

Vetoed  
3/29/76

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

—•—

ENROLLED

SENATE BILL NO. 514

*Originating in the*  
(~~SENATE~~ *Committee on Finance*)

—•—

PASSED March 13, 1976

In Effect ninety days from Passage



May 15, 1976

The House of Delegates, upon reconsideration, has again passed Enr. S. B. 514, notwithstanding the objections of the Governor.

Mr. Burke to the Senate.

*W. B. Blunkenship*  
Clerk of the  
House of Delegates

# ENROLLED

SENATE BILL NO. 514

*Originating in the*

(~~Senate~~ *Committee on Finance*)

PASSED *March 13*, 1976

5/15/76 A message from the Senate, by Mr. ~~James Wood~~, announced that upon reconsideration of Enr. S. B. 514, heretofore disapproved and returned by His Excellency, the Governor, with his objections, the Senate had again passed the same.

*J. C. Dillen, Jr.*  
Clerk of the Senate

**ENROLLED**  
**Senate Bill No. 514**

(Originating in the Committee on Finance)

[Passed March 13, 1976; in effect ninety days from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article one-a; to amend and reenact section three, article one, chapter five-a of said code; to amend and reenact sections three, five, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-one, twenty-six, twenty-seven and thirty-four, article two of said chapter five-a; to further amend article two of said chapter five-a by adding thereto a new section, designated section thirty-six; and to amend and reenact section three, article four, chapter twelve of said code, all relating to implementation of the modern budget amendment; relating to submission of the budget bill to the Legislature by the governor; statement of legislative findings and purposes; requiring the proposed appropriations of the budget bill to be itemized and classified as prescribed by said article; prescribing the form and detail for the submission of appropriations for the legislative and judicial branches; creating a system of uniform itemization for the proposed appropriations for spending units of the executive department, and defining the uniform items; permitting the governor to submit sub-classifications and sub-items under such uniform items; permitting the governor to submit separate line items for specific programs of a spending unit; permitting an "unclassified" item; permitting the governor to submit proposed appropriations for a single spending unit under more than one account number; prescribing the itemization of proposed appropriations for the state department of highways and state aid to schools; relating to the

council of finance and administration, quarterly meetings to be called; site of meetings; requests for appropriations; requiring spending officers to transmit copies of such requests to legislative auditor; funds of spending unit withheld until copies forthcoming; forms of requests; tentative budget to be prepared by commissioner of finance and administration and submitted to governor; commissioner to submit copies to Legislature; treasurer's certification to accompany tentative budget; itemization of tentative budget; definitions of uniform items; requiring commissioner to certify revenue estimates and reports on revenue collections to governor and legislative auditor; funds of department withheld until certifications forthcoming; expenditure schedules; requiring spending officers to transmit copies to legislative auditor; funds of spending unit withheld until copies forthcoming; expenditure schedule to provide information on positions budgeted under personal services; requiring copies of requested amendments and approved amendments in such schedules to be transmitted to legislative auditor; requiring commissioner to transmit copies of reports from spending units to legislative auditor; requiring state agencies to send copies of requests for federal aid to legislative auditor; requiring commissioner to send copies of federally-approved requests to legislative auditor; requiring commissioner to submit consolidated report of federal funds to legislative auditor; eliminating authority of governor to make transfers of appropriations; personnel classification of offices and employments in state government; providing a criminal penalty for failure to transmit copies of requests, tentative budget, schedules, reports, etc., to legislative auditor, and requiring certification by treasurer of the condition of state revenues and funds.

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

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article one-a; that section three, article one, chapter five-a of said code be amended and reenacted; that sections three, five, ten, eleven, twelve, thirteen, fourteen, fifteen, twenty-one, twenty-six,

twenty-seven and thirty-four, article two of said chapter five-a be amended and reenacted; that article two of said chapter five-a be further amended by adding thereto a new section, designated section thirty-six, and that section three, article four, chapter twelve of said code be amended and reenacted, all to read as follows:

## **CHAPTER 5.**

**GENERAL POWERS AND DUTIES OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; STATE BUILDING COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT; DEPARTMENT OF COMMERCE; WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT; HUMAN RIGHTS COMMISSION; WEST VIRGINIA ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL SERVICE CREDIT ACT; WHITE CANE LAW; WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT; WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.**

