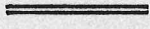


WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1939



ENROLLED

SENATE BILL No. 117

(By Mr. Allen)

PASSED Feb. 16 1939

In Effect Ninety days Passage



**ENROLLED**  
**Senate Bill No. 117**

(BY MR. ALLEN)

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[Passed February 16, 1939; in effect ninety days from passage.]

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AN ACT to add a new article five to chapter five of the code of West Virginia, one thousand nine hundred thirty-one, creating a state budget office, and defining the duties and powers thereof.

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

That a new article five be added to chapter five of the code of West Virginia, one thousand nine hundred thirty-one, to read as follows:

**Article 5. State Budget Office.**

Section 1. *Purpose.* The purpose of this article is to provide  
2 for the efficient and economical management of the financial

3 affairs of the state by the creation of a state budget office;  
4 by providing uniform rules for the preparation of the state  
5 budget under section fifty-one, article six of the state con-  
6 stitution; and by providing a method for the planning, man-  
7 agement and control of state expenditures, and the equaliza-  
8 tion of the compensation of personnel.

Sec. 2. *Definitions.* For the purpose of this article:

2 "Department" means the budget office.

3 "Director" means the director of the budget.

4 "Board" means the board of public works.

5 "Spending unit" means a department, agency or institu-  
6 tion of the state government for which an appropriation is re-  
7 quested, or to which an appropriation is made by the legisla-  
8 ture.

9 "Spending officer" means the executive head of a spending  
10 unit, or a person designated by him.

Sec. 3. *State Budget Office.* There is hereby created in  
2 the state government a "budget office". The budget office  
3 shall act as staff agency for the board of public works in the  
4 exercise of its powers and duties under section fifty-one, article  
5 six of the state constitution, and shall exercise and perform

6 the other powers and duties conferred upon it by this article.

Sec. 4. *Director of the Budget.* There is hereby created the  
2 office of "director of the budget". The director shall be the  
3 executive and administrative head of the budget office.

4 The governor, as chairman of the board of public works,  
5 shall appoint the director of the budget. The director shall  
6 hold office at the will and pleasure of the governor, and shall  
7 devote his entire time to the duties of his office. He shall per-  
8 form his duties under the immediate supervision of the gov-  
9 ernor in his capacity as chairman of the board. The governor  
10 may require the director to perform such other duties, in  
11 connection with the administration of the fiscal affairs of the  
12 state, as are not by law vested in another state officer.

Sec. 5. *Director; Qualifications.* The director shall be se-  
2 lected with special reference to his training, experience and  
3 capacity to perform the duties imposed upon him by this  
4 article.

Sec. 6. *Director; Oath and Bond.* The director, before en-  
2 tering upon his duties shall take and subscribe to the oath pre-  
3 scribed by article four, section five of the state constitution.  
4 He shall execute a corporate surety bond in the sum of ten

5 thousand dollars. The bond shall be in the form prescribed  
6 by the attorney general and shall be approved by the governor.  
7 The premiums upon the bond shall be paid out of the funds  
8 of the department. The oath and bond shall be filed with the  
9 secretary of state.

Sec. 7. *Director; Offices.* The offices of the director shall  
2 be located at the state capital. The director shall keep his  
3 offices open at all reasonable times for the transaction of  
4 business.

Sec. 8. *Director; Compensation.* The director shall receive  
2 an annual compensation to be fixed by the governor, but not  
3 in excess of six thousand dollars. He shall receive, in ad-  
4 dition, the necessary traveling expenses incident to the per-  
5 formance of his duties. Requisitions for traveling expenses  
6 shall be filed with the auditor and shall be preserved as a  
7 public record.

Sec. 9. *Director; Powers and Duties.* The director, under  
2 the immediate direction and supervision of the governor, shall  
3 have the power and duty to:

4 1. Exercise general supervision of, and make rules and  
5 regulations for the government of his department.

