

1 **HOUSE JOINT RESOLUTION NO.16**

2 (By Delegates Doyle, Perdue, White and Michael)
3 Introduced January 13, 2011; referred to the
4 Committee on Constitutional Revision then Finance.]

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10 Proposing an amendment to the Constitution of the State of West
11 Virginia, amending section fifty-one, article VI thereof,
12 relating to the Governor and the Legislature jointly
13 submitting a budget for the next ensuing fiscal year;
14 numbering and designating such proposed amendment; and
15 providing a summarized statement of the purpose of such
16 proposed amendment.

17 *Resolved by the Legislature of West Virginia, two thirds of*
18 *the members elected to each house agreeing thereto:*

19 That the question of ratification or rejection of an amendment
20 to the Constitution of the State of West Virginia be submitted to
21 the voters of the state at the next general election to be held in
22 the year 2012, which proposed amendment is that section fifty-one,
23 article VI thereof be amended, to read as follows:

24 **ARTICLE VI. THE LEGISLATURE.**

1 **§51. Budget and Supplementary Appropriation Bills.**

2 The Legislature shall not appropriate any money out of the
3 treasury except in accordance with the provisions of this section.

4 **Subsection A -- Appropriation Bills.**

5 (1) Every appropriation bill shall be either a budget bill, or
6 a supplementary appropriation bill, as hereinafter provided.

7 **Subsection B -- Budget Bills.**

8 (2) Within ten days after the convening of the regular session
9 of the Legislature in odd-numbered years, unless such time shall be
10 extended by the Legislature, and on the second Wednesday of January
11 in even-numbered years, the Governor shall submit to the
12 Legislature a budget for the next ensuing fiscal year. At the same
13 time, the Speaker of the House of Delegates and the President of
14 the Senate shall each submit to the Legislature a budget for the
15 next ensuing fiscal year. The budget shall contain a complete plan
16 of proposed expenditures and estimated revenues for the fiscal year
17 and shall show the estimated surplus or deficit of revenues at the
18 end of each fiscal year. Accompanying each budget shall be a
19 statement showing: (a) An estimate of the revenues and
20 expenditures for the current fiscal year, including the actual
21 revenues and actual expenditures to the extent available, and the
22 revenues and expenditures for the next preceding fiscal year; (b)
23 the current assets, liabilities, reserves and surplus or deficit of
24 the state; (c) the debts and funds of the state; (d) an estimate of

1 the state's financial condition as of the beginning and end of the
2 fiscal year covered by the budget; (e) any explanation the
3 Governor, Speaker of the House of Delegates or President of the
4 Senate may desire to make as to the important features of the
5 budget and any suggestions as to methods for reduction or increase
6 of the state's revenue.

7 (3) Each budget shall embrace an itemized estimate of the
8 appropriations, in such form and detail as the Governor, Speaker of
9 the House of Delegates and President of the Senate shall determine
10 or as may be prescribed by law: (a) For the Legislature as
11 certified to the Governor, Speaker of the House of Delegates and
12 President of the Senate in the manner hereinafter provided; (b) for
13 the executive department; (c) for the judiciary department, as
14 provided by law, certified to the Governor, Speaker of the House of
15 Delegates and President of the Senate by the Auditor; (d) for
16 payment and discharge of the principal and interest of any debt of
17 the state created in conformity with the Constitution, and all laws
18 enacted in pursuance thereof; (e) for the salaries payable by the
19 state under the Constitution and laws of the state; (f) for such
20 other purposes as are set forth in the Constitution and in laws
21 made in pursuance thereof.

22 (4) The Governor shall deliver to the presiding officer of
23 each house the budget and a bill for all the proposed
24 appropriations of the budget clearly itemized and classified, in

1 such form and detail as the Governor shall determine or as may be
2 prescribed by law; and the presiding officer of each house shall
3 promptly cause the bill to be introduced therein, along with their
4 own budget bills, and such ~~bill~~ bills shall be known as the "Budget
5 Bill." The Governor, Speaker of the House of Delegates or
6 President of the Senate may, with the consent of the Legislature,
7 before final action thereon by the Legislature, amend or supplement
8 the budget to correct an oversight, or to provide funds contingent
9 on passage of pending legislation, and in case of an emergency, he
10 or she or the Speaker of the House of Delegates or the President of
11 the Senate may deliver such an amendment or supplement to the
12 presiding officers of both houses; and the amendment or supplement
13 shall thereby become a part of the budget bill as an addition to
14 the items of the bill or as a modification of or a substitute for
15 any item of the bill the amendment or supplement may affect.

16 (5) The Legislature shall not amend the budget bill so as to
17 create a deficit but may amend the bill by increasing or decreasing
18 any item therein: *Provided*, That no item relating to the judiciary
19 shall be decreased, and except as otherwise provided in this
20 Constitution, the salary or compensation of any public officer
21 shall not be increased or decreased during his or her term of
22 office: *Provided, ~~further~~ however,* That the Legislature shall not
23 increase the estimate of revenue submitted in the budget without
24 the approval of the Governor, Speaker of the House of Delegates or

1 the President of the Senate.

2 (6) The Governor and ~~such~~ the representatives of the executive
3 departments, boards, officers and commissions of the state
4 expending or applying for state moneys as have been designated by
5 the Governor for this purpose, shall have the right, and when
6 requested by either house of the Legislature it shall be their
7 duty, to appear and be heard with respect to any budget bill, and
8 to answer inquiries relative thereto.