### **ARTICLE 1A. ITEMIZATION OF PROPOSED APPROPRIATIONS IN BUDGET BILL SUBMITTED BY GOVERNOR TO LEGISLATURE.**

#### **§5-1A-1. Legislative findings and purposes.**

1 The Legislature finds and declares that section fifty-one,  
2 article six of the constitution, known as the "modern  
3 budget amendment", authorizes the Legislature to pre-  
4 scribe by law the form and detail of the itemization and  
5 classification of the proposed appropriations of the budget  
6 bill submitted to it by the governor, and that said section  
7 further authorizes the Legislature to enact such laws,  
8 not inconsistent with said section, as may be necessary  
9 and proper to carry out its provisions. The Legislature  
10 further finds and declares that said section makes the  
11 Legislature solely responsible for enacting all appropria-  
12 tions needed for the operation of state government, and  
13 that in carrying out such responsibility, the Legislature  
14 requires a continuous and timely flow of accurate in-

15 formation relative to the financial condition of the state,  
16 the needs and operations of the various agencies and de-  
17 partments of the state, and the amounts and purposes of  
18 all funds, including federal funds, being requested, re-  
19 ceived, or expended by such agencies and departments  
20 from sources other than the revenues of the state.

21 Therefore, it is the purpose of this article to implement  
22 the aforementioned provisions of the constitution, to  
23 enable the Legislature to carry out its constitutional re-  
24 sponsibility by prescribing the form and detail of the  
25 itemization and classification of the proposed appropria-  
26 tions of the budget bill submitted to the Legislature by  
27 the governor, and in conjunction with the provisions of  
28 this act amending certain sections of articles one and  
29 two, chapter five-a, and section three, article four, chapter  
30 twelve, to ensure that the Legislature will be furnished  
31 the information needed to discharge such responsibility.

#### **§5-1A-2. Submission of budget bill.**

1 Pursuant to section fifty-one, article six of the constitu-  
2 tion of West Virginia, the governor shall deliver to the  
3 presiding officer of each house the budget and a bill for  
4 all the proposed appropriations of the budget. The pro-  
5 posed appropriations in such bill shall be clearly itemized  
6 and classified in the form and detail prescribed by this  
7 article.

#### **§5-1A-3. Proposed appropriations for legislative and judicial branches.**

1 (a) The proposed appropriations in such bill for the  
2 legislative branch shall be itemized and classified by the  
3 governor in the identical amounts, language, form and  
4 detail as certified by the presiding officer of each house  
5 and transmitted to the governor.

6 (b) The proposed appropriations in such bill for the  
7 judicial branch shall be itemized and classified by the  
8 governor in the identical amounts, language, form and  
9 detail as certified by the auditor and transmitted to the  
10 governor.

**§5-1A-4. Uniform itemization; definitions; sub-classifications and sub-items; separate line items for specific programs or purposes; separate account numbers for single spending units permitted.**

1 (a) With the exception of the spending units or pur-  
2 poses mentioned in section five of this article, the pro-  
3 posed appropriations submitted by the governor for the  
4 spending units of the executive department shall be  
5 itemized and classified according to the provisions of this  
6 section. The budget bill shall itemize appropriations  
7 separately for:

8 (1) "Personal services", which shall mean salaries,  
9 wages, and other compensation paid to full-time, part-  
10 time, and temporary employees of the spending unit, but  
11 shall not include fees or contractual payments paid to  
12 consultants or to independent contractors engaged by  
13 the spending unit. Unless otherwise specified in the  
14 budget bill, appropriations for personal services shall  
15 include salaries of heads of spending units. Where a  
16 salary of a head of a spending unit, including a constitu-  
17 tional officer, is separately stated, all other personal ser-  
18 vices for the spending unit shall be designated in the bill  
19 as "Other Personal Services".

20 (2) "Current expenses", which shall mean operating  
21 costs other than personal services, and shall not include  
22 equipment, repairs and alterations, buildings, or lands.

23 (3) "Equipment", which shall mean equipment items  
24 which have an appreciable and calculable period of use-  
25 fulness in excess of one year.

26 (4) "Repairs and alterations", which shall mean re-  
27 pairs to structures and improvements to property which  
28 do not increase the capital asset.