- 6     2. Prepare, in accordance with this article, requests for ap-  
7     propriations, estimates of cost, and the form and contents  
8     of the state budget for submission to the board.
- 9     3. Administer the budget in accordance with this article.
- 10    4. Serve as staff agency to the board in the consideration  
11    of requests for appropriations and the preparation of the  
12    budget document.
- 13    5. Make such investigations and submit such reports as the  
14    governor or board may require.
- 15    6. Make a continuous study of state expenditures and  
16    make such recommendations to the governor for the more  
17    economical use of state funds as he shall find practicable.
- 18    7. Render assistance to spending officers with respect to  
19    the fiscal affairs of spending units.
- 20    8. Make an annual report to the governor with respect  
21    to the conduct of the department and the administration of  
22    the state finances.
- 23    9. Exercise such other powers as are vested in him by  
24    this article, or which may be appropriate to the discharge of  
25    his duties.

Sec. 10. *Assistants and Employees.* The director shall ap-

2 point or employ such assistants and employees as may be  
3 necessary for the efficient operation of his department. The  
4 director shall fix the compensation of persons whom he ap-  
5 points or employs subject to provisions of law and regulations  
6 pertaining to the classification and uniform compensation of  
7 personnel. Appointees and employees of the director shall  
8 serve during his will and pleasure.

Sec. 11. *Delegation of Duties.* The powers and duties vested  
2 in the director by this article may be delegated by him to his  
3 assistants and employees, but the director shall be responsible  
4 for all official acts.

Sec. 12. *Requests for Appropriations.* The spending officer  
2 of each spending unit, other than the legislature, shall on or  
3 before the fifteenth day of October of each year prior to the  
4 year in which the legislature convenes in regular session, sub-  
5 mit to the director a request for appropriations for each of  
6 the two fiscal years, next ensuing.

Sec. 13. *Content of Requests.* A request for appropriations  
2 for a spending unit shall specify and itemize in written form :  
3 1. A statement showing the amount and kinds of revenue  
4 and receipts collected for the use of the spending agency dur-

5 ing the next preceding fiscal year and anticipated collections  
6 for each of the two fiscal years next ensuing.

7 2. A statement by purposes and objects, of the amount of  
8 appropriations requested for the spending unit without de-  
9 ducting the amount of anticipated collections of special reve-  
10 nue, special general revenue, federal aid, or other receipts.

11 3. A statement showing the actual expenditures of the  
12 spending unit for the last preceding fiscal year and estimated  
13 expenditures for the current fiscal year itemized by purposes  
14 and objects, including those from regular and supplementary  
15 appropriations, federal aid, private contributions, transfers,  
16 allotments from an emergency or contingent fund, and any  
17 other expenditures made by or for the spending unit.

18 4. A statement showing the number, classification and com-  
19 pensation of persons employed by the spending unit distin-  
20 guishing between regular, special and casual employees during  
21 the last preceding fiscal year and during the current fiscal  
22 year. The statement shall show the personnel requirements  
23 in similar form for the two ensuing fiscal years for which ap-  
24 propriations are requested.



25 5. A statement showing in detail the purposes for which  
26 increased amounts of appropriations, if any, are requested,  
27 and giving a justification statement for the expenditure of the  
28 increased amount. A construction or other improvement re-  
29 quest shall show in detail the kind and scope of construction  
30 or improvement requested.

31 6. A statement of money claims against the state arising  
32 out of the activities of the spending unit.

33 7. Such other information as the director may request.

Sec. 14. *Form of Request.* The director shall specify the  
2 form and the detail of itemization of requests for appropria-  
3 tions and statements to be submitted by a spending unit. He  
4 shall furnish blank forms for this purpose.

Sec. 15. *Information from the State Auditor.* The director  
2 shall, on or before the fifteenth day of October of each year  
3 preceding the year in which the legislature meets in regular  
4 session, ascertain for the last preceding year and as estimated  
5 for the current fiscal year :

6 1. The condition of each of the funds of the state.

