

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 218

*Originating in Senate Committee*  
(By Mr. out Finance)

PASSED March 2 1953

In Effect March 15, 1953 Passage



FILED IN THE OFFICE OF THE SECRETARY OF STATE  
OF WEST VIRGINIA  
MAR 5 1953  
D. PITT O'BRIEN,  
SECRETARY OF STATE

610

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**Senate Bill No. 218**

(Originating in the Senate Committee on Finance)

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[Passed March 2, 1953; in effect March 15, 1953.]

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AN ACT to amend chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article two, relating to the creation of the position of legislative auditor, describing his powers, functions, duties and compensation.

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

That chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article two, to read as follows:

**Article 2. Legislative Auditor; Powers; Functions; Duties;  
Compensation.**

Section 1. *Purpose of Article.*—The purpose of this  
2 article is to provide for the more expeditious and efficient  
3 study and management of the financial problems which  
4 at each session confront the Legislature, and to provide  
5 a tighter and more economical control by the Legislature  
6 over the revenues and expenditures of the state.

Sec. 2. *Definitions.*—For the purposes of this article:  
2 “Committee” means the Joint Committee on Govern-  
3 ment and Finance of the Senate and House of Delegates.  
4 “Spending Unit” means any department, agency, board,  
5 commission, officer, authority, subdivision or institution  
6 of the state government for or to which an appropriation  
7 has been made, or is to be made by the Legislature.

Sec. 3. *Legislative Auditor; Appointment.*—There is  
2 hereby created the position of legislative auditor who  
3 shall be appointed by the committee to serve at its will  
4 and pleasure. He shall be solely responsible to the Legis-  
5 lature.

Sec. 4. *Duties.*—It shall be the duty of the legislative  
2 auditor to compile fiscal information for the Senate and  
3 the House of Delegates, to make a continuous audit and  
4 analysis of the state budget, revenues and expenditures,  
5 during and between sessions of the Legislature, to report  
6 any misapplication of state funds or erroneous, extrava-  
7 gant or unlawful expenditures by any spending unit, to  
8 ascertain facts and to make recommendations to the  
9 Legislature concerning post audit findings, the revenues  
10 and expenditures of the state and of the organization and  
11 functions of the state and its spending units.

Sec. 5. *Powers.*—The legislative auditor shall have the  
2 power and authority to examine the revenues and ex-  
3 penditures of every spending unit of the state govern-  
4 ment and for these purposes shall have the authority, by  
5 such means as are necessary, to require any person hold-  
6 ing office in the state government or employed by the  
7 state, to allow him to inspect the properties, equipment,  
8 facilities and records of the various agencies, depart-  
9 ments, subdivisions or institutions of the state govern-  
10 ment for which appropriations are to be made or have

11 been made, either before or after estimates therefor are  
12 submitted, and before, during and after the sessions of  
13 the legislature. Refusal of any person to allow such in-  
14 spection shall be reported by the legislative auditor to the  
15 committee.

Sec. 6. *Reports.*—The legislative auditor shall prepare  
2 an appropriate budget for each spending unit, for each  
3 biennium for which appropriations are sought, in such  
4 form and with such itemization and other information  
5 as the committee shall prescribe, at least thirty days  
6 prior to any legislative session, and submit the same to  
7 the committee with the appropriate recommendations,  
8 together with such other findings and reports deemed  
9 necessary or required by the committee. He shall also  
10 report to the committee any misapplication of state funds  
11 and any erroneous, extravagant or unlawful expendi-  
12 tures by any spending unit, together with such other  
13 findings and reports as the committee shall require.

Sec. 7. *Compensation.*—As compensation for his serv-  
2 ices the legislative auditor shall receive a sum to be  
3 fixed by the committee. He shall receive, in addition,

4 the necessary traveling expenses incident to the per-  
5 formance of his duties.

Sec. 8. *Assistants and Employees.*—The legislative aud-  
2 itor may appoint or employ such assistants or employees  
3 as may be necessary for the efficient discharge of his  
4 duties. Appointees and employees shall serve during  
5 his will and pleasure. The number and compensation  
6 of such assistants or employees shall be fixed by the  
7 committee.

Sec. 9. *Offices.*—The office of the legislative auditor  
2 shall be located at the state capitol and shall be open at  
3 all reasonable times for the transaction of business.

Sec. 10. *Expenses.*—All compensation and expenses of  
2 the legislative auditor and his assistants and employees  
3 shall be paid out of the funds of the committee.

Sec. 11. *Severability.*—If any provision hereof or the  
2 application thereof to any person, department or circum-  
3 stance is held invalid, such invalidation shall not affect  
4 other provisions or applications of this article which can  
5 be given effect without the invalid provision or applica-  
6 tion, and to this end the provisions of this article are  
7 declared to be severable.

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

*A. M. Kinley*  
Chairman Senate Committee

*A. H. Rubler*  
Chairman House Committee

Originated in the Senate.

Takes effect *March 15, 1953* passage.

*Howard Keyes*  
Clerk of the Senate

*J. Ashiff*  
Clerk of the House of Delegates

*Ralph Benson*  
President of the Senate

*W. E. Slattery*  
Speaker House of Delegates

The within *approved* this the *5th*

day of *March*, 1953.

*William C. Marland*  
Governor.