29 (5) "Buildings", which shall include construction and  
30 alteration of structures and the improvement of lands  
31 and shall include shelter, support, storage, protection,  
32 or the improvement of a natural condition.

33 (6) "Lands", which shall mean the purchase of **real**  
34 property or interests in real property.

35 Nothing in this section shall prohibit the governor from  
36 listing in the budget bill any sub-classifications and sub-

37 items of proposed expenditure under any or all of the  
38 above uniform items: *Provided*, That a total proposed  
39 expenditure for each uniform item shall be stated, and  
40 such total shall include the proposed expenditure for  
41 each sub-classification and sub-item, if any, listed under  
42 such uniform item.

43 (b) Notwithstanding the uniform items set forth in  
44 subsection (a) of this section, when the governor deems  
45 it necessary or convenient to establish separate line items  
46 for specific programs proposed to be undertaken or con-  
47 tinued by a spending unit, or for specific purposes which  
48 do not fall within such uniform items, such separate  
49 line items may be included in the appropriations for the  
50 spending unit, and need not be itemized in accordance  
51 with the requirements of subsection (a). In such event,  
52 there shall be a separate line item for each such specific  
53 program or purpose. All other proposed appropriations  
54 for a spending unit or account shall be included within  
55 the uniform items prescribed in subsection (a): *Provided*,  
56 That there may be included in the itemization for any  
57 spending unit an item designated "unclassified", in an  
58 amount not exceeding one percent of the total amount  
59 of the proposed appropriations for such spending unit.

60 (c) Nothing in this section shall prohibit the governor  
61 from submitting proposed appropriations for a single  
62 spending unit under more than one account number, pro-  
63 vided that such appropriations are itemized and classified  
64 in accordance with the requirements of this article.

**§5-1A-5. Itemization of appropriations for state department  
of highways; state aid to schools.**

1 (a) Proposed appropriations for the state department  
2 of highways shall be itemized separately for:

- 3 1) "Debt service", which shall mean the payment of  
4 principal and interest due on all state bonds issued for  
5 the benefit of the state road fund;
- 6 2) "General operations", which shall include all ex-  
7 penses of administration of the Department of Highways;
- 8 3) "Federal Aid Construction—Interstate Program";
- 9 4) "Non-Federal Aid Construction";
- 10 5) "Appalachian Program";



- 11 6) "Other Federal-Aid Programs";
- 12 7) "Inventory Purchases";
- 13 8) "Maintenance—State Local Service";
- 14 9) "Maintenance—Expressway, Trunkline and Feeder";
- 15 10) "Claims".

16 Any specific purposes which do not fall within the  
17 above items may be itemized and designated separately  
18 by the governor.

19 (b) Proposed appropriations for "State Aid to Schools"  
20 shall be itemized separately for each allowance set forth  
21 in section three, article nine-a, chapter eighteen of this  
22 code, for each allowance mentioned elsewhere in said  
23 article and chapter, and for any other purpose mentioned  
24 in said article and chapter for which an appropriation  
25 must be made from the general revenue fund.

## **CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.**

### **ARTICLE 1. DEPARTMENT OF FINANCE AND ADMINISTRA- TION.**

#### **§5A-1-3. Council of finance and administration.**

1 The council of finance and administration is hereby  
2 created and shall be composed of ten members, four of  
3 whom shall serve ex officio and six of whom shall be  
4 appointed as herein provided. The ex officio members shall  
5 be the governor, attorney general, the state treasurer and  
6 the state auditor. From the membership of the Legisla-  
7 ture, the president of the Senate shall appoint **three**  
8 senators as members of the council, not more than two of  
9 whom shall be members of the same political party, and  
10 the speaker of the House shall appoint three delegates as  
11 members of the council, not more than two of whom shall  
12 be members of the same political party. Members of the  
13 council appointed by the president of the Senate and the  
14 speaker of the House shall serve at the will and pleasure  
15 of the officer making their appointment. The commissioner  
16 of finance and administration shall serve as chairman of  
17 the council. Meetings of the council shall be upon call of  
18 the chairman or a majority of the members thereof. It  
19 shall be the duty of the chairman to call at least four

20 meetings in each fiscal year, one in each quarter, and all  
21 meetings shall be open to the public. All meetings of the  
22 council shall be held at the capitol building in a suitable  
23 committee room which shall be made available by the  
24 Legislature for such purpose: *Provided*, That the second  
25 quarterly meeting in each fiscal year shall be held on the  
26 first Monday in November and shall be a joint meeting  
27 with the joint committee on government and finance of  
28 the Legislature.