7 2. A statement of all revenue collections both general and  
8 special.

9 3. Such other information relating to the finances of the  
10 state as the governor may request.

Sec. 16. *Appropriations for the Judiciary.* The governor  
2 shall transmit to the director the appropriations required by  
3 law for the judiciary for each of the two fiscal years next  
4 ensuing and which have been certified to the governor by the  
5 auditor. The auditor shall certify such appropriations to  
6 the governor in accordance with section fifty-one, article six  
7 of the state constitution on or before October fifteenth of each  
8 year preceding the year in which the legislature meets in  
9 regular session.

Sec. 17. *Appropriations for the Legislature.* The ap-  
2 propriations for the legislature, certified for each house by  
3 its presiding officer, shall be transmitted to the director as  
4 soon as possible after the legislature convenes in regular ses-  
5 sion.

Sec. 18. *Examination of Requests.* The director shall ex-  
2 amine the requests of a spending unit with respect to re-  
3 quested appropriations, itemization, sufficiency of justification  
4 statements, and accuracy and completeness of all other in-  
5 formation which the spending officer is required to submit.

6 If the director finds a request, report, or statement of a  
7 spending unit inaccurate, incomplete or inadequate he shall  
8 consult with the spending officer of the unit and require the  
9 submission of the requests in proper form and content. The  
10 director shall assist spending officers in the preparation of  
11 their requests.

Sec. 19. *Appropriations Other Than for Spending Units.*

2 A person or organization, other than a spending officer, who  
3 desires to request a general appropriation in the state budget,  
4 shall submit his request to the director on or before the  
5 fifteenth day of October of the year next preceding the year  
6 in which the legislature meets in regular session. The re-  
7 quest shall be in the form prescribed by the director and shall  
8 be accompanied by a justification statement.

Sec. 20. *Itemization.* The tentative budget submitted by

2 the director shall itemize appropriations separately for:

- 3 1. "Personal services" which shall mean salaries, wages,  
4 fees and other compensation for skill, work or employment.
- 5 2. "Current expense" which shall mean operating costs  
6 other than personal services, and shall not include equipment,  
7 repairs and alterations, buildings, or lands.

8     3. "Equipment" which shall mean equipment items which  
9     have an appreciable and calculable period of usefulness in  
10    excess of one year.

11    4. "Repairs and alterations" which shall mean repairs  
12    to structures and improvements to property which do not  
13    increase the capital asset.

14    5. "Buildings" which shall include construction and al-  
15    teration of structures and the improvement of lands and shall  
16    include shelter, support, storage, protection, or the improve-  
17    ment of a natural condition.

18    6. "Lands" which shall mean the purchase of lands or  
19    interests in lands.

20    A spending unit or other person requesting an appropria-  
21    tion may submit a different itemization with the prior ap-  
22    proval of the director, if the uniform itemization does not  
23    apply.

    Sec. 21. *Preparation of Tentative Budget.* The director  
2    shall prepare for the consideration of the board a tentative  
3    budget for each of the two fiscal years next ensuing. The bud-  
4    get shall state, at least, actual amounts for the fiscal year next  
5    preceding, estimated amounts for the current fiscal year,

6 and it shall state also the requested amounts, or estimates, for  
7 the two fiscal years next ensuing with respect to:

8 1. Appropriations requested by each spending unit and  
9 requested general appropriations.

10 2. The amount of the total of each appropriation to be  
11 paid out of collections.

12 3. Amounts and purposes of appropriations requested oth-  
13 er than for spending units of the state.

14 4. Revenue of each of the funds of the state.

15 5. A summary statement of requests and revenues showing  
16 the amount of an anticipated surplus or deficit.

17 On or before December first, the director shall submit the  
18 tentative budgets to the board of public works. The director  
19 shall convey to the board all explanatory and justification  
20 statements and statements of personnel requirements of spend-  
21 ing units as reported and filed in his office.

