for  
7 the performance of interim assignments by the Legisla-  
8 ture or otherwise duly authorized to perform interim  
9 assignments between regular sessions of the Legislature  
10 shall also be entitled to be reimbursed, upon submission  
11 of an expense voucher therefor, for all reasonable and  
12 necessary expenses actually incurred incident to the per-  
13 formance of duties as a member of any such committee,  
14 but the total of any and all such reimbursed interim  
15 expenses, exclusive of reimbursement for any such travel  
16 and session expenses as aforesaid, shall not under any  
17 circumstances exceed lodging expenses of thirty dollars  
18 per day and meal and miscellaneous expenses of twenty  
19 dollars per day for each day actually engaged in the  
20 performance of interim duties as a member of any such  
21 committee. The president of the Senate and the speaker  
22 of the House of Delegates shall be entitled to be re-  
23 imbursement for lodging expenses and for meal and miscel-  
24 laneous expenses incurred in connection with their visits  
25 to the Capitol Building for business which is related to  
26 their duties as presiding officers of the respective houses  
27 of the Legislature, but which takes place when the Legis-  
28 lature is not in regular or extraordinary session and  
29 interim committees are not meeting, not to exceed lodg-  
30 ing expenses of thirty dollars per day and meal and  
31 miscellaneous expenses of twenty dollars per day up to a  
32 maximum of eighty such days per calendar year. A  
33 receipt for the amount paid for lodging shall be submitted  
34 with the expense voucher, but a receipt shall not be  
35 required to be submitted with any such expense voucher  
36 for meal and miscellaneous expenses. In lieu of re-  
37 imbursement for lodging expenses pursuant to the pro-  
38 visions of this section, any member of the Legislature  
39 shall be entitled to be reimbursed, upon submission of an  
40 expense voucher, for expenses incurred incident to daily  
41 travel to and from his place of residence and to and from  
42 the seat of government at a rate of seventeen cents per  
43 mile for the most direct usually traveled route, but the

44 total of such daily travel expenses shall not exceed  
45 thirty dollars per night.

**§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-  
4 of-state point or points and return incident to the per-  
5 formance of his duties as a member of the Legislature or  
6 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  
11 actually incurred incident thereto, but the total of any  
12 and all such reimbursed expenses, exclusive of reim-  
13 bursement for such travel expenses, shall not under any  
14 circumstances exceed the actual cost of lodging at the  
15 least expensive available single rate and meal and miscel-  
16 laneous expenses of twenty-five dollars per day. A  
17 receipt for the amount paid for lodging and for travel  
18 by any public transportation to and from West Virginia  
19 shall be submitted with the expense voucher, but a re-  
20 ceipt shall not be required to be submitted with any such  
21 expense voucher for meal and miscellaneous expenses.

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

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

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

12 The legislative auditor is hereby authorized to adopt,  
13 amend and repeal such rules as may be necessary to  
14 implement or effectuate the provisions of this article.



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

James L. Davis  
Chairman Senate Committee

Clarence C. Chatham, Jr.  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

James C. Doolittle, Jr.  
Clerk of the Senate

D. A. Benkenhoff  
Clerk of the House of Delegates

H. C. Brotherton, Jr.  
President of the Senate

W. M. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 20

day of January, 1979.

John R. Raley, Jr.  
Governor



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