29 The council shall serve the department of finance and  
30 administration in an advisory capacity for purposes of  
31 reviewing the performance of the administrative and fiscal  
32 procedures of the state and shall have the following  
33 duties:

34 (1) To review and advise with the commissioner as to  
35 all budget proposals to be submitted to the governor;

36 (2) At the time of the submission of the proposed  
37 budget to the governor, to report to the governor its  
38 conclusions concerning the proposed budget and any  
39 additions, modifications or adjustments that it may care to  
40 suggest;

41 (3) To advise with the commissioner concerning such  
42 studies of government and administration as it may con-  
43 sider appropriate; and

44 (4) To advise with the commissioner in the preparation  
45 of studies designed to provide long-term capital planning  
46 and finance for state institutions and agencies. Members  
47 of the council shall be paid all necessary expenses in-  
48 curred in the discharge of their duties.

## ARTICLE 2. BUDGET DIVISION.

### §5A-2-3. Requests for appropriations; copies to legislative auditor.

1 The spending officer of each spending unit, other than  
2 the Legislature and the judicial branch of state govern-  
3 ment, shall on or before the fifteenth day of August of  
4 each year, submit to the commissioner a request for ap-  
5 propriations for the fiscal year next ensuing. On or before  
6 the same date, the spending officer shall also transmit two

7 copies of such request to the legislative auditor for the  
8 use of the finance committees of the Legislature.

9 If the spending officer of any spending unit fails to  
10 transmit to the legislative auditor two copies of the re-  
11 quest for appropriations within the time specified in this  
12 section, the legislative auditor shall notify the commis-  
13 sioner, auditor and treasurer of such failure, and there-  
14 after no funds appropriated to such spending unit shall be  
15 encumbered or expended until the spending officer thereof  
16 has transmitted such copies to the legislative auditor.

17 If a spending officer submits to the commissioner an  
18 amendment to the request for appropriations, two copies  
19 of such amendment shall forthwith be transmitted to the  
20 legislative auditor.

**§5A-2-5. Forms of requests.**

1 The commissioner shall specify the form and detail of  
2 itemization of requests for appropriations and statements  
3 to be submitted by a spending unit: *Provided*, That such  
4 request for appropriations must include at a minimum the  
5 information required by section four of this article. The  
6 commissioner shall furnish blank forms for this purpose.

**§5A-2-10. Preparation of tentative budget and submission to  
the governor; copies to Legislature.**

1 The commissioner shall prepare for the consideration of  
2 the governor a tentative budget for the fiscal year next en-  
3 suing. The budget shall state actual receipts and expendi-  
4 tures for the fiscal year next preceding, estimated receipts  
5 and expenditures for the current fiscal year, recommended  
6 expenditures for the current fiscal year as shown in the  
7 legislative digest, and it shall state also the requested  
8 amounts, or estimates for the fiscal year next ensuing  
9 with respect to:

10 (1) Appropriations requested by each spending unit  
11 and requested general appropriations;

12 (2) The amount of the total of each appropriation to  
13 be paid out of collections;

14 (3) Amounts and purposes of appropriations requested  
15 other than for spending units of the state;

- 16     (4) Revenue of each of the funds of the state;
- 17     (5) A summary statement of requests and revenues
- 18     showing the amount of an anticipated surplus or deficit;
- 19     (6) Balances carried forward to the first day of July,
- 20     from fiscal year next preceding on all reappropriated
- 21     accounts from general revenue fund and general school
- 22     fund;
- 23     (7) Percentage of increase or decrease by comparison
- 24     of recommended appropriation for next ensuing year
- 25     with current fiscal year.
- 26     ● On or before the fifteenth day of November, the com-
- 27     missioner shall submit the tentative budgets to the gov-
- 28     ernor. The commissioner shall convey to the governor all
- 29     explanatory and justification statements and statements of
- 30     personnel requirements of spending units as reported and
- 31     filed in his office, together with the certification of the
- 32     state treasurer verifying the condition of the state rev-
- 33     enues and the several funds of the state as required to
- 34     be provided to the commissioner under the provisions of
- 35     section three, article four, chapter twelve of this code.
- 36     At the time the commissioner submits the tentative
- 37     budget to the governor, he shall also submit copies thereof
- 38     to the president of the Senate, the speaker of the House of
- 39     Delegates and the legislative auditor. At any time there-
- 40     after that a change or supplement to the tentative budget
- 41     is submitted to the governor by the commissioner, the
- 42     commissioner shall submit a copy thereof to the legislative
- 43     auditor.