Sec. 22. *Powers of the Director in the Administration of*  
2 *Expenditures.* The director shall supervise and control the  
3 expenditure of appropriations made by the legislature except  
4 those made to the legislature and those made to the judicial  
5 branch of the state government. The expenditure of an ap-

6 appropriation made by the legislature shall be conditioned  
7 upon compliance by the spending unit with the provisions of  
8 this article. An appropriation made by the legislature shall  
9 be expended only in accordance with this article.

Sec. 23. *Report on Revenue Collection.* The director shall  
2 ascertain the collection of the revenue of the state and shall  
3 determine each quarter of the fiscal year the proportion which  
4 the amount actually collected bears to the collection estimated  
5 for that period. The director shall certify to the governor,  
6 as soon as possible after the close of each quarter, and at such  
7 other times as the governor may request, the condition of the  
8 state revenues and of the several funds of the state. For the  
9 purposes of this section the director shall have the authority  
10 to require all necessary estimates and reports from any  
11 spending unit of the state government.

Sec. 24. *Management Accounting.* The director shall for-  
2 mulate the requirements of a system of management account-  
3 ing for the planning, management and control of state ex-  
4 penditures. The requirements shall include methods for re-  
5 cording the collection of all income, amounts available for  
6 expenditure, obligations, encumbrances and disbursements

7 for each spending unit. The director shall certify such re-  
8 quirements to the tax commissioner. The tax commissioner,  
9 as chief inspector and supervisor of public offices, shall incor-  
10 porate the requirements into a system of accounting for the  
11 state government. The system shall include the accounts  
12 to be kept by the director, the auditor, and the treasurer.  
13 The tax commissioner, by virtue of the authority vested in  
14 him by article nine, chapter six of this code, shall, after the  
15 system has been approved by the board, require its use by all  
16 spending units.

17 This section shall not apply to the judiciary or to the legis-  
18 lative branch of the government.

Sec. 25. *Expenditure Schedules.* Prior to the beginning of  
2 each fiscal year the spending officer of a spending unit shall  
3 submit to the director a detailed expenditure schedule for the  
4 ensuing fiscal year. The schedule shall be submitted in such  
5 form and at such time as the director may require.

6 The schedule shall show :

- 7 1. A proposed monthly rate of expenditure for amounts  
8 appropriated for personal services.
- 9 2. A proposed quarterly rate of expenditure for amounts

10 appropriated for current expenses and for equipment, repairs  
11 and alterations.

12 3. A proposed yearly plan of expenditure for amounts  
13 appropriated for buildings and lands.

14 The director may accept a differently itemized expenditure  
15 schedule from a spending unit to which the requirements of  
16 this section do not apply.

17 The director shall consult with and assist spending officers  
18 in the preparation of expenditure schedules.

Sec. 26. *Examination of Expenditure Schedules.* The di-  
2 rector shall examine the expenditure schedule of each spend-  
3 ing unit and if he finds that it conforms to the requirements  
4 of this article and is in accordance with sound fiscal policy,  
5 he shall approve the schedule.

6 The expenditure of appropriations made to a spending unit  
7 shall be only in accordance with the approved expenditure  
8 schedule unless the schedule is amended with the consent of  
9 the director, or unless appropriations are reduced in accord-  
10 ance with the provisions of sections thirty-three to thirty-  
11 six, inclusive, of this article.



Sec. 27. *Reserve for Emergencies.* The director, with the  
2 approval of the governor, may require that an expenditure  
3 schedule provides for a reserve for emergencies out of the  
4 total amount appropriated to the spending unit. The amount  
5 of the reserve shall be determined by the director in consulta-  
6 tion with the spending officer.

Sec. 28. *Quarterly Allotments.* At least thirty days prior  
2 to the beginning of each quarter of the fiscal year, each spend-  
3 ing officer shall submit to the director a request for an allot-  
4 ment of public funds sufficient to operate the unit during the  
5 ensuing quarter in accordance with the approved expenditure  
6 schedule.

