

Compensation of Members of the
General Assembly

REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
WITHOUT RECOMMENDATION
TO THE
GOVERNOR
AND THE
GENERAL ASSEMBLY OF VIRGINIA



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Compensation of Members of the General Assembly

A REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

RICHMOND, VIRGINIA, *December 14, 1945.*

To:

Honorable Colgate W. Darden, Jr., Governor of Virginia

AND

The General Assembly of Virginia:

The General Assembly at its extra session in 1945 directed the Virginia Advisory Legislative Council to make a study and report upon the Compensation of Members of the General Assembly. The Council in order to avoid any imputation of bias or expression of interest appointed a Committee with no member of the Council thereon and with no present or prospective member of the General Assembly serving on the Committee. In order to assure a completely non-partisan Committee the following were appointed: C. O'Connor Goolrick, former Member, State Senate, Attorney at Law, Fredericksburg; Raymond B. Pinchbeck, Dean, Richmond College, University of Richmond; H. A. Ford, Martinsville; Overton D. Dennis, Richmond; Arthur Davidson, Editor, Northern Virginia Daily, Strasburg; Samuel T. Northern, Vice-President, National Bank of Commerce, Norfolk. Dr. William H. Stauffer was of assistance to the Committee in the preparation of certain data.

The Committee organized under Mr. Goolrick, as its Chairman. Cassius M. Chichester and John B. Boatwright, Jr., were appointed Secretary and Recording Secretary, respectively, to the Committee.

The Committee met on several occasions, studied all the available data and made its report to the Council, as follows:

To the Chairman and Members of the Virginia Advisory Legislative Council:

As requested by the Council, the undersigned Committee has made a study of compensation of members of the General Assembly under House Joint Resolution Number Five, agreed to by the House on March 19, 1945, which reads as follows:

“BE IT RESOLVED by the House of Delegates, the Senate concurring, that the Virginia Advisory Legislative Council, is authorized and directed to study and report, with its recommen-

dations, at least sixty days before the next meeting of the General Assembly, on the subject of compensation of the members of the General Assembly."

The Committee had before it and considered, a table prepared in the office of the Director of Statutory Research and Drafting, setting out salaries and compensation of members of legislative bodies of the several states, which was helpful to the Committee in reaching its conclusions as set forth herein. This table discloses a somewhat wide variance in the amounts paid by the different states and a like variance in the length of the session.

Comparing the amount presently paid in Virginia (which is \$720 per regular session and was \$500 per regular session prior to 1928), with the amounts in the other Southern and border states, we find that the Virginia rate is slightly higher than the average paid in these states.

Alabama, Kentucky, Louisiana and Texas, pay at the rate of \$10 per day; Arizona \$8.00; Florida \$6.00; Georgia \$7.00; Oklahoma \$6.00; Tennessee \$4.00. A number of the states pay by the year rather than by the session; among these in the Southern and border group, are Arkansas, \$1,000 for two years; Maryland \$1,000 per year; North Carolina \$600 per year; West Virginia \$500 per year and Mississippi \$1,000 per session, which is the equivalent to \$500 per year. (See Table I).

Some of those who advocate increased compensation for members of the Virginia General Assembly advance two reasons in favor of such increase. First, it is argued that the present scale of pay barely covers the expenses of members incurred during their stay in Richmond, to say nothing of extra expense to which members from time to time are put, by having to return to Richmond in the interest of their constituents during the interim between sessions. Second, it is urged that by increasing the compensation of members, men of higher calibre would be attracted to the Assembly. The first reason appeals to us as sound but we question the second.

In 1936 there was submitted to the people of the State of Washington, a joint resolution proposing an increase in the compensation of members of the legislature from \$5.00 to \$10.00 per day. This resolution was advocated by the Washington Legislative League, Incorporated, and during the campaign for its adoption the Executive Secretary of the League wrote letters to the governors of the various states asking for an expression from them on the proposal and particularly their opinion as to whether the increase would attract abler men to seek office. The Committee, thanks to the courtesy of Mr. Lou N. Small, Executive Secretary, has had the opportunity to examine the replies received from the various governors to the letters addressed to them.

While some of the governors were of the opinion that increased compensation would attract men of higher calibre most of those who expressed themselves were of a contrary opinion. As a sample of this opinion, we quote from a letter of September 29, 1936, from Governor

H. Styles Bridges, of New Hampshire (now United States Senator Bridges) to Mr. Small, in which the Governor says:

"To a majority of our members at the present time, service in our Legislature is regarded as an honor, rather than a source of revenue, and a surprising number of our best citizens are willing to suffer pecuniary loss in order to benefit the State and their communities in this way."

