

**COMPENSATION OF THE GENERAL ASSEMBLY**  
**A Report of the**  
**VIRGINIA ADVISORY LEGISLATIVE COUNCIL**  
**To**  
**THE GOVERNOR**  
**and**  
**THE GENERAL ASSEMBLY OF VIRGINIA**



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COMPENSATION OF THE GENERAL ASSEMBLY

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REPORT OF THE  
VIRGINIA ADVISORY LEGISLATIVE COUNCIL

RICHMOND, VIRGINIA, November 14, 1957.

To:

HONORABLE THOS. B. STANLEY, *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Section 45 of the Constitution of Virginia provides that the salary of a member of the General Assembly cannot be increased during his term of office. The compensation of the General Assembly was discussed during the session of 1956 since the work of the members has increased and inflation has reduced the purchasing power of the dollar. The General Assembly therefore adopted House Joint Resolution No. 90 which is as follows:

HOUSE JOINT RESOLUTION NO. 90

*Directing the Virginia Advisory Legislative Council to make a study and report upon the compensation and expenses payable to members of the General Assembly.*

Whereas, the compensation and expenses to the members of the General Assembly have not been increased since the Session of 1952, despite the fact that prices in general have risen substantially; and

Whereas, the Session of the General Assembly in 1960 will be the first session at which legislation making any change in the compensation of the members of the General Assembly can become fully effective; and

Whereas, the problems confronting the General Assembly have increased in number and magnitude with the result that sessions are quite likely to be more numerous and last longer; and

Whereas, members of the General Assembly are ever more frequently required to come to Richmond or go to other places upon business of their constituents by virtue of their membership in the General Assembly and without compensation from any source; and

Whereas, it is desirable that a report be made to the General Assembly in 1958 upon the matters set forth above, now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, that the Virginia Advisory Legislative Council is hereby directed to make a study and report upon the compensation and expenses payable to members of the General Assembly. Such study shall include consideration of the following matters:

- (a) Whether the basic compensation payable should be increased.

(b) Whether provision should be made for a basic daily compensation for special sessions with such compensation to terminate at the expiration thereof rather than being payable for a longer period,

(c) Whether the basic compensation of the General Assembly should remain the same with provision being made for payment of certain expenses incident to living in Richmond by those who maintain residences elsewhere,

(d) Whether mileage to and from Richmond and the respective places of residence should be allowed the members more than once for each session of the General Assembly,

(e) Whether members of the General Assembly required to come to Richmond upon business of their constituents by virtue of their membership in the General Assembly should be compensated for their expenses incident thereto and the manner in which the same might be provided.

(f) Such other matters as the Council deems appropriate in relation to the foregoing.

The Council shall conclude its study and make its report to the Governor and General Assembly not later than November fifteen, nineteen hundred fifty-seven.

Pursuant to this resolution, the Council appointed Norman C. Bailey, member of the House of Delegates and member of the Council, to serve as chairman of a committee to make the preliminary investigation and report. Following his appointment, Mr. Bailey announced that he would not offer for reelection. The following former members of the General Assembly served with Mr. Bailey on the Committee: Robert F. Hutcheson, Jr., Emporia; J. Maynard Magruder, Arlington; S. Thomas Martin, Lynchburg; G. Edmond Massie, Richmond; Leonard G. Muse, Roanoke; D. French Slaughter, Culpeper; J. Hoge Tyler, III, Norfolk, and Russell M. Weaver, Harrisonburg.

The Committee met and organized in 1957. The members selected John B. Boatwright, Jr., and G. M. Lapsley to serve as Secretary and Recording Secretary, respectively. The pay and allowances of members of the legislatures of the several states were reviewed as were the relevant factors bearing upon the proper compensation for service in the General Assembly of Virginia. The Committee, after consideration of the material before it and the factors involved, submitted a report to the Council. We have carefully studied the contents of this report and make the following recommendations.

1. The present payment of \$18.00 a day for members of the General Assembly should be continued. The payment for special sessions should be governed by the days the Legislature is actually in session up to a maximum of 30 days. The total payment for special sessions should be a sum proportionate to the length of the session.