7 The director shall examine the requests and if he finds that  
8 the amounts requested are in accordance with the approved  
9 expenditure schedules and are in accordance with sound fiscal  
10 policy he shall submit the requests to the board. The director  
11 shall also submit a summary statement showing the amounts  
12 expended under the budget for each preceding quarter of the  
13 fiscal year and the total amount requested for allotment  
14 during the ensuing quarter.

15 The board shall consider the amount of requests for allot-  
16 ment and the collection of revenues. If the board finds that  
17 the collection of revenue warrants the expenditure of the  
18 amount requested in the allotment, it shall approve the allot-  
19 ment of funds for the ensuing quarter. If the board finds that  
20 the collection of revenue does not warrant the allotment of  
21 the requested amount, it may reduce the amount of allot-  
22 ments pending the collection of sufficient revenue.

Sec. 29. *Expenditures not to Exceed Allotment.* The expen-  
2 ditures of a spending unit during a quarter of the fiscal year  
3 shall not exceed the amount of the approved allotment, unless  
4 the board approves the expenditure of a larger amount. Any  
5 amounts remaining unexpended at the close of the quarter  
6 shall be available for reallocation and expenditure during any  
7 succeeding quarter of the same fiscal year.

Sec. 30. *Appropriations Revived.* A part of an appropria-  
2 tion to a spending unit that remains unexpended at the end of  
3 the first fiscal year of the biennium may, by order of the  
4 board, be revived and expended to meet unforeseen con-  
5 tingencies arising during the ensuing fiscal year.

Sec. 31. *Transfers.* Upon the written request of a spending

2 officer, the director may, with the approval of the board, trans-  
3 fer amounts between items of the total appropriation for a  
4 spending unit in order to protect or increase the efficiency of  
5 the service, but a transfer shall not increase the amount ap-  
6 propriated for personal services.

Sec. 32. *Collections.* If the amount actually collected by  
2 a spending unit exceeds the amount which it is authorized to  
3 expend from collections, the excess in collections shall be set  
4 aside in a special surplus fund for the spending unit. Ex-  
5 penditures from this fund shall be made only in accordance  
6 with the following procedure :

7 The spending officer shall submit to the director :

8 1. A plan of expenditure showing the purposes for which  
9 the surplus is to be expended, and

10 2. A justification statement showing the reasons why the  
11 expenditure is necessary and desirable.

12 The director shall submit the request to the board with  
13 his recommendation.

14 If the board approves the plan of expenditure and justi-  
15 fication statement, and is satisfied that the expenditure is  
16 required to defray the additional cost of the service or activity

17 of the spending unit, and that the expenditure is in accordance  
18 with sound fiscal policy, it may authorize the use of the surplus  
19 during the current or next fiscal year of the biennium.

20 An expenditure from a special surplus fund without the  
21 authorization of the board, or other than in accordance with  
22 this section shall be an unlawful use of public funds.

Sec. 33. *Reports by Spending Unit.* A spending unit shall  
2 submit to the director such reports with respect to the work  
3 and expenditures of the unit as the director may request for  
4 the purposes of this article.

Sec. 34. *Reduction of Appropriations.* The board may re-  
2 duce appropriations according to any of the methods set  
3 forth in sections thirty-four, thirty-five, and thirty-six of  
4 this article.

Sec. 35. *General Fund; Pro Rata Reductions.* If the board  
2 determines that the amounts, or parts thereof, appropriated  
3 from the general revenue cannot be expended without  
4 creating an overdraft or a deficit in the general fund, it may  
5 instruct the director to reduce equally and pro rata all  
6 appropriations out of general revenue in such a degree as

7 may be necessary to prevent an overdraft or a deficit in the  
8 general fund.