Governor H. G. Kump, of West Virginia, under date of September 2, 1936, expressed his view as follows:

"There is much interest in the elections for the Legislature throughout the State and I do not believe the salary is looked upon as an important consideration by the average candidate for the Legislature."

The Committee agrees with the opinions quoted and so far as Virginia is concerned we believe that the State has been exceedingly fortunate in the high type of men who have composed her legislative bodies for many years. The Committee, however, feels that under present conditions the scale of pay in Virginia is too low. In this connection Governor Peery, in replying to the letter from Mr. Small wrote him under date of September 22, 1936, as follows:

"In Virginia the members of our General Assembly are paid \$12.00 per diem and mileage. We do not think this pay is too large; in fact the actual expenses of members are usually greater than the per diem payment."

If the compensation was inadequate in 1936, it is even more so at present.

The Committee believes that there should be a change in the method of compensating members. Thus, instead of paying them \$720 for the sixty day session, we recommend that they be paid \$10.00 per day during the session, and \$25.00 per month for each month of their term, or a total of \$1,200.00. If this is done we further recommend that pay for special sessions be reduced from \$12.00 per day to \$10.00 and this pay limited to the actual days of the session. At the present time members receive \$360.00 whether the extra session lasts ten days or thirty. No good reason is perceived why so large an amount should be paid where the session lasts but a few days.

At the present time members, in addition to their compensation, receive 10 cents per mile for traveling expenses. If the increased compensation recommended herein is granted, the Committee is of the opinion that mileage should be reduced to 5 cents per mile, plus actual necessary traveling expenses other than cost of transportation going to and from Richmond for the session. This mileage allowance is more

nearly similar to that paid at present to members of the various State boards, and it seems to us that the mileage rate should be uniform.

The present statute by which mileage is computed for the payment of mileage allowance is now outmoded. It is based on mail routes established before good highways were established in Virginia. It is recommended by this Committee that the present statute by which mileage allowances are computed be revised to show the most direct mileage distance from various points in the State to Richmond by the present highway system.

Referring to the monthly payment the Committee have considered the fact that during the interim between sessions, most, if not all, of the members of the General Assembly, are called upon from time to time to travel to Richmond on business in connection with the office and in the interests of their constituents and for this work they receive neither compensation nor mileage. We also feel that members would perhaps take more interest in this necessary work if they were receiving the monthly compensation.

Attached to this report is a table showing the cost of meetings of the General Assembly, in regular sessions and in special sessions, from 1936 to 1945. (See Table II). Table III, also attached to this report, shows the compensation and mileage allowance to members of the General Assembly, and the comparison of the total costs with previous costs of legislative sessions, if the recommendations of this Committee are adopted. Table IV shows the rates of compensation for members of the General Assembly of Virginia since 1878.

The Committee has attached to this report a copy of a proposed bill embodying its recommendations.

The Committee gratefully acknowledges the assistance of Dr. William H. Stauffer, Director of Research of the Virginia State Chamber of Commerce, in the preparation of Table II and other calculations and research in this report.