2. Members of the General Assembly should be allowed a sum of \$720 as an expense allowance for regular sessions. The expense allowance payment for special sessions should be a sum proportionate to the length of the session.

#### REASONS FOR RECOMMENDATIONS

1. Section 45 of the Constitution of Virginia wisely prohibits members of the General Assembly from increasing their salaries during the terms for which they were elected. The man who runs for office knows

the compensation which he will receive if he is elected. This limitation makes it mandatory that action be taken in advance to change the compensation when conditions require it. With the continuing inflation, it appears beyond doubt that by 1960 the present rate of compensation will be inadequate to meet the expenses necessarily incurred during a session by a member of the General Assembly.

The whole matter of compensation of members of the General Assembly is one of considerable complexity. In Virginia service in the General Assembly has been considered to be an honor and it is felt that there are many who would serve in it without any payment whatsoever. At the same time service in the General Assembly should not be limited to those who can afford it. This would not be representative of the people of the State. Neither should the pay be so much as to attract persons to run for the office merely for the pay. The objective, therefore, is the golden mean of such compensation as will permit an adequate representation of the people of the State without attracting those who seek the office for the pay.

Prior to 1952 the salary of members of the General Assembly was \$12.00 a day. The 1948 session raised the pay to \$18.00 a day, effective with the session of 1952, since those who voted for the increase could not receive it during their term of office. Food and rent have both increased materially since 1952 and no reductions are in sight.

Special sessions of the General Assembly have become more numerous and this trend appears likely to continue in view of the many complex problems facing the State. The statute presently provides that the members shall receive \$540.00 for each special session of the General Assembly. Thus a very short session can result in excessive compensation based on the actual time spent in session. It is our belief that the members should be compensated only for those days the Legislature is actually in session up to a maximum of thirty days. It would seem more appropriate that if a member comes for a ten-day session he should draw \$180.00 in pay rather than \$540.00 which would amount to \$54.00 a day. We believe that the members of the General Assembly desire a basis of compensation which will permit them to make ends meet without being paid for days they are not in session.

2. We have previously recommended a more realistic approach to the compensation of members for special sessions. In the past the payment of \$540.00 for each special session of the General Assembly regardless of the duration of the session has served as an equalizing factor for the inadequate compensation for regular sessions and allowed the members an opportunity to break even on their expenses. Since we have recommended that the members be paid only for those actual days spent in the special session, we feel that some adjustment must be made to adequately compensate the members for their expenses incurred, while in session.

It has been suggested that this expense allowance be available only to those members who come from outside of Richmond and maintain living quarters in the city. The Council feels, however, that this allowance should be made available to all members of the General Assembly. It is thought that the exclusion could apply just as readily to those legislators from the surrounding counties and closely situated cities as it could to the Richmond delegation, and it would be difficult to draw the line of distinction. In addition to this, even those members who reside in the locality of Richmond many times must eat meals in the city and incur other expenses, though they do not require lodging. Of course, the

members who have to maintain an additional residence in Richmond during sessions should be allowed some reimbursement for their expenses for each day that the Legislature is in session.

The Council feels that a sum of \$720 for regular sessions and a sum for special sessions which would be that proportion of \$360 which the actual number of days in session is to 30 days in addition to the regular compensation of the members would enable them to live adequately and comfortably in Richmond and defray many of the expenses incident to being a member of the General Assembly. It would enable a member to pay his hotel and meal bills together with those additional expenses which a person residing away from home is confronted with continually.

The bill which is attached is so drafted that its provisions will not become effective until the 1960 Regular Session, after the expiration of the terms of office of all of the present members of the General Assembly.

### OTHER STATES

The pay and allowance of the members of legislatures of other states vary considerably. In those states which compensate by salary calculated for a biennium the range is from \$200 to as high as \$15,000 per biennium with all variations between the two extremes. There is no standard by which to judge whether states are paying too much or too little, except the general observation that it seems unwise for members to serve at a loss and the pay should not be an incentive to run for the office. Public service is an obligation but it should not be discharged at a loss.

