

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

SENATE BILL No. 258

(By Mr. L. F. M. President)

PASSED March 10th 1939

In Effect Thirty days from Passage



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*
2 *Constitution.* The question of the ratification or rejection of
3 an amendment to the constitution of the state of West Virginia,
4 proposed in accordance with the provisions of section two of
5 article fourteen of said constitution, amending section fifty-one

6 of and adding sections fifty-two, fifty-three and fifty-four to
7 article six thereof, shall be submitted to the voters of the state
8 at the next general election to be held in the year one thou-
9 sand nine hundred forty, which proposed amendment is as
10 follows:

PROPOSED AMENDMENT

Article 6. Legislature.

Section 51. *Budget and Supplementary Appropriation*

2 *Bills.* The legislature shall make appropriations from the
3 treasury only by a budget bill or a supplementary appropria-
4 tion bill. A budget bill shall be passed at each regular ses-
5 sion of the legislature, or at an extraordinary session if neces-
6 sary, and shall provide for all expenditures, disbursements
7 and outstanding obligations of the state during the ensuing
8 biennium. In anticipation of the enactment of the budget
9 bill, the legislature may provide for the payment of its ex-
10 penses.

11 A supplementary appropriation bill shall be limited to a
12 single object or purpose therein stated and shall provide spe-
13 cific means for meeting the appropriations contained therein,
14 unless it shall appear from the budgets that the revenues are

15 available. A supplementary appropriation bill shall not be
16 passed at a regular session of the legislature until after the
17 budget bill has been finally adopted except upon specific rec-
18 ommendation of the governor. Supplementary appropriation
19 bills may be passed at an extraordinary session of the legis-
20 lature.

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

Sec. 52. *Preparation of Budget.* Within ten days after
2 the convening of the legislature in regular session, unless such
3 time shall be extended by the legislature, the governor shall
4 transmit to the legislature a budget prepared by him, in such
5 form as the legislature may prescribe. The budget shall classi-
6 fy and itemize anticipated revenues and receipts from all
7 sources from which such expenditures, disbursements, and
8 outstanding obligations are to be met. It shall contain
9 classified and itemized statements of all proposed expendi-
10 tures, and disbursements, and outstanding obligations to
11 be met during the ensuing biennium. The governor shall
12 have the authority to require all information which he

13 deems necessary for the preparation of the budget from
14 any department, institution or other agency of the state
15 government.

Sec. 53. *Action on Budget Bill.* The governor shall
2 submit with the budget a single bill, to be called the "bud-
3 get bill," which shall provide for all expenditures, dis-
4 bursements, and outstanding obligations for each year of
5 the ensuing biennium. The presiding officer of each house
6 shall promptly cause the bill to be introduced therein.
7 The governor may supplement or correct the budget or
8 the budget bill at any time before final passage.

9 The legislature shall not amend the budget bill so as to
10 create a deficit; nor shall it reduce the items relating to the
11 judiciary; nor shall the salary or compensation of any pub-
12 lic officer be increased or diminished during his term of
13 office.

14 The legislature shall not finally adjourn a regular session
15 until the budget bill has been finally passed. If the budget
16 bill has not been finally passed three days before the ex-
17 piration of the regular session, it shall be the duty of the
18 governor to issue a proclamation extending the session for

19 such further period as may in his judgment be necessary
20 for the passage of the bill. No other matter, than the bud-
21 get bill and provision for the cost of the session, shall be
22 considered during such an extended session.

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

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

11 Each house shall enter the objections at large upon its jour-
12 nal and proceed to reconsider. If, after reconsideration, two-
13 thirds of the members elected to each house agree to pass the
14 bill, or such items or parts thereof, as were disapproved or re-
15 duced, the bill, items or parts thereof, approved by two-thirds
16 of such members, shall become law, notwithstanding the ob-
17 jections of the governor. In all such cases, the vote of each

18 house shall be determined by yeas and nays to be entered on
19 the journal.

20 A bill, item or part thereof, which is not returned by the
21 governor within five days (Sundays excepted) after the bill
22 has been presented to him shall become a law in like man-
23 ner as if he had signed the bill, unless the legislature, by ad-
24 journment, prevents such return, in which case it shall be filed
25 in the office of the secretary of state, within five days after
26 such adjournment, and shall become law; or it shall be so filed
27 within such five days with the objections of the governor, in
28 which case it shall become law to the extent not disapproved
29 by the governor.