Sec. 36. *Other Funds; Pro Rata Reductions.* The board, in  
2 the manner set forth in section thirty-four, may reduce  
3 appropriations from:

- 4 1. Funds supported by designated taxes or fees.
- 5 2. Fees or other collections set aside for the support of  
6 designated activities or services.

7 Each fund and each fee or collection account shall be  
8 treated separately, but appropriations from the same fund or  
9 account shall be treated equally and reduced pro rata.

Sec. 37. *Classified Reductions.* If the board determines  
2 that the reductions authorized in sections thirty-four and  
3 thirty-five will dangerously impair the existence of the es-  
4 sential services of government, it may instruct the director  
5 to reduce the amount to be expended from separate ap-  
6 propriations in accordance with the following method:

- 7 1. The director shall first classify appropriations as  
8 follows:

9 Class one: For agencies collecting revenue and administer-  
10 ing the fiscal operations of government, including the offices

11 and departments of the tax commissioner, auditor, treasurer,

12 and sinking fund commission.

13 Class two: For agencies vested with the supervision, con-

14 trol, and direction of executive policy and law enforcement,

15 including the governor's office, the attorney general's office,

16 and the department of public safety.

17 Class three: For state institutions, educational, charit-

18 able and corrective.

19 Class four: For other departments and services of the

20 state government.

21 Class five: For transfers from the general fund.

22 2. The director shall first reduce the appropriations from

23 class five and then, if necessary, for the other classes in

24 descending numerical order as follows: Class four, class

25 three, class two, class one. All reductions shall be in

26 multiples of five per cent, but a fixed relationship shall be

27 maintained between the classes which shall be measured

28 by a difference of five per cent in the rate of reduction. The

29 maximum reduction shall not exceed twenty-five per cent

30 in class five and in the other classes it shall be proportional

31 according to the following table:

|    |                |      |      |       |     |     |
|----|----------------|------|------|-------|-----|-----|
| 32 | Classes        | Five | Four | Three | Two | One |
| 33 | Per cent       | 5%   |      |       |     |     |
| 34 | of reductions  | 10%  | 5%   |       |     |     |
| 35 | from           | 15%  | 10%  | 5%    |     |     |
| 36 | total          | 20%  | 15%  | 10%   | 5%  |     |
| 37 | Appropriations | 25%  | 20%  | 15%   | 10% | 5%  |

Sec. 38. *Expenditure Procedure.* A requisition for expenditure, other than an order for the purchase of commodities, shall be submitted as follows:

1. The spending officer shall prepare and submit to the director a requisition showing the amount, purpose, and appropriation from which the expenditure is requested.
2. The director shall examine the requisition and determine whether the amount is within the quarterly allotment, is in accordance with the expenditure schedule, and otherwise conforms to the provisions of this article and to sound fiscal policy.
3. If the director approves the requisition he shall encumber the proper account in the amount of the requisition and shall transmit the requisition to the auditor for disbursement in accordance with law.

Sec. 39. *Expenditure Procedure; Purchases.* If a requisition is a request for purchase, the director after encumbering the proper account of the spending unit, shall transmit the requisition to the department of purchases for purchase in accordance with chapter twenty-five-a of this code, as amended.

Sec. 40. *Legislative and Judicial Expenditures.* The provisions of sections thirty-seven and thirty-eight of this article shall not apply to the expenditure of amounts appropriated for the use of the legislature or for the judiciary. In the case of appropriations made for the legislature, the clerk of the House of Delegates, or the Clerk of the Senate, as the case may be, shall present his requisition directly to the auditor. In case of appropriations made for the judiciary, the clerk of the court shall present his requisition or claim directly to the auditor. In case of appropriations made for criminal charges, the clerk or other proper officer shall present his claim directly to the auditor.

Sec. 41. *Annual Inventory.* The spending officer of each spending unit shall on or before July fifteenth of each year, file with the director an inventory of all real and personal



4 property, and of all equipment, supplies and commodities in  
5 its possession as of the close of the last fiscal year.