### DISCUSSION OF HJR 90

There follows a brief discussion of the lettered paragraphs of the resolution directing the study:

(a) We do not believe the basic compensation should be increased for the stated reasons.

(b) Compensation for special sessions should be limited to the number of days in which the General Assembly is in session.

(c) The members should receive \$720 for regular sessions and a sum proportionate to the length of the session for special sessions in addition to their regular pay for their necessary expenses incurred while attending sessions of the General Assembly.

(d) No change should be made in the present mileage allowance. Presently all members of the General Assembly are allowed seven cents per mile for one round trip. In 1954 the provision now allowing seven cents was rewritten in an effort to provide uniformity. It is felt that it would be impossible to provide a formula which would be equitable to all members.

(e) Members of the General Assembly required to come to Richmond on business of their constituents by reason of their office should not be compensated by the State.

(f) It is our hope that membership in the General Assembly will continue to be looked upon as a privilege, an honor, and an obligation. The history of the State is replete with illustrious figures who began their careers in the General Assembly. It is our hope that the General Assembly will continue to maintain its well deserved reputation for adherence to

the principles upon which this nation was established and its insistence upon high standards of conduct in its deliberations and discussions.

The Council wishes to express its sincere gratitude to the Chairman and the distinguished group of former members of the House and Senate who gave their time and service in order to effect a more realistic approach to the matter involved.

Attached is a bill to effect our recommendations. We recommend its passage.

Respectfully submitted,

MOSBY G. PERROW, JR., Chairman

NORMAN C. BAILEY, Vice Chairman

ROBERT Y. BUTTON

C. W. CLEATON

J. H. DANIEL

HARRY B. DAVIS

TOM FROST

J. D. HAGOOD

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E. E. WILLEY

J. J. WILLIAMS, JR.

*A BILL to amend and reenact § 14-28.1 of the Code of Virginia, relating to compensation of members of the General Assembly; and to amend the Code of Virginia by adding a section numbered 14-28.2, providing for expenses for such members.*

Be it enacted by the General Assembly of Virginia :

1. That § 14-28.1 of the Code of Virginia be amended and reenacted and that the Code of Virginia be amended by adding a section numbered 14-28.2, the amended and new sections being as follows :

§ 14-28.1. The President of the Senate and the Speaker of the House of Delegates shall each receive the sum of twelve hundred sixty dollars, and the other members of the General Assembly shall each receive the sum of one thousand eighty dollars, for attendance and services at each regular session of the General Assembly; and at all extra sessions the President of the Senate and the Speaker of the House of Delegates shall each receive *\* that proportion of six hundred and thirty dollars which the actual number of days in session is to thirty days*, and the other members of the General Assembly shall each receive *\* that proportion of five hundred and forty dollars which the actual number of days in session is to thirty days*, for attendance upon the duties of their respective houses. Such salaries shall be paid in the following manner : To the President of the Senate and the Speaker of the House of Delegates, each *\* at the rate of one hundred forty-seven dollars per week*, and the other members of the General Assembly, each *\* at the rate of one hundred twenty-six dollars per week*, until their respective salaries are exhausted, or until the General Assembly adjourns; at which time the whole amount of their salaries remaining unpaid, if any, shall then be paid. Any sick member, or one who shall have obtained leave of absence, shall receive such salary as is due him in the same manner as if he had been in his seat.

If, during any session of the General Assembly, any member shall die, or otherwise vacate his seat, and his successor be elected, the personal representative of the deceased member shall receive the uncollected compensation up to the date of the death of such deceased member and the successor of the deceased member shall receive the per diem beginning from the date of his election.

§ 14-28.2. *Each member of the General Assembly shall receive in addition to the salary provided in § 14-28.1 seven hundred and twenty dollars for regular sessions and for extra sessions that proportion of three hundred and sixty dollars which the actual number of days in session is to thirty days, as an allowance for expenses incurred while in attendance upon the duties of their respective houses.*

2. The provisions hereof shall become effective on the second Wednesday of January, nineteen hundred and sixty.