Sec. 2. *Amendment to be Known as the Budget Amend-*
2 *ment.* For convenience in referring to said proposed amend-
3 ment and in the preparation of the form of the ballot herein-
4 after provided for, said proposed amendment is hereby desig-
5 nated and shall be known as the 'Budget Amendment'.

Sec. 3. *Form of Ballot; Election.* For the purpose of en-
2 abling the voters of the state to vote on the question of said
3 proposed amendment to the constitution at the general election
4 to be held in the year one thousand nine hundred forty, the

5 board of ballot commissioners of each county is hereby re-
6 quired to place upon, and at the foot of, the official ballot to
7 be voted at said election, the following:

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

11 ☐ For ratification of "Budget Amendment".

12 ☐ Against ratification of "Budget Amendment".

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

Sec. 4. *Certificates of Election Commissioners; Canvass of*

2 *Vote; Certifying Result.* As soon as the result is ascertained,
3 the commissioners, or a majority of them, and the canvassers
4 (if there be any), or a majority of them, at each place of vot-
5 ing, shall make out and sign two certificates thereof in the fol-
6 lowing form or to the following effect:

7 “We, the undersigned who acted as commissioners (or can-
8 vassers, as the case may be), of the election held at precinct
9 number, in the district of, in the county
10 of, on the day of November, one
11 thousand nine hundred forty, upon the question of the rati-
12 fication or rejection of the proposed constitutional amend-
13 ment to article six do hereby certify that the result of said
14 election is as follows:

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

17 For ratification of “Budget Amendment” votes.

18 Against ratification of “Budget Amendment” votes.

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

21 The said two certificates shall correspond with each other in
22 all respects, and contain the full and true returns of said

23 election at each place of voting on said questions. The said
24 commissioners, or any one of them (or said canvassers, or any
25 one of them, as the case may be), shall within four days, ex-
26 cluding Sunday, after that on which said election was held,
27 deliver one of said certificates to the clerk of the county court
28 of the county, together with the ballots, and the other to the
29 clerk of the circuit court of the county.

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

40 "We, the board of canvassers of the county of,
41 having carefully and impartially examined the returns of the
42 election held in said county, in each district thereof, on the
43 day of November, one thousand nine hundred forty, do

44 certify that the result of the election in said county on the
45 question of the ratification or rejection of the proposed con-
46 stitutional amendment to article six is as follows:

47 For ratification of "Budget Amendment" votes.

48 Against ratification of "Budget Amendment" votes.

49 Given under our hands this day of,
50 one thousand nine hundred forty."

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

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

2 On the twenty-fifth day after the election is held, or as soon
3 thereafter as practicable, the said certificates shall be laid be-
4 fore the Governor, whose duty it shall be to ascertain there-
5 from the result of said election in the state, and declare the
6 same by proclamation published in one or more newspapers
7 printed at the seat of government. If a majority of the votes
8 cast at said election upon said question be for the ratification
9 of the said amendment, the proposed amendment so ratified

10 shall be of force and effect from and after the time of such rati-
11 fication as part of the constitution of the state.

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

2 The Governor shall cause the said proposed amendment, with
3 the proper designation for the same as hereinbefore adopted,
4 to be published one time, at least three months before such
5 election, in some newspaper in every county in this state in
6 which a newspaper is printed, at a price to be agreed upon in
7 advance in writing, and the cost of such advertising shall in
8 the first instance, if found necessary by him, be paid out of
9 the Governor's contingent fund and be afterwards repaid to
10 such fund by appropriation of the Legislature.

Filed in the office of the Secretary of State
JAN 1 1898
Wm. S. C. BAKER
Secretary of State

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

E. O. Wiseman
Chairman Senate Committee

Wm. B. Baker
Chairman House Committee

Originated in the

Senate

Takes effect

Ninety days

passage

Charles H. Smith
Clerk of the Senate

Geo. S. Hale
Clerk of the House of Delegates

Wm. B. Baker
President of the Senate

James L. House
Speaker House of Delegates

The within

approved

this the

15th

day of

March

, 1939.

Sam A. H.
Governor

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

Wm. S. O'BRIEN,
Secretary of State