9 **Subsection C -- Supplementary Appropriation Bills.**

10 (7) Neither house shall consider other appropriations until
11 the budget bill has been finally acted upon by both houses, and no
12 ~~such~~ other appropriations shall be valid except in accordance with
13 the provisions following: (a) Every ~~such~~ appropriation shall be
14 embodied in a separate bill limited to some single work, object or
15 purpose therein stated and called therein a supplementary
16 appropriation bill; (b) each supplementary appropriation bill shall
17 provide the revenue necessary to pay the appropriation thereby made
18 by a tax, direct or indirect, to be laid and collected as shall be
19 directed in the bill unless it appears from ~~such~~ the budget that
20 there is sufficient revenue available.

21 **Subsection D -- General Provisions.**

22 (8) If the budget bill shall not have been finally acted upon
23 by the Legislature three days before the expiration of its regular
24 session, the Governor shall issue a proclamation extending the

1 session for such further period as may, in his or her judgment, be
2 necessary for the passage of the bill; but no matter other than the
3 bill shall be considered during such an extension of a session
4 except a provision for the cost thereof.

5 (9) For the purpose of making up the budget, the Governor,
6 Speaker of the House of Delegates and President of the Senate shall
7 have the power, and it shall be his or her duty, to require from
8 the proper state officials, including herein all executive
9 departments, all executive and administrative officers, bureaus,
10 boards, commissions and agencies expending or supervising the
11 expenditure of, and all institutions applying for state moneys and
12 appropriations, such itemized estimates and other information, in
13 such form and at such times as he or she shall direct. The
14 estimates for the legislative department, certified by the
15 presiding officer of each house, and for the judiciary, as provided
16 by law, certified by the Auditor, shall be transmitted to the
17 Governor, the Speaker of the House of Delegates and the President
18 of the Senate in such form and at such times as he or she shall
19 direct, and shall be included in the budget.

20 (10) The Governor, Speaker of the House of Delegates or the
21 President of the Senate may provide for public hearings on all
22 estimates and may require the attendance at such hearings of
23 representatives of all agencies and all institutions applying for
24 state moneys. After such public hearings ~~he~~ the Governor, Speaker

1 of the House of Delegates or President of the Senate may, in ~~his~~
2 their discretion, revise all estimates except those for the
3 legislative and judiciary departments.

4 (11) Every budget bill or supplementary appropriation bill
5 passed by a majority of the members elected to each house of the
6 Legislature shall, before it becomes a law, be presented to the
7 Governor. The Governor may veto the bill, or he or she may
8 disapprove or reduce items or parts of items contained therein. If
9 he or she approves he or she shall sign it and thereupon it shall
10 become a law. The bill, items or parts thereof, disapproved or
11 reduced by the Governor, shall be returned with his or her
12 objections to each house of the Legislature.

13 Each house shall enter the objections at large upon its
14 journal and proceed to reconsider. If, after reconsideration, two
15 thirds of the members elected to each house agree to pass the bill,
16 or such items or parts thereof, as were disapproved or reduced, the
17 bill, items or parts thereof, approved by two thirds of such
18 members, shall become law, notwithstanding the objections of the
19 Governor. In all such cases, the vote of each house shall be
20 determined by yeas and nays to be entered on the journal.

21 A bill, item or part thereof, which is not returned by the
22 Governor within five days (Sundays excepted) after the bill has
23 been presented to him or her shall become a law in like manner as
24 if he or she had signed the bill, unless the Legislature, by

1 adjournment, prevents such return, in which case it shall be filed
2 in the office of the Secretary of State, within five days after
3 such adjournment, and shall become a law; or it shall be so filed
4 within such five days with the objections of the Governor, in which
5 case it shall become law to the extent not disapproved by the
6 Governor.

7 (12) The Legislature may, from time to time, enact such laws,
8 not inconsistent with this section, as may be necessary and proper
9 to carry out its provisions.

10 (13) In the event of any inconsistency between any of the
11 provisions of this section and any of the other provisions of the
12 Constitution, the provisions of this section shall prevail. But
13 nothing herein shall be construed as preventing the Governor from
14 calling extraordinary sessions of the Legislature, as provided by
15 section nineteen of this article, or as preventing the Legislature
16 at such extraordinary sessions from considering any emergency
17 appropriation or appropriations.

18 (14) If any item of any appropriation bill passed under the
19 provisions of this section shall be held invalid upon any ground,
20 such invalidity shall not affect the legality of the bill or of any
21 other item of such bill or bills.

22 *Resolved further,* That in accordance with the provisions of
23 article eleven, chapter three of the Code of West Virginia, 1931,
24 as amended, such proposed amendment is hereby numbered "Amendment

1 No. 1" and designated as the "Budget Committee to Introduce the
2 Budget Bill Amendment" and the purpose of the proposed amendment is
3 summarized as follows: "To amend section fifty-one, article VI of
4 the state Constitution to provide for the budget committee shall
5 submit the budget bill to the Legislature."

NOTE: The purpose of this resolution is to provide that the Governor, Speaker of the House of Delegates and President of the Senate shall each prepare and submit a budget bill to the Legislature.

Strike-throughs indicate language that would be stricken from the present Constitution, and underscoring indicates new language that would be added.