**§5A-2-11. Itemization of tentative budget.**

- 1     The tentative budget submitted by the commissioner
- 2     shall itemize appropriations separately for:
- 3     (1) "Personal services" which shall mean salaries,
- 4     wages, and other compensation paid to full-time, part-
- 5     time, and temporary employees of the spending unit,
- 6     but shall not include fees or contractual payments paid
- 7     to consultants or to independent contractors engaged
- 8     by the spending unit: *Provided*, That the total expendi-
- 9     ture shown for personal services shall reflect the actual
- 10    expenditure for each line item under this classifica-
- 11    tion;

12 (2) "Current expenses" which shall mean operating  
13 costs other than personal services, and shall not include  
14 equipment, repairs and alterations, buildings or lands;

15 (3) "Equipment" which shall mean equipment items  
16 which have an appreciable and calculable period of  
17 usefulness in excess of one year;

18 (4) "Repairs and alterations" which shall mean re-  
19 pairs to structures and improvements to property which  
20 do not increase the capital asset;

21 (5) "Buildings" which shall include construction and  
22 alteration of structures and the improvement of lands  
23 and shall include shelter, support, storage, protection,  
24 or the improvement of a natural condition; and

25 (6) "Lands" which shall mean the purchase of real  
26 property or interests in real property.

27 A spending unit or other person requesting an appro-  
28 priation may submit a different itemization with the  
29 prior approval of the commissioner, if the uniform itemi-  
30 zation does not apply.

**§5A-2-12. Powers of commissioner in administration of expenditures.**

1 The commissioner shall supervise and control the  
2 expenditure of appropriations made by the Legislature  
3 excluding those made to the Legislature and those made  
4 to the judicial branch of the state government. The  
5 expenditure of an appropriation made by the Legisla-  
6 ture except that made for the Legislature itself and  
7 the judicial branch of the state government shall be  
8 conditioned upon compliance by the spending unit with  
9 the provisions of this article. An appropriation made by  
10 the Legislature except that made for the Legislature  
11 itself and the judicial branch of the state government  
12 shall be expended only in accordance with this article.

**§5A-2-13. Estimates of revenue; reports on revenue collections; withholding department funds on noncompliance.**

1 At the beginning of each fiscal year the commissioner  
2 shall estimate the revenue to be collected month by  
3 month by each classification of tax for that fiscal year  
4 as it relates to the official estimate of revenue for each

5 tax for that fiscal year and the commissioner shall cer-  
6 tify this estimate to the governor and the legislative  
7 auditor by the thirty-first day of July for that fiscal  
8 year.

9 The commissioner shall ascertain the collection of the  
10 revenue of the state and shall determine for each month  
11 of the fiscal year the proportion which the amount ac-  
12 tually collected during a month bears to the collection  
13 estimated by him for that month. The commissioner  
14 shall certify to the governor and the legislative auditor,  
15 as soon as possible after the close of each month, and  
16 not later than the fifteenth day of each month, and at  
17 such other times as the governor or legislative auditor  
18 may request, the condition of the state revenues and  
19 of the several funds of the state and the proportion  
20 which the amount actually collected during the pre-  
21 ceding month bears to the collection estimated by him  
22 for that month. The commissioner shall include in this  
23 certification the same information previously certified  
24 for prior months in each fiscal year. For the purposes  
25 of this section, the commissioner shall have the authority  
26 to require all necessary estimates and reports from any  
27 spending unit of the state government.

28 If the commissioner fails to certify to the governor  
29 and the legislative auditor the information required by  
30 this section within the time specified herein, the legis-  
31 lative auditor shall notify the auditor and treasurer of  
32 such failure, and thereafter no funds appropriated to  
33 the department of finance and administration shall be  
34 expended until the commissioner has certified the infor-  
35 mation required by this section.