C. O'CONNOR GOOLRICK, *Chairman*
RAYMOND B. PINCHBECK
HECK A. FORD
S. T. NORTHERN
O. D. DENNIS
ARTHUR DAVIDSON

TABLE I
SALARIES AND COMPENSATION OF THE LEGISLATORS

STATE	SALARIES			Mileage
	Regular Session	Special Session		
Alabama	\$10 per day (a)	\$10 per day	10¢ a mile, one round trip	
Arizona	\$8 per day, 60 days	\$8 per day, 20-day limit	20¢ a mile, one way	
Arkansas	\$1,000, 2 years	\$6 per day, 15-day limit	5¢ a mile	
California	\$1,200 per year (b)	(b)	Mileage, Regular or Special Session*	
Colorado	\$1,000, 2 years		Actual traveling expenses	
Connecticut	\$300, 2 years		10¢ a mile	
Delaware	\$10 per day, 60 days	\$10 per day, 30-day limit	10¢ a mile (c)	
Florida	\$6 per day	\$6 per day	10¢ a mile	
Georgia	\$7 per day	\$7 per day	10¢ a mile, one round trip	
Idaho	\$5 per day, 60 days	\$5 per day, 20-day limit	10¢ a mile, one round trip	
Illinois	\$5,000, 2 years		5¢ a mile (d)	
Indiana	\$10 per day, 61 days		20¢ a mile, one round trip	
Iowa	\$1,000, 2 years	\$10 per day, 40-day limit	5¢ a mile	
Kansas	\$3 per day (e)	Not over \$10 per day	15¢ per mile, one round trip	
Kentucky	\$10 per day	\$3 per day (e)	5¢ a mile (f)	
Louisiana	\$10 per day	\$10 per day	10¢ a mile (g)	
Maine	\$600	\$10 per day	\$2 for 10 miles, one way	
Maryland	\$1,000 per year	\$5 per day	20¢ a mile (h)	
Massachusetts	\$2,500 per session	\$5 per day, 90-day limit	\$4.20 a mile (once)	
Michigan	\$3 per day (j)	Determined at session	10¢ a mile, one round trip	
Minnesota	\$1,000, 2 years		10¢ a mile, limit \$200	
Mississippi	\$1,000, per session	Mileage only	10¢ a mile, one round trip	
Missouri	\$125 per month	\$10 per day	By counties, computed by distance	
Montana	\$10 per day	\$125 per month	7¢ a mile	
		\$10 per day, 60-day limit		

TABLE I—CONTINUED

STATE	SALARIES		Mileage
	Regular Session	Special Session	
Nebraska.....	\$1,744.18, 2 years.....	None.....	Actual traveling expenses one round trip
Nevada.....	\$10 per day.....	\$10 per day.....	10¢ a mile for shortest route by rail
New Hampshire.....	\$200 per term.....	\$3 per day, 15-day limit.....	10¢ a mile, round trip once a week
New Jersey.....	\$500 per year.....	None.....	Transportation
New Mexico.....	\$5 per day.....	\$5 per day, 30-day limit.....	10¢ a mile
New York.....	\$2,500 per year.....	None.....	Actual traveling expenses round trip once a week
North Carolina.....	\$600 per year.....	\$3 per day, 20-day limit.....	None
North Dakota.....	\$5 per day, 60 days.....	\$5 per day.....	10¢ a mile, one round trip
Ohio.....	\$2,000 per year.....	None.....	Mileage
Oklahoma.....	\$6 per day (k).....	\$6 per day (k).....	10¢ a mile, one round trip
Oregon.....	\$8 per day, 50 days.....	\$8 per day, 20-day limit.....	10¢ a mile
Pennsylvania.....	\$3,000 per session.....	\$500 per session (l).....	5¢ a mile round trip, once a week (m)
Rhode Island.....	\$5 per day.....	None.....	8¢ a mile
South Carolina.....	\$10 per day, 40 days with pay.....	\$10 per day, 40 days with pay.....	1¢ a mile, round trip once a week
South Dakota.....	\$5 per day, 60 days.....	\$5 per day.....	5¢ a mile, one round trip (n)
Tennessee.....	\$1 per day, 75 days with pay.....	\$1 per day, 20 days with pay.....	\$1 for 25 miles
Texas.....	\$10 per day (o).....	\$10 per day.....	\$2.50 for 25 miles
Utah.....	\$1 per day.....	\$1 per day, 30-day limit.....	10¢ a mile
Vermont.....	\$400, 2 years.....	\$6 per day.....	20¢ a mile (p)
Virginia.....	\$720 each session.....	\$360 per session.....	10¢ a mile (q)
Washington.....	\$5 per day.....	\$5 per day, 60-day limit.....	10¢ a mile, one round trip
West Virginia.....	\$500 per year.....	None.....	10¢ a mile
Wisconsin.....	\$2,400, 2 years.....	None.....	10¢ a mile, one round trip
Wyoming.....	\$12 per day.....	\$10 per day.....	8¢ a mile, nearest practical route.

- a. President of Senate and Speaker of House of Representatives receive \$12 a day.
 - b. Regular session years: \$12 per session day plus balance to \$1,200; non-session years, \$100 monthly.
 - c. \$25 for postage regular session, \$10 special session.
 - d. \$50 per session for postage, etc.
 - e. Not to exceed \$150 for regular, or \$90 for special session.
 - f. \$20 for House and \$35 for Senate.
 - g. Two round trips allowed for regular sessions; one round trip allowed for special sessions.
 - h. In terms of fixed amounts for each member.
- i. Allowance of \$500 to meet expenses while General Court is in recess.
 - j. For elected term.
 - k. \$2 a day after 60 days.
 - l. \$750 if session lasts over one month.
 - m. \$150 for postage regular session, \$50 special session.
 - n. \$200 expense a year.
 - o. \$5 a day after 120 days.
 - p. Regular session; 10 cents a mile special session.
 - q. Distance computed by nearest mail route.

