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1941

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941



ENROLLED

SENATE BILL No. _____

(By Mr. _____)

PASSED.....1941

In Effect.....Passage



ENROLLED

Senate Bill No. 1

(BY MR. RANDOLPH, MR. PRESIDENT)

[Passed March 5, 1941; in effect from passage.]

AN ACT making an appropriation of public money out of the treasury in accordance with section fifty-one, article six of the constitution.

TITLE 1—GENERAL PROVISIONS

Be it enacted by the Legislature of West Virginia:

Section 1. *General Policy.* The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal years one thousand nine hundred fifty-two and one thousand nine hundred forty-three. To give effect to this purpose, the board of public works shall supervise the fiscal policy, control the assumption of obliga-

8 tions, and regulate the expenditures of the agencies of the
9 state.

Sec. 2. *Definitions.* For the purpose this act:

2 "Board" shall mean the board of public works;

3 "Spending unit" shall mean the department, agency, or
4 institution to which an appropriation is made;

5 The "fiscal year one thousand nine hundred forty-two"
6 shall mean the period from July first, one thousand nine
7 hundred forty-one through June thirtieth, one thousand
8 nine hundred forty-two; and the "fiscal year one thousand
9 nine hundred forty-three" shall mean the period from July
10 first, one thousand nine hundred forty-two through June
11 thirtieth, one thousand nine hundred forty-three.

12 "From collections" shall mean that part of the total ap-
13 propriation which must be collected by the spending unit to
14 be available for expenditure. If the authorized amount of
15 collections is not collected, the total appropriation for the
16 spending unit shall be reduced automatically by the amount
17 of the deficiency in the collection. If the amount collected
18 exceeds the amount designated "from collections" the excess
19 shall be set aside in a special surplus fund and may be ex-

20 pended for the purpose of the spending unit as provided by
21 chapter 39, acts of legislature, regular session, one thousand
22 nine hundred thirty-nine.

Sec. 3. *Classification of Appropriations.* An appropriation
2 for:

3 "Personal services" shall be expended only for the pay-
4 ment of salaries, wages, fees, and other compensation for
5 skill, work, or employment;

6 "Current expenses" shall be expended only for operating
7 costs other than personal services or capital outlay;

8 "Repairs and alterations" shall include all expenditures
9 for materials, supplies and labor used in repairing and alter-
10 ing buildings, grounds and equipment.

11 "Equipment" shall be expended only for things which
12 have an appreciable and calculable period of usefulness in
13 excess of one year;

14 "Buildings" shall include construction and alteration of
15 structures and the improvement of lands and shall include
16 shelter, support, storage, protection, or the improvement of
17 a natural condition;

18 "Lands" shall be expended only for the purchase of land
19 or interests in lands.

Sec. 4. *Method of Expenditure.* Money appropriated by this
2 act, unless otherwise specifically directed, shall be appro-
3 priated and expended according to the provisions of article
4 three, chapter twelve of the code of one thousand nine hun-
5 dred thirty-one, or according to any law detailing a pro-
6 cedure specifically limiting that article.

Sec. 5. *Limitations on Expenditures.* The expenditure of
2 money appropriated by this act shall be limited to the speci-
3 fic amount appropriated to each item. There shall be no
4 transfer of amounts between items of the appropriation of
5 the spending unit without prior authorization by the board
6 of public works, as provided by chapter 39, acts of legisla-
7 ture, regular session, one thousand nine hundred thirty-nine.

Sec. 6. *Maximum Expenditures.* No authority or require-
2 ment of law shall be interpreted as requiring or permitting
3 an expenditure in excess of the appropriations set out in
4 this act.

TITLE II—APPROPRIATIONS

Section 1. *Governmental Appropriations.* From the state
2 fund, general revenue, except as otherwise provided, there

3 is hereby appropriated conditionally upon the fulfillment of
 4 the provisions set forth in chapter 39, acts of legislature,
 5 regular session, one thousand nine hundred thirty-nine, the
 6 following amounts, as itemized, for expenditures during the
 7 fiscal years one thousand nine hundred forty-two and one
 8 thousand nine hundred forty-three.

