

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Senate Bill 740

[Passed March 11, 2023; in effect 90 days from passage]

1 AN ACT to amend and reenact §4-2A-2, §4-2A-3, §4-2A-4, §4-2A-5, §4-2A-6, and §4-2A-7 of the
2 Code of West Virginia, 1931, as amended, all relating to compensation and expense
3 reimbursement for members of the Legislature as recommended by the Citizens
4 Legislative Compensation Commission; modifying the basic compensation to an amount
5 equal to 75 percent of the per capita income in West Virginia; modifying the per diem
6 expense allowance for members of the Legislature when in regular, extended, or
7 extraordinary session; modifying the compensation, per diem expense allowance, and
8 travel reimbursement paid to designated members of the Legislature when not receiving
9 compensation for being in attendance during a regular, extended, or extraordinary session;
10 modifying interim compensation paid to members of the Legislature; and modifying the per
11 diem expense allowance for members of the Legislature who both commute and do not
12 commute.

Be it enacted by the Legislature of West Virginia:

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

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

1 (a) Beginning in the calendar year 2025 and for each calendar year after that, each
2 member of the Legislature shall receive as basic compensation for his or her services, per
3 calendar year, the amount equal to 75 percent of the per capita income in West Virginia as
4 reported by the US Census Bureau on June 30 of the prior year, rounded down to the nearest
5 \$1,000, to be paid as provided in subsection (b) of this section. In addition to the basic
6 compensation, members shall receive the additional compensations as are expressly provided in
7 §4-2A-3, §4-2A-4, and §4-2A-5 of this code. All other increased amounts or new amounts in
8 respect to the compensation of members of the Legislature, set forth in the resolution of the
9 Citizens Legislative Compensation Commission, dated January 23, 2023, and implemented in this
10 section, and §4-2A-4, §4-2A-6, and §4-2A-8 of this code providing for new amounts or amounts

11 increased to new amounts greater than those in force and effect on January 1, 2023, become
12 effective for calendar year 2025 and each calendar year after that: *Provided*, That increased
13 amounts or new amounts in respect to the expenses of members of the Legislature, set forth in
14 said resolution, and implemented in §4-2A-6, and §4-2A-8 of this code providing for new amounts
15 or amounts increased to new amounts greater than those in force and effect on January 1, 2023,
16 become effective for calendar year 2025 and each calendar year after that.

17 (b) The basic compensation is payable as follows:

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

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

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

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

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

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

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

§4-2A-3. Compensation for members of the Legislature during any extension of regular

session or during extraordinary session.

1 Each member of the Legislature shall receive, in addition to the basic compensation
2 provided for in §4-2A-2 of this code, additional compensation of \$200 per day for each day of
3 attendance in person upon any business of the Senate or House of Delegates, as the case may
4 be, on each day upon which the Senate or House of Delegates is actually called to order during
5 each extension of regular session or during extraordinary session of the Legislature. The
6 additional compensation shall be paid, from time to time, during any extended session or
7 extraordinary session, as prescribed by rules established by the Legislative Auditor.

**§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.**

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

4 (1) \$150 per day for each day actually served during any regular, extension of regular or
5 extraordinary session as presiding officer, including Saturdays and Sundays; and

6 (2) \$200 per day for attending to legislative business when the Legislature is not in regular
7 session: *Provided*, That no additional compensation shall be paid pursuant to this subdivision if the
8 presiding officer is receiving compensation pursuant to §4-2A-3 or §4-2A-5 of this code.

9 (b) In addition to the basic and additional compensation provided in §4-2A-2 or §4-2A-3 of
10 this code, the majority leaders and minority leaders of the Senate and of the House of Delegates
11 shall each receive additional compensation of \$50 per day for each day actually served during any
12 regular, extension of regular or during extraordinary session, including Saturdays and Sundays, as
13 the selected legislative leaders of their respective political parties.