Sec. 42. *Classification of Employment and Compensation.*

2 The director shall prepare and recommend a personnel  
3 classification which shall classify the offices and employments  
4 in the state government and its agencies so as to reflect the  
5 differences in training, experience, ability and responsibility  
6 required for different types or kinds of service or employ-  
7 ment, and shall recommend uniform salaries and wage scales  
8 within each class. The director may from time to time  
9 recommend amendments and revisions to the classification  
10 and compensation schedule. The director shall submit the  
11 plan to the board and if the board approves the plan, the  
12 classification of offices and employments and the uniform  
13 salary and wage scales shall control the employment and  
14 compensation of all persons employed in the state govern-  
15 ment.

16 The provisions of this section shall not apply to:

17 1. Institutions under the control of the state board of  
18 education, the board of governors of West Virginia Uni-  
19 versity, and the board of control.

20 2. The department of public assistance.

21 3. The department of unemployment compensation.

Sec. 43. *Classification for Other Departments.* The state  
2 board of education, the board of governors of West Virginia  
3 University, and the board of control as to the institutions  
4 under their control, and the director of public assistance  
5 and the director of unemployment compensation as to their  
6 respective departments shall prepare personnel classification  
7 schedules in the same manner as the director prepares  
8 personnel classifications and uniform compensation schedules  
9 for the other departments of the state government. Personnel  
10 classifications and uniform compensation schedules shall be  
11 certified by the board or officer preparing them to the  
12 director.

Sec. 44. *Certification of Personnel.* The spending officer  
2 of each spending unit, within thirty days prior to the be-  
3 ginning of each fiscal year, shall certify to the director a  
4 schedule of persons appointed to or employed by the spending  
5 unit and showing the personnel classification and compensa-  
6 tion approved for each person. Amounts appropriated for  
7 personnel services shall be expended upon requisition only

8 for the appointees and employees included upon the personnel  
9 schedule and only in accordance with the rate of compensa-  
10 tion shown by the schedule.

Sec. 45. *Personnel Schedules.* The director shall prepare  
2 schedules of the approved or certified personnel showing the  
3 personnel employed in each spending unit of the state gov-  
4 ernment and the classification and compensation authorized  
5 to be paid for each person employed. Such schedules shall be  
6 preserved as a public record and shall be open to inspection  
7 by any person showing good cause.

Sec. 46. *Monthly Certification of Payroll.* A requisition  
2 for the payment of personal services shall upon receipt by  
3 the director be checked against the personnel schedule for the  
4 spending unit. The director shall approve a requisition for  
5 personnel services only if the amounts requested for expendi-  
6 ture are in accordance with the personnel schedule certified  
7 to the director.

Sec. 47. *Personnel Provisions Not to Apply.* The provi-  
2 sions of sections forty-one to forty-six, inclusive, shall not ap-  
3 ply to personal services paid in the legislative branch of the  
4 state government, to salaries of the judiciary and employees

5 of the judiciary, or to salaries of officers of the state govern-  
6 ment fixed by law.

Sec. 48. The provisions of this act shall be construed as  
2 severable and if any part is held unconstitutional, or for any  
3 other reason, invalid, the remaining parts shall not be affected  
4 thereby.

5 All acts or parts of acts in conflict with the provisions of  
6 this act are hereby repealed.

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

*Frank Miller*  
Acting Chairman Senate Committee

*Quib Walter*  
Chairman House Committee

Originated in the *Senate*

Takes effect *Winter term* for passage

*John L. Hinkle*  
Clerk of the Senate

*W. O. Hall*  
Clerk of the House of Delegates

*Wm. S. O'Brien*  
President of the Senate

*James Kay Thomas*  
Speaker House of Delegates

The within *approved* this the *20<sup>th</sup>*

day of *February*, 1939.

*James A. L. L.*  
Governor.



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