LEGISLATIVE

1—Senate

Acct. No. 101

Fiscal Years

	1941-42	1942-43
1 Salaries of Members\$	16,000.00	\$ 16,000.00
2 To pay A. Hale Watkins for-		
3 compiling and publishing the		
4 West Virginia Blue Book		
5 under the same provisions as		
6 to distribution as were adopted		
7 in the session of 1921, includ-		
8 ing all expenses incurred in		
9 the employment of contribu-		
10 tions, preparation of matter,		

11	clerical hire, stenographic		
12	services and proof reading,		
13	and for shipping charges in		
14	connection with the distribu-		
15	tion of the Blue Book; which		
16	distribution shall include		
17	seventy-five copies each to		
18	members of the Legislature	10,000.00	8,000.00
19	To pay cost of printing 1941 ed-		
20	ition of Blue Book	32,000.00	
21			<i>Fiscal Year 1940-41</i>
22	Salary of Member	\$	500.00
23	Mileage of Members		823.80
24	Compensation and Per Diem of		
25	officers and attaches		45,000.00
26	Current expenses and contingent		
27	fund		50,000.00
28	To pay cost of printing 1940		
29	edition of Blue Book		32,000.00
30	The above appropriations for the		
31	fiscal year 1940-41 are to re-		

32 main in full force and effect
33 until the convening of the
34 Regular Session of Legislature,
35 1943.

36 The Clerk of the Senate is au-
37 thorized to draw his warrants
38 upon the Auditor, payable out
39 of the contingent fund of the
40 Senate, for any bills for sup-
41 plies and services that may
42 have been incurred by the
43 Senate and not included in the
44 appropriation bill, and for bills
45 for supplies and services in-
46 curred after adjournment, the
47 requisition for same to be ac-
48 companied by bills to be filed
49 with the Auditor.

50 To aid in the discharge of his
51 legislative duties, the clerk
52 may, beginning September 5,

53 1941, expend for stenographic
54 services a sum not exceeding
55 twenty-one hundred dollars
56 per annum, payable monthly
57 from the contingent fund of
58 the Senate.

2—House of Delegates

Acct. No. 102

1 Salaries of members	\$ 47,000.00	\$ 47,000.00
2 Mileage of members	2,781.10	
3 Speaker of House of Delegates as		
4 presiding officer, 60 days	120.00	
5 Compensation of Clerk, 60 days	1,200.00	
6 Compensation of Sergeant-at-		
7 Arms, 60 days	600.00	
8 Compensation of Doorkeeper, 60		
9 days	600.00	
10 Services preliminary to opening		
11 of session	733.00	
12 Attaches and other employees ..	86,040.00	
13 Resolutions Nos. 10, 12, 20, 27	678.33	

14 Postage	1,537.37
15 Contingent fund	65,000.00
16 Supplies	5,517.15
17 Georgia Kee Nash, stenographic	
18 services	160.00
19 John S. Hall, services	120.00

20 The Clerk of the House of Dele-
21 gates, with the approval of the
22 Speaker of the House, is au-
23 thorized to draw his requisi-
24 tions upon the Auditor, pay-
25 able out of the contingent
26 fund, for any bills for supplies
27 and services that may have
28 been incurred by the House of
29 Delegates and not included in
30 this appropriation bill, for bills
31 for supplies and services in-
32 curred after adjournment, the
33 requisition for same to be ac-
34 companied by a bill to be filed

35 with the Auditor, but no pay-
36 ment shall be made to attaches
37 under this paragraph.