14 (c) The presiding officer and majority and minority leader compensation shall be paid, from
15 time to time, during any such session or interim period, as the case may be, as may be prescribed

16 by rules established by the Legislative Auditor.

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

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

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

7 (b) In addition to the basic and any additional compensation provided for in §4-2A-2, §4-
8 2A-3, and §4-2A-4 of this code and subsection (a) of this section, each member shall receive
9 interim compensation of \$200 per day for each day actually engaged in the performance of
10 legislative duties at a meeting of any legislative committee which meets between regular sessions
11 of the Legislature and outside of regular interim meetings when authorized by the committee co-
12 chairs and approved by the President of the Senate and the Speaker of the House of Delegates,
13 not to exceed 15 days per calendar year.

§4-2A-6. Travel expenses.

1 (a) Each member of the Legislature is entitled to be reimbursed, upon submission of an
2 expense voucher, for expenses incurred incident to travel in the performance of his or her duties
3 as a member of the Legislature or any committee of the Legislature, whether the committee is

4 operating under general law or resolution, including, but not limited to, attendance at party
5 caucuses held in advance of the date of the assembly of the Legislature in regular session in odd-
6 numbered years for the purpose of selecting candidates for officers of the two houses, at a rate
7 equal to that paid by the travel management office of the Department of Administration for the most
8 direct usually traveled route, if travel is by private automobile, or for actual transportation costs for
9 direct route travel, if travel is by public carrier, or for any combination of those means of
10 transportation actually used, plus the cost of necessary taxi service, tolls and parking fees in
11 connection with the travel, but during any regular, extension of regular or extraordinary session,
12 travel expenses shall not be paid to any member for more than one round trip to and from the seat
13 of government and to and from his or her place of residence for each week of the session.

14 (b) In addition to the travel expense in subsection (a) of this section, the President of the
15 Senate and the Speaker of the House of Delegates are entitled to be reimbursed as provided in
16 subsection (a) of this section, upon submission of an expense voucher, for expenses incurred
17 incident to travel which is related to their duties as presiding officers of the respective houses of the
18 Legislature, but which takes place when the Legislature is not in regular session.

19 (c) The rate paid for mileage pursuant to this section may change, from time to time, in
20 accordance with changes in the reimbursement rates established by the travel management office
21 of the Department of Administration, or its successor agency.

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

1 (a) Each member of the Legislature who does not commute daily shall receive the sum of
2 \$175 per day as per diem allowance in connection with any regular, extended, extraordinary
3 session, interim assignment or for any member authorized by the presiding officer. Any member of
4 the Legislature who does commute daily shall receive the sum of \$75 per day as the per diem
5 allowance and, in addition to the allowance, shall be reimbursed for overnight commuting
6 expenses at the mileage rate equal to the amount paid by the travel management office of the
7 Department of Administration for the most direct usually traveled route, if travel is by private

8 automobile, or for actual transportation costs for direct route travel, if travel is by public carrier, or
9 for any combination of the means of transportation actually used, plus the costs of necessary taxi
10 service, tolls and parking fees in connection with the travel: *Provided*, That the total of this per
11 diem allowance plus travel expense for a daily commuting member may not exceed \$175 per day.
12 The amount for mileage paid pursuant to this subsection may change from time to time in
13 accordance with changes in the level of reimbursement by the travel management office.

14 (b) The President of the Senate and the Speaker of the House of Delegates, the Chairman
15 of the House Committee on Finance, the Chairman of the Senate Committee on Finance, the
16 Chairman of the House Committee on the Judiciary, the Chairman of the Senate Committee on the
17 Judiciary, and up to six additional persons from each house designated by the presiding officer
18 pursuant to §4-2A-4 of this code, shall be reimbursed for travel at the rate established in
19 subsection (a) of this section, and shall further receive the per diem allowance established in the
20 subsection in connection with business which is related to their duties as officers at the times when
21 the Legislature is not in regular session.