TABLE II
COMPARISON OF SALARIES AND MILEAGE COSTS OF MEMBERS OF GENERAL ASSEMBLY SINCE 1936
AND COSTS WHICH WOULD HAVE BEEN INCURRED UNDER PROPOSED PLAN

	Regular 1936	Extra 1936	Regular 1938	Regular 1940	Regular 1942	Extra 1942	Regular 1944	Extra 1944	Extra 1945	Total for 5 Regular and 4 Extra Sessions Since 1936
Days in Session.....	60	6	60	60	60	3	60	2	11†	322
WHAT THE COST HAS BEEN:										
House and Senate Salaries:										
President (Senate).....	\$ 900		\$ 900	\$ 900	\$ 900		\$ 900			\$ 4,500
Speaker (House).....	900		900	900	900		900			4,500
Members.....	99,360	\$ 49,500	99,360	99,360	99,360	\$ 7,460	99,360	\$ 49,500	\$ 50,940	654,200
Total.....	\$101,160	\$ 49,500	\$101,160	\$101,160	\$101,160	\$ 7,460	\$101,160	\$ 49,500	\$ 50,940	\$ 663,200
Mileage @ 10¢ per mile.....	\$ 4,000*	\$ 4,000*	\$ 4,000*	\$ 4,000*	\$ 4,000*	\$ 3,799	\$ 4,055	\$ 4,051	\$ 8,048	\$ 39,953
Total Salaries and Mileage.....	\$105,160	\$ 53,500	\$105,160	\$105,160	\$105,160	\$ 11,259	\$105,215	\$ 53,551	\$ 58,988	\$ 703,153
WHAT THE COST WOULD HAVE BEEN UNDER PROPOSED PLAN:										
Salaries @ \$25 per month for term.....	\$ 81,000		\$ 84,000	\$ 81,000	\$ 81,000		\$ 81,000			\$ 420,000

Per diem for days attending sessions at \$10.....	84,000	\$ 8,400	84,000	84,000	\$ 4,200	84,000	\$ 2,800	\$ 15,400	450,800
Total.....	\$168,000	\$ 8,400	\$168,000	\$168,000	\$ 4,200	\$168,000	\$ 2,800	\$ 15,400	\$ 870,800
Mileage @ 5¢ per mile.....	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000	\$ 1,900	\$ 2,028	\$ 2,025	\$ 4,024	\$ 19,977
Total Salaries and Mileage.....	\$170,000	\$ 10,400	\$170,000	\$170,000	\$ 6,100	\$170,028	\$ 4,825	\$ 19,424	\$ 890,777
Costs actually incurred.....									703,153
Net increase.....									\$ 187,624

*Estimated on basis of cost for known years.

†March 19-26 and May 14-16.

TABLE III
COMPARISON OF COMPENSATION AND MILEAGE ALLOWANCE TO MEMBERS
OF THE GENERAL ASSEMBLY UNDER THE PROPOSED PLAN WITH
TEN-YEAR AVERAGE UNDER THE PRESENT LAW*

(a) Salary at \$25 per month (\$25 times 24).....	\$	600.00
(b) Per diem for regular session (\$10 times 60).....		600.00
(c) Per diem for extra session (\$10 times 4.4).....		44.00
(d) Average transportation cost to and from session (\$.05 times 572)...		28.60
(e) Total cost per member per biennium.....	\$	1,272.60
(f) Actual cost per member per biennium during the past ten years...		1,004.30
(g) Increased cost per member under proposed plan.....	\$	268.30
(h) Actual average total cost per biennium during the past ten years...	\$	140,631.00
(i) Estimated total cost per biennium under proposed plan.....		178,164.00
(j) Estimated increase in total cost per biennium.....	\$	37,533.00

*NOTE.—This plan proposes to compensate the members of the General Assembly on the following basis: (a) a monthly salary of \$25 during the term of office; (b) a per diem of ten dollars (\$10) for each day that the Assembly is in regular or extra session; and (c) mileage for travel to and from sessions at the rate of five cents (\$.05) per mile. The computation assumes a regular session every biennium and uses the average length of special sessions during the past ten years, 4.4 days per extra session.

