WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED
SENATE BILL No. 258

(By Mr. )

PASSED March 11th 1939

In Effect }
ENROLLED

Senate Bill No. 258

(By Mr. LaFon, Mr. President)

[Passed March 10, 1939; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, amending section fifty-one of and adding sections fifty-two, fifty-three and fifty-four to article six thereof, the said amendment to be known as the "Budget Amendment".

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to Article Six of the Constitution. The question of the ratification or rejection of an amendment to the constitution of the state of West Virginia, proposed in accordance with the provisions of section two of article fourteen of said constitution, amending section fifty-one
of and adding sections fifty-two, fifty-three and fifty-four to article six thereof, shall be submitted to the voters of the state at the next general election to be held in the year one thousand nine hundred forty, which proposed amendment is as follows:

PROPOSED AMENDMENT


Section 51. Budget and Supplementary Appropriation Bills. The legislature shall make appropriations from the treasury only by a budget bill or a supplementary appropriation bill. A budget bill shall be passed at each regular session of the legislature, or at an extraordinary session if necessary, and shall provide for all expenditures, disbursements and outstanding obligations of the state during the ensuing biennium. In anticipation of the enactment of the budget bill, the legislature may provide for the payment of its expenses.

A supplementary appropriation bill shall be limited to a single object or purpose therein stated and shall provide specific means for meeting the appropriations contained therein, unless it shall appear from the budgets that the revenues are
A supplementary appropriation bill shall not be passed at a regular session of the legislature until after the budget bill has been finally adopted except upon specific recommendation of the governor. Supplementary appropriation bills may be passed at an extraordinary session of the legislature.

A budget bill or a supplementary appropriation bill shall be enacted only in accordance with sections fifty-two to fifty-four, inclusive, of this article.

Sec. 52. Preparation of Budget. Within ten days after the convening of the legislature in regular session, unless such time shall be extended by the legislature, the governor shall transmit to the legislature a budget prepared by him, in such form as the legislature may prescribe. The budget shall classify and itemize anticipated revenues and receipts from all sources from which such expenditures, disbursements, and outstanding obligations are to be met. It shall contain classified and itemized statements of all proposed expenditures, and disbursements, and outstanding obligations to be met during the ensuing biennium. The governor shall have the authority to require all information which he
Sec. 53. Action on Budget Bill. The governor shall submit with the budget a single bill, to be called the "budget bill," which shall provide for all expenditures, disbursements, and outstanding obligations for each year of the ensuing biennium. The presiding officer of each house shall promptly cause the bill to be introduced therein. The governor may supplement or correct the budget or the budget bill at any time before final passage.

The legislature shall not amend the budget bill so as to create a deficit; nor shall it reduce the items relating to the judiciary; nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

The legislature shall not finally adjourn a regular session until the budget bill has been finally passed. If the budget bill has not been finally passed three days before the expiration of the regular session, it shall be the duty of the governor to issue a proclamation extending the session for
such further period as may in his judgment be necessary
for the passage of the bill. No other matter, than the bud-
get bill and provision for the cost of the session, shall be
considered during such an extended session.

Sec. 54. Action of Governor; How Bill Becomes Law.

Every budget bill or supplementary appropriation bill
passed by a majority of the members elected to each house
of the legislature shall, before it becomes a law, be presented
to the governor. The governor may veto the bill, or he may
disapprove or reduce items or parts of items contained therein.
If he approves he shall sign it and thereupon it shall become
a law. The bill, items or parts thereof, disapproved or re-
duced by the governor, shall be returned with his objections
to each house of the legislature.

Each house shall enter the objections at large upon its jour-
nal and proceed to reconsider. If, after reconsideration, two-
thirds of the members elected to each house agree to pass the
bill, or such items or parts thereof, as were disapproved or re-
duced, the bill, items or parts thereof, approved by two-thirds
of such members, shall become law, notwithstanding the ob-
jections of the governor. In all such cases, the vote of each
A bill, item or part thereof, which is not returned by the governor within five days (Sundays excepted) after the bill has been presented to him shall become a law in like manner as if he had signed the bill, unless the legislature, by adjournment, prevents such return, in which case it shall be filed in the office of the secretary of state, within five days after such adjournment, and shall become law; or it shall be so filed within such five days with the objections of the governor, in which case it shall become law to the extent not disapproved by the governor.