**§5A-2-14. Submission of expenditure schedules; contents;  
copies to legislative auditor.**

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

6 The schedule shall show:

7 (1) A proposed monthly rate of expenditure for  
8 amounts appropriated for personal services;

9 (2) Each and every position budgeted under personal  
10 services for the next ensuing fiscal year, with the monthly  
11 salary or compensation of each such position;

12 (3) A proposed quarterly rate of expenditure for  
13 amounts appropriated for current expenses, equipment  
14 and repairs and alterations;

15 (4) A proposed yearly plan of expenditure for amounts  
16 appropriated for buildings and lands.

17 The commissioner may accept a differently itemized  
18 expenditure schedule from a spending unit to which the  
19 above itemizations are not applicable.

20 The commissioner shall consult with and assist spend-  
21 ing officers in the preparation of expenditure schedules.

22 When a spending officer submits an expenditure sched-  
23 ule to the commissioner as required by this section, the  
24 spending officer shall at the same time transmit a copy  
25 thereof to the legislative auditor. If a spending officer  
26 of a spending unit fails to transmit such copy to the  
27 legislative auditor on or before the beginning of the  
28 fiscal year, the legislative auditor shall notify the com-  
29 missioner, auditor and treasurer of such failure, and  
30 thereafter no funds appropriated to such spending unit  
31 shall be encumbered or expended until the spending  
32 officer thereof has transmitted such copy to the legisla-  
33 tive auditor.

**§5A-2-15. Examination and approval of expenditure schedules;  
amendments; copies to legislative auditor.**

1 The commissioner shall examine the expenditure sched-  
2 ule of each spending unit, and if he finds that it con-  
3 forms to the appropriations made by the Legislature, the  
4 requirements of this article, and is in accordance with  
5 sound fiscal policy, he shall approve the schedule.

6 The expenditure of the appropriations made to a  
7 spending unit shall be only in accordance with the ap-  
8 proved expenditure schedule unless the schedule is  
9 amended with the consent of the commissioner, or unless  
10 appropriations are reduced in accordance with the pro-  
11 visions of sections twenty-two to twenty-five, inclusive,

12 of this article. The spending officer of a spending unit  
13 shall transmit to the legislative auditor a copy of each  
14 and every requested amendment to such schedule at the  
15 same time that such requested amendment is submitted  
16 to the commissioner. The commissioner shall send to the  
17 legislative auditor copies of any schedule amended with  
18 the commissioner's approval.

**§5A-2-21. Reports by spending units; copies to legislative auditor.**

1 A spending unit shall submit to the commissioner such  
2 reports with respect to the work and expenditures of  
3 the unit as the commissioner may request for the pur-  
4 poses of this article. Upon receipt thereof, the commis-  
5 sioner shall immediately send copies of all such reports  
6 to the legislative auditor.

**§5A-2-26. Approval by commissioner of requests for federal aid; copies to legislative auditor; consolidated report of federal funds.**

1 Every agency of the state government when making  
2 requests or preparing budgets to be submitted to the  
3 federal government for funds, equipment, material or  
4 services, the grant or allocation of which is conditioned  
5 upon the use of state matching funds, shall have such  
6 request or budget approved in writing by the commis-  
7 sioner before submitting it to the proper federal au-  
8 thority. At the time such agency submits such a request  
9 or budget to the commissioner for his approval, it shall  
10 send a copy thereof to the legislative auditor. When such  
11 federal authority has approved the request or budget,  
12 the agency of the state government shall resubmit it to  
13 the commissioner for recording before any allotment  
14 or encumbrance of the federal funds can be made and  
15 the commissioner shall send a copy of the federally ap-  
16 proved request or budget to the legislative auditor.  
17 Whenever any agency of the state government shall re-  
18 ceive from any agency of the federal government a grant  
19 or allocation of funds which do not require state match-  
20 ing, the state agency shall report to the commissioner  
21 and the legislative auditor for their information the  
22 amount of the federal funds so granted or allocated.