38 For duties imposed by law and
39 by the House of Delegates, in-
40 cluding the salary allowed by
41 law as keeper of the rolls, be-
42 ginning March 9th, one thou-
43 sand nine hundred forty-one,
44 the Clerk of the House of Dele-
45 gates shall be paid a monthly
46 salary at the rate of Five Thou-
47 sand Dollars per annum, pay-
48 able from the contingent fund
49 of the House of Delegates, and
50 the Clerk may employ a secre-
51 tary at a salary of not to ex-
52 ceed Eighteen Hundred Dol-
53 lars per annum, payable
54 monthly from the same fund.
55 During the sessions of the

56 Legislature the Clerk of the
57 House of Delegates shall keep
58 office open during such hours
59 as the House may direct. When
60 the Legislature is not in session
61 the office of the Clerk of the
62 House of Delegates shall be
63 kept open as other public
64 offices in the capitol are kept
65 open.

3—*Joint Expenses*

Acct. No. 103

1 To pay the cost of legislative
2 printing and stationery, the
3 appropriation to be available
4 for the year ending June thirty,
5 one thousand nine hundred
6 forty-one. If this work is not
7 completed prior to June thirty,
8 one thousand nine hundred
9 forty-one, then the appropria-

Enrolled S. B. No. 1] 12

10	tion shall continue in full until	
11	completed	\$ 65,000.00
12	To pay the public printer the	
13	balance owed on Blue Books	
14	prior to the 1940 edition, ad-	
15	vance copies of the 1939 Acts,	
16	and 1939 House Journal, as	
17	provided by Senate Concur-	
18	rent Resolution No. 20, and to	
19	be available in the Fiscal Year	
20	ending June 30, 1941	35,229.92

JUDICIAL

6—*Supreme Court of Appeals*

Acct. No. 110

1	Salaries of Judges	\$ 50,000.00	\$ 50,000.00
2	Other Personal Services	41,930.00	41,930.00
3	Current Expenses	10,800.00	10,000.00
4	Total	\$ 102,730.00	\$ 101,930.00

7—*Circuit Courts*

Acct. No. 111

1 Salaries of Judges of the Circuit

13 [Enrolled S. B. No. 1

2	Courts	\$	171,500.00	\$	171,500.00
3	Current Expenses		25,000.00		25,000.00

4	Total	\$	196,500.00	\$	196,500.00
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8—*Compensation of Special Judges*

Acct. No. 113

1	To pay Salaries of Special				
2	Judges				
3	Total	\$	10,500.00	\$	10,500.00

9—*State Law Library*

Acct. No. 114

1	Personal Services, including Sal-				
2	aries of Librarian and Assist-				
3	ants	\$	5,600.00	\$	5,600.00
4	Current Expenses		700.00		700.00
5	Equipment		5,000.00		5,000.00

6	Total	\$	11,300.00	\$	11,300.00
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10—*Criminal Charges*

Acct. No. 119

1	Total	\$	125,000.00	\$	100,000.00
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11—*The Judicial Council*

Acct. No. 118

1	To pay the per diem of Members		
2	and other General Expenses...		
3	Total	\$ 1,455.00	\$ 1,455.00

EXECUTIVE

120—*Governor's Office*

Acct. No. 120

1	Salary of Governor	\$ 10,000.00	\$ 10,000.00
2	Other Personal Services, includ-		
3	ing Salaries of Secretaries,		
4	Stenographers and Assistants..	15,000.00	15,000.00
5	Civil Contingent and Current		
6	Expenses	20,000.00	20,000.00
7	To be expended upon the order		
8	of the Governor. One hundred		
9	dollars annual dues to the Gov-		
10	ernors' Conference shall be in-		
11	cluded in this item.		
12	Emergency Fund	100,000.00	100,000.00
13	To be expended upon the order		

14 of the Governor, of which \$25,-
15 000 may be expended each
16 year for such research and
17 technical services as the Gov-
18 ernor may require.

19 Any unexpended balance remain-
20 ing in the Emergency Fund at
21 the close of the fiscal year
22 1941-42 is hereby reappropri-
23 ated for expenditure during
24 the fiscal year 1942-43.