TABLE IV
RATE OF COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY SINCE 1878*

	SPEAKER OF THE HOUSE		PRESIDENT OF THE SENATE		MEMBER OF THE HOUSE AND SENATE		Mileage
	Regular Session	Special Session	Regular Session	Special Session	Regular Session	Special Session	
Present law.....	\$ 900	450	900	450	720	360	10¢ per mile
Prior to 1928.....	720	360	720	360	500	250	10¢ per mile
†Prior to 1906.....	600	300	600	300	360	180	10¢ per mile

*Regular session—Constitution, Section 46.—Convenes once every two years on the second Wednesday in January after elections, for a period of 60 days. May have a 90-day session with concurrence of three-fifths of the members of both houses (30 days extra).

Extra session—Constitution, Section 73.—May convene when two-thirds of the members of both houses request the Governor, or when in the Governor's opinion the interests of the State may require. Extra session may be in session for thirty days.

Section 45 of the Constitution reads:
"The members of the General Assembly shall receive for their services a salary to be fixed by law and paid from the public treasury; but no act increasing such salary shall take effect until after the end of the term for which the members voting thereon were elected; and no member during the term for which he shall have been elected shall be elected by the General Assembly to any civil office of profit in the State."

The above salaries are paid regardless of the length of the regular or extra session, as the case may be.
†The salary indicated as "prior to 1906" was raised to the amount indicated in 1878.

A BILL

To amend and re-enact Sections 3454, as amended, and 3455 of the Code, relating to compensation and expense allowance of members, presiding officers, members of committees, officers and employees of the General Assembly.

Be it enacted by the General Assembly of Virginia:

1. That sections thirty-four hundred fifty-four, as amended, and thirty-four hundred fifty-five of the Code be amended and re-enacted, as follows:

Section 3454. **Compensation of members and presiding officers, etc., of the General Assembly.—(a) The President of the Senate and every member of the General Assembly shall receive a yearly salary of three hundred dollars, payable in monthly instalments.*

*(b) Members of the General Assembly * other than the Speaker of the House of Delegates and the presiding officer of the Senate when there is a vacancy in the office of President of the Senate shall each receive in addition to such yearly salary six hundred dollars for attendance and services at each regular session * payable in equal weekly instalments while the General Assembly is actually in session, the balance, if any, to be paid upon adjournment prior to the regular expiration of the regular sixty day session.*

(c) In addition to such yearly salary the President of the Senate or its presiding officer when there is a vacancy in the office of President of the Senate and the Speaker of the House shall each receive nine hundred dollars for attendance upon every regular session of the General Assembly, payable in the same manner, and for each day of actual session of every extra session each member other than the Speaker of the House and the presiding officer of the Senate when the office of President of the Senate is vacant shall receive in addition ten dollars a day and the President of the Senate or its presiding officer when the office of President of the Senate is vacant and the Speaker of the House shall receive in addition fifteen dollars a day, payable weekly.

*(d) Anyone absent during any session on account of sickness, or one who has obtained leave of absence, shall receive such * compensation as is due him in addition to the yearly salary in the same manner as if he had been in his seat.*

*(e) * In case of death or the vacating of the seat or office of an incumbent all uncollected compensation prorated up to the date of the death or occurrence of other vacancy shall be paid * and his successor, if any, * shall receive * the salary and other compensation beginning from the date of his * qualification.*

*(f) Members of legislative committees which * sit during any recess of the General Assembly shall receive when not otherwise provided compensation at the rate of twelve dollars a day for the time actually employed in the discharge of their duty.*

Section 3455. *Mileage * and expenses of legislative committees, etc.—Every member of the General Assembly and every officer and employee of each house and every member of legislative committees*

which sit during any recess of the General Assembly * shall receive, * *when not otherwise provided, in addition to their respective salaries and other compensation, if any, on account of expenses, five cents a mile for every mile of necessary travel to and from the place of meeting, to be computed according to the nearest * State Highway route, and their actual necessary traveling expenses other than cost of transportation.*

2. This act shall become effective on and after the second Wednesday in January, nineteen hundred forty-eight.

The report of the Committee was considered at length by the Council. Some of the members felt that it should be approved; some that it should not be approved. A majority, however, felt that it should be passed on to the Governor and General Assembly without recommendation and hence it is transmitted herewith.

The Council wishes to express its appreciation for the services of the members of the Committee. They gave most freely of their time, thought and efforts to the report which has been set out at length above.

Respectfully submitted,

EDWARD L. BREEDEN, JR., *Chairman*
By direction of the Council.