Sec. 2. Amendment to be Known as the Budget Amendment. For convenience in referring to said proposed amendment and in the preparation of the form of the ballot herein-after provided for, said proposed amendment is hereby designated and shall be known as the 'Budget Amendment'.
board of ballot commissioners of each county is hereby re-
required to place upon, and at the foot of, the official ballot to
be voted at said election, the following:

Ballot on constitutional "Budget Amendment" amending
section fifty-one of and adding sections fifty-two, fifty-three
and fifty-four to article six of the state constitution.

☐ For ratification of "Budget Amendment".

☐ Against ratification of "Budget Amendment".

The election on the proposed amendment, at each place of
voting, shall be superintended, conducted and returned, and
the result thereof ascertained by the same officers and in the
same manner as the election of officers to be voted for at said
election, and all of the provisions of law relating to general
elections, including all duties to be performed by any officer
or board, as far as applicable and not inconsistent with any-
thing herein contained, shall apply to the election held under
the provisions of this act, except when it is herein otherwise
provided. The ballots cast on the question of said proposed
amendment shall be counted as other ballots cast at said elec-
tion.

Sec. 4. Certificates of Election Commissioners; Canvass of
Vote; Certifying Result. As soon as the result is ascertained, the commissioners, or a majority of them, and the canvassers (if there be any), or a majority of them, at each place of voting, shall make out and sign two certificates thereof in the following form or to the following effect:

"We, the undersigned who acted as commissioners (or canvassers, as the case may be), of the election held at precinct number .................., in the district of .................., in the county of .................., on the ............ day of November, one thousand nine hundred forty, upon the question of the ratification or rejection of the proposed constitutional amendment to article six do hereby certify that the result of said election is as follows:

Amending section fifty-one of and adding sections fifty-two, fifty-three and fifty-four to article six:

For ratification of "'Budget Amendment’ ................ votes.
Against ratification of "'Budget Amendment’ ................ votes.

Given under our hands this ............ day of November, one thousand nine hundred forty.

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said
election at each place of voting on said questions. The said commissioners, or any one of them (or said canvassers, or any one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court of the county, together with the ballots, and the other to the clerk of the circuit court of the county.

The said certificates, together with the ballots cast on the question of said proposed amendment, shall be laid before the commissioners of the county court at the courthouse at the same time the ballots, poll books and the certificates of the election for the members of the Legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the following form or to the following effect:

"We, the board of canvassers of the county of ................., having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the .............. day of November, one thousand nine hundred forty, do
certify that the result of the election in said county on the question of the ratification or rejection of the proposed constitutional amendment to article six is as follows:

For ratification of "Budget Amendment" ............ votes.

Against ratification of "Budget Amendment" .......... votes.

Given under our hands this .......... day of .................,

one thousand nine hundred forty."

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as hereinafter stated.

Sec. 5. Proclamation of Result of Election by Governor.

On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the Governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed at the seat of government. If a majority of the votes cast at said election upon said question be for the ratification of the said amendment, the proposed amendment so ratified
shall be of force and effect from and after the time of such ratification as part of the constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Governor.*

The Governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time, at least three months before such election, in some newspaper in every county in this state in which a newspaper is printed, at a price to be agreed upon in advance in writing, and the cost of such advertising shall in the first instance, if found necessary by him, be paid out of the Governor's contingent fund and be afterwards repaid to such fund by appropriation of the Legislature.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect the day of, 1939.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within............this the 15th day of...1939.

Governor

Filed in the office of the Secretary of State of West Virginia, MAR 16 1939

Wm. S. O'Brien, Secretary of State