25 Custodial	13,500.00	13,500.00
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26 To be used for Current General
27 Expenses including official
28 functions, and any additional
29 household expenses thereby
30 incurred.

31 Total	\$ 158,500.00	\$ 158,500.00
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123—*Parole and Probation Investigation and Supervision*

Acct. No. 123

1	Personal Services, including Sal-		
2	ary of Director	\$ 34,080.00	\$ 35,280.00
3	Current Expenses	21,520.00	21,020.00
4	Equipment	1,000.00	1,000.00
5	Total	\$ 56,600.00	\$ 57,300.00

FISCAL

150—*Auditor's Office*

Acct. No. 150

1	Salary of State Auditor	\$ 6,000.00	\$ 6,000.00
2	Other Personal Services	74,320.00	74,320.00
3	Current Expenses	14,060.00	14,060.00
4	Equipment	5,950.00	5,950.00
5	Total	\$ 100,330.00	\$ 100,330.00
6	From Collections	6,500.00	6,500.00

151—*Auditor's Office—Land Department*

Acct. No. 704

TO BE PAID FROM THE GENERAL SCHOOL FUND:

1	Personal Services	\$ 44,000.00	\$ 44,000.00
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17 [Enrolled S. B. No. 1

2 Current Expenses	2,000.00	2,000.00
3 Equipment	500.00	500.00

4 Total	\$ 46,500.00	\$ 46,500.00
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5 In addition to the total appropri-
6 ation for the Auditor's Office:
7 Land Department, there is
8 hereby appropriated a sum
9 sufficient to pay the costs of
10 publication required by sec-
11 tion eight, article three, chap-
12 ter thirty-seven, of the code of
13 West Virginia, one thousand
14 nine hundred thirty-one, as
15 amended.

16—*Treasurer's Office*

Acct. No. 160

1 Salary of State Treasurer	\$ 6,000.00	\$ 6,000.00
2 Other Personal Services	30,620.00	30,620.00
3 Current Expenses	5,238.00	6,314.00
4 Equipment	3,760.00	5,624.00

5 To equip vault with additional

safety deposit boxes 4,000.00

7 Total\$ 49,618.00 \$ 48,558.00

17—Sinking Fund Commission

Acct. No. 170

1 Personal Services\$ 9,432.00 \$ 9,432.00

2 Current Expenses 500.00 500.00

Total\$ 9,932.00 \$ 9,932.00

180—Tax Commissioner

Acct. No. 180

1 Salary of Tax Commissioner\$ 6,000.00 \$ 6,000.00

2 Other Personal Services 262,000.00 262,000.00

3 Current Expenses 125,000.00 125,000.00

4 Equipment 7,500.00 7,500.00

5 Total\$ 400,500.00 \$ 400,500.00

183—Tax Commissioner—Gasoline Department

Acct. No. 671

TO BE PAID FROM THE STATE ROAD FUND:

1 Personal Services\$ 12,120.00 \$ 12,120.00

19

[Enrolled S. B. No. 1

2	Current Expenses	6,132.00	6,132.00
3	Equipment	2,000.00	2,000.00
4	Total	\$ 20,252.00	\$ 20,252.00

19—*West Virginia Board of Control*

Acct. No. 190

1	Salaries of the Three Members of		
2	the Board of Control	\$ 15,000.00	\$ 15,000.00
3	Other Personal Services	23,500.00	23,500.00
4	Current Expenses	10,000.00	10,000.00
5	Equipment	900.00	900.00
6	Total	\$ 49,400.00	\$ 49,400.00

21—*Director of the Budget*

Acct. No. 210

1	Personal Services, including Sal-		
2	ary of the Director of the Bud-		
3	get	\$ 24,000.00	\$ 24,000.00
4	Current Expenses	1,800.00	3,500.00
5	Equipment	500.00	500.00
6	Total	\$ 26,300.00	\$ 28,000.00