23 In addition to the other requirements of this section,  
24 the commissioner shall, as soon as possible after the end  
25 of each fiscal year but no later than the first day of  
26 September of each year, submit to the governor and the  
27 legislative auditor a consolidated report which shall con-  
28 tain a detailed itemization of all federal funds received  
29 by the state during the preceding and current fiscal years,  
30 as well as those scheduled or anticipated to be received  
31 during the next ensuing fiscal year. Such itemization  
32 shall show: a) each spending unit which has received  
33 or is scheduled or expected to receive federal funds in  
34 either of such fiscal years, b) the amount of each separate  
35 grant or distribution received or to be received, c) a  
36 brief description of the purpose of every such grant or  
37 other distribution, with the name of the federal agency,  
38 bureau or department making such grant or distribution:  
39 *Provided*, That it shall not be necessary to include in such  
40 report an itemization of federal revenue sharing funds  
41 deposited in and appropriated from the revenue sharing  
42 trust fund, or federal funds received for the benefit of  
43 the department of highways and the state road fund.  
44 The commissioner is authorized and empowered to  
45 obtain from the spending units any and all information  
46 necessary to prepare such report.

**§5A-2-27. Management accounting.**

1 The commissioner shall formulate the requirements of  
2 a system of management accounting for the planning,  
3 management, reporting and control of state expenditures.  
4 The requirements shall include methods for recording the  
5 collection of all income, amounts available for expendi-  
6 ture, obligations, encumbrances and disbursements for  
7 each spending unit, and publication of a detailed state-  
8 ment of receipts and expenditures of state moneys. The  
9 system shall include the accounts to be kept by the com-  
10 missioner, the auditor and the treasurer. The commission-  
11 er shall, after the system has been approved by the gov-  
12 ernor, require its use by all spending units.

**§5A-2-34. Personnel classification of offices and employments in state government and agencies.**

1 With the exception of those institutions under the

2 control of the state board of education and the West Vir-  
3 ginia board of regents and with the exception of classi-  
4 fied service positions and pay provided for in section eight,  
5 article six, chapter twenty-nine of this code, the commis-  
6 sioner, with the approval of the governor, shall classify  
7 the offices and employments in the state government and  
8 its agencies, into a personnel classification which reflects  
9 the differences in training, experience, ability and respon-  
10 sibility required for different types or kinds of service  
11 or employment and shall establish uniform salary and  
12 wage scales within each class.

13 The governor shall require the state board of education  
14 and the West Virginia board of regents to prepare and  
15 apply personnel classifications to the institutions under  
16 their control.

**§5A-2-36. Submission of requests, amendments, reports, etc., to  
legislative auditor; penalty for noncompliance.**

1 The provisions of sections three, ten, thirteen, fourteen,  
2 fifteen, twenty-one, twenty-six and twenty-eight of this  
3 article requiring the commissioner, or the spending officer  
4 of the spending units, as the case may be, to supply copies  
5 of the documents specified therein to the legislative  
6 auditor, shall be strictly adhered to by all such persons.  
7 Any failure by any person to do so shall be a misdemeanor,  
8 and, upon conviction thereof, such person shall be fined  
9 the sum of one thousand dollars. Such penalty shall be  
10 in addition to other penalties provided elsewhere in this  
11 article and other remedies provided by law.

**CHAPTER 12. PUBLIC MONEYS AND SECURITIES.**

**ARTICLE 4. ACCOUNTS, REPORTS AND GENERAL PROVI-  
SIONS.**

**§12-4-3. Accounts of appropriations; treasurer to certify con-  
dition of revenues and funds of the state.**

1 The auditor and treasurer shall each keep in books to  
2 be used for that purpose exclusively an account of every  
3 appropriation made by law, and of the several sums drawn  
4 thereon, so that such books may show at all times the  
5 balance undrawn on each appropriation. The account so

6 kept shall be compared every quarter-year and the errors,  
7 if any, be corrected.

8 In addition to the other requirements of this section,  
9 the treasurer shall certify annually to the commissioner  
10 of finance and administration the condition of the state  
11 revenues and the several funds of the state. Such  
12 certification shall be used by such commissioner in the  
13 preparation of a tentative state budget as required of  
14 him by article two, chapter five of this code.

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

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Christy*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*J. C. Dillon, Jr.*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*H. B. B. B. B. B.*  
President of the Senate

*Lewis D. M. M. M.*  
Speaker House of Delegates

The within *disapproved* this the *29th*  
day of *March*, 1976

*Arthur. Phares.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/24/76

Time 3:45 p.m.