LEGAL

26—*Attorney General*

Acct. No. 240

1 Salary of Attorney General	\$ 6,000.00	\$ 6,000.00
2 Other Personal Services	37,500.00	37,500.00
3 Current Expenses	4,000.00	4,000.00
4 Equipment	1,250.00	1,250.00
5 Contingent Fund	500.00	500.00
6 To protect the resources or tax		
7 structure of the state in con-		
8 troversies or legal proceedings		
9 affecting same. To be available		
10 for expenditure during either		
11 fiscal year of the biennium	25,000.00	
12 To be expended only upon the		
13 approval and authorization of		
14 the Governor.		
15 Total	\$ 74,250.00	\$ 49,250.00

263—*State Court of Claims*

Acct. No. 243

1 To pay per diem of Members and

2 other general expenses, in ac-
 3 cordance with Senate Bill No.
 4 190 or House Bill No. 218,
 5 Total\$ 25,000.00 \$ 25,000.00

27—*Commission on Uniform State Laws*

Acct. No. 245

1 Total\$ 600.00 \$ 600.00

INCORPORATING AND RECORDING

29—*Secretary of State*

Acct. No. 250

1 Salary of Secretary of State\$ 6,000.00 \$ 6,000.00
 2 Other Personal Services 16,140.00 16,140.00
 3 Current Expenses 2,800.00 2,800.00
 4 Equipment 500.00 150.00
 5 Total\$ 25,440.00 \$ 25,090.00

30—*Permanent Registration*

Acct. No. 255

1 To pay per diem of Members of
 2 Advisory Board and other gen-
 3 eral expenses in connection

4 with the installation of perma-
5 nent registration in the coun-
6 ties as provided by Senate Bill
7 ' 73 or House Bill No. 206
8 Total\$ 200,000.00
9 The above appropriation is here-
10 by made available for expendi-
11 ture during either year of the
12 biennium.

CUSTODIAL AND SERVICE

31—*Capitol Building and Grounds*

Acct. No. 270

1	Personal Services	\$ 68,000.00	\$ 68,000.00
2	Current Expenses	36,000.00	36,000.00
3	Repairs and Alterations	10,000.00	10,000.00
4	Equipment	1,000.00	1,000.00
5	Total	\$ 115,000.00	\$ 115,000.00

32—*Central Mailing Office*

Acct. No. 280

1	Personal Services	\$ 8,740.00	\$ 8,740.00
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2	Current Expenses	70,755.00	60,755.00
3	Equipment	200.00	200.00
4	Total	\$ 79,695.00	\$ 69,695.00

33—Department of Purchases

Acct. No. 290

1	Salary of Director of Purchases..\$	6,000.00	\$ 6,000.00
2	Other Personal Services	34,000.00	34,000.00
3	Current Expenses	6,000.00	6,000.00
4	Equipment	1,000.00	1,000.00
5	Total	\$ 47,000.00	\$ 47,000.00

6 The revolving fund appropriated
 7 by chapter 76, acts of legisla-
 8 ture, regular session, 1935, for
 9 printing, binding and station-
 10 ery is hereby reappropriated
 11 for the fiscal years 1941-42 and
 12 1942-43.

EDUCATIONAL

360—*State Board of Education*

Acct. No. 700

TO BE PAID FROM THE GENERAL SCHOOL FUND:

1 Salaries of Members of the State

2	Board of Education _____	\$	4,800.00	\$	4,800.00
3	Other Personal Services		7,500.00		7,500.00
4	Current Expenses		2,000.00		4,000.00
5	Equipment _____		300.00		300.00
6	Out-of-State Aid to Negroes ____		10,000.00		11,000.00
7	Total _____	\$	24,600.00	\$	27,600.00

361—*State Board of Education—Vocational Division*

Acct. No. 701

TO BE PAID FROM THE GENERAL SCHOOL FUND:

1	Personal Services	\$	14,390.00	\$	15,195.00
2	Current Expenses		8,380.00		8,467.00
3	Equipment		300.00		300.00
4	Vocational Aid		46,930.00		56,038.00
5	Total	\$	70,000.00	\$	80,000.00

362—*State Board of Education—Rehabilitation Division*

Acct. No. 702

TO BE PAID FROM THE GENERAL SCHOOL FUND:

1	Personal Services _____	\$ 8,530.00	\$ 8,530.00
2	Current Expenses _____	20,939.00	20,939.00
3	Total _____	\$ 29,469.00	\$ 29,469.00

370—*Department of Education*

Acct. No. 703

TO BE PAID FROM THE GENERAL SCHOOL FUND:

1	Salary of Superintendent of Free		
2	Schools _____	\$ 6,000.00	\$ 6,000.00
3	Other Personal Services _____	65,180.00	65,180.00
4	Current Expenses _____	45,041.00	45,041.00
5	Equipment _____	1,685.00	1,595.00
6	Salaries of County Superintend-		
7	ents _____	62,400.00	62,400.00
8	Total _____	\$ 180,306.00	\$ 180,216.00
9	Out of the above appropriation		
10	an amount not to exceed \$10,-		

11 000 each year from the person-
12 al service account and \$5,000
13 each year from the current ex-
14 pense account shall be avail-
15 able for expenditure at the di-
16 rection of the Board of School
17 Finance in the performance of
18 its duties as prescribed by law.

371—*Department of Education*

Acct. No. 6407

1 State aid to supplement the Gen-
2 School Fund\$14,975,000.00 \$15,125,000.00
3 To be transferred to the General
4 School Fund upon the requisi-
5 tion of the Governor.
6 To be distributed according to
7 chapter 46, acts of legislature,
8 regular session, 1939, as
9 amended, except an amount
10 not to exceed \$25,000.00 for
11 each year of the biennium,

12 which sum shall be available
13 to the State Board of School
14 Finance to aid counties in pro-
15 viding instruction for crippled
16 children under such rules and
17 regulations for instruction of
18 crippled children as may be
19 adopted by the State Board of
20 Education as provided by sec-
21 tion five, article two, of the
22 West Virginia Code, one thou-
23 sand nine hundred thirty-one,
24 as amended.

371A—*Department of Education*

Acct. No. 6405

1 State Aid to Supplement the
2 General School Fund, Total ...\$ 100,000.00 \$ 100,000.00
3 To be transferred to the General
4 School Fund upon the requis-
5 tion of the Governor, to pro-
6 vide an equalization fund for

7 for distribution to marginal
8 counties by the State Board of
9 School Finance in addition to
10 the State Aid Allocated in ac-
11 cordance with Chapter 46, Acts
12 of Legislature, Regular Ses-
13 sion, 1939, as amended, pro-
14 vided, however, that the State
15 Board of School Finance shall
16 determine at the time the bud-
17 get is approved that additional
18 aid is needed to complete a
19 nine months term of school, or
20 such part thereof as the above
21 appropriations will permit.

22 Any balance remaining in the
23 above appropriations after the
24 allocating of aid to marginal
25 counties may be transferred,
26 at the request of the State

27 Board of School Finance, and
 28 upon the order of the Board
 29 of Public Works, to Acct No.
 30 6407, to be used as State Aid
 31 as provided by law.

372—Department of Education

Acct. No. 6408

1 Textbooks for Schools\$ 150,000.00 \$ 150,000.00
 2 To be distributed according to
 3 chapter 51, acts of legislature,
 4 regular session, 1939.

373—State Board of Education—Teachers' Retirement

Acct. No. 6409

1 To pay retired teachers as pro-
 2 vided by House Bill No. 272
 3 or Senate Bill No. 120\$ 600,000.00 \$ 600,000.00

39—West Virginia University

Acct. No. 300

1 Personal Services, including Sal-
 2 ary of President\$ 950,800.00 \$ 975,800.00
 3 Current Expenses 139,600.00 139,600.00