

8/27/32

11:28 am.

47

ENROLLED BILL

EXTRAORDINARY SESSION

Senate Bill No. 47

*Originating in the Joint Committee
By Mr. appointed under Senate
Concurrent Resolution No. 2.*

Passed August 26, 1932

In Effect from Passage

Originating in the Senate M. S. Hodges Clerk. Takes effect. Passage Clerk of the House of Delegates.

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Chairman House Committee.

Chairman Senate Committee.

ENROLLED BILL

(S. B. No. 47)

[Passed August 26, 1932; in effect from ~~September 1~~ September 1, 1932. ok o.c.p.]

AN ACT authorizing and directing a reduction in the salary of each and every holder of a public office or position, or place of public employment in the state of West Virginia, or any of its subdivisions, from and after the date that this act becomes effective, or as soon thereafter as the term of the present incumbent of an office shall expire, or existing legal contracts of employment shall terminate, providing certain exceptions thereto, and also fixing the salary of the holders of certain other offices, public positions or places of public employment in this state, and certain political subdivisions thereof, as hereinafter set out and specified, and providing penalties for the violation of this act.

Be it enacted by the Legislature of West Virginia:

Section 1. That the salary or compensation of all public
2 officials of the state of West Virginia, and of all holders of

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3 every public office, public position, or place of public employ-
4 ment in this state, including all counties, districts, munici-
5 palities, and other political subdivisions thereof, who shall
6 have been designated, chosen, or employed by election, ap-
7 pointment, contract, or otherwise, and whose salary or compen-
8 sation shall in any way be paid or payable out of any public
9 funds, including the salaries or compensation of all superin-
10 tendents, principals and teachers of public schools, and all other
11 employees, or boards of education, or independent boards, other
12 than those whose salaries and compensation are by other acts
13 of the present session of the legislature specifically fixed, is,
13-a subject to the provisions, exceptions and terms hereinafter
13-b contained, hereby reduced as follows:

14 (a) All such salaries or compensation in any amount in ex-
15 cess of twelve hundred dollars to and including two thousand
16 dollars shall be reduced ten per centum thereof: *Provided,*
16-a *however,* That such reduction shall not decrease such salaries
16-b below the amount of twelve hundred dollars;

17 (b) All such salaries or compensation in any amount in ex-
18 cess of two thousand dollars to and including three thousand
19 dollars shall be reduced fifteen per centum thereof;

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20 (c) All such salaries or compensation in any amount in ex-
21 cess of three thousand dollars shall be reduced twenty per
22 centum thereof, except as herein specifically otherwise pro-
23 vided;

24 *Provided, however,* That such reduction in the salary or com-
25 pensation of any public officer now holding office shall not be
26 effective during his term of office, unless such public officer
27 shall voluntarily accept the same and so signify in writing
28 to the proper disbursing officer of the state from whom he
29 receives such salary or compensation. Such reduction in
30 salary or compensation shall, in any event, become effective
31 from and after the expiration of the existing term of office of
32 any such public officer, and thereafter he and his successors in
33 said office shall be paid said reduced salary.

34 *And provided further,* That the reduction made by this act
35 shall not apply to the salary or compensation of any officer,
36 employee, or other person hereby affected, during any period
37 of time in which such reduction would impair the obligation
38 of any existing valid contract of employment between the
39 state of West Virginia, or any board or subdivision thereof,
40 with such officer, employee, or other person, or in which such

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41 reduction would be contrary to any provision of the constitu-
42 tion of the United States or the constitution of West Virginia,
43 unless such officer, employee, or person shall voluntarily accept
44 such reduction in salary or compensation during such period,
45 and so signify in writing to the proper disbursing officer
46 thereof. However, such reduction shall immediately become
47 effective in each and every such case upon the termination of
48 such period; provided, that as to all teachers of public schools
49 in both magisterial and independent school districts, and all
50 other school employees mentioned in this section, the salary
51 reductions above provided for shall apply and be computed only
52 upon the salary such teacher or other employee received dur-
53 ing the school year of one thousand nine hundred thirty and
54 thirty-one. *Provided, further,* That the reduction made by
55 this act shall not apply to any salary, the amount of which as
56 now fixed by law, or by order of any department, or by agree-
57 ment, or otherwise, shall be less than at the rate of one hun-
58 dred dollars per month for a full calendar year; *Provided,*
59 *further,* That this act, nor any part hereof, shall not apply to
60 the state department of public safety, other than as to the su-
61 perintendent of said department as herein provided.

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Sec. 2. This act shall be construed as an amendment to the
2 existing law governing the amount of salaries payable to every
3 public officer and every holder of any public office, public
4 position, or place of public employment in this state, and every
5 other person hereinafter mentioned or referred to, and as an
6 amendment to the existing law governing each and every
7 municipal corporation, or other political subdivision of this
8 state, whether the same shall be created or governed by general
9 law or by special charter, and the proper officials of each such
10 municipality or other political subdivision are hereby charged
11 with the duty of enforcing the provisions of this act applicable
12 thereto.

Sec. 3. Any person who shall either receive or pay out
2 public money, or who shall authorize or permit such payment,
3 or participate therein, in excess of the amount authorized by
4 this act, shall be guilty of a misdemeanor if the amount of
5 public money so unlawfully received or disbursed shall be less
6 than twenty dollars, and upon conviction of such misdemeanor
7 shall be fined not less than fifty dollars, nor in excess of one
8 hundred dollars, and in addition thereto may, in the discre-
9 tion of the court, be confined in the jail of the county where

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10 such conviction shall occur for a period not to exceed sixty
11 days. Any person who shall either receive or pay out public
12 money, or shall authorize or permit such payment, or partici-
13 pate therein in excess of the amount authorized by this act,
14 shall be guilty of a felony if the amount of public money so
15 unlawfully received or disbursed shall equal or exceed twenty
16 dollars, and upon conviction of such felony shall be fined not
17 less than one hundred dollars, nor more than one thousand
18 dollars, and may, in the discretion of the court, be confined
19 in the penitentiary of this state not to exceed one year. In
20 addition to the above penalties any conviction of an
21 offense under this act shall operate as a forfeiture of any
22 office or position of public trust or confidence held by
23 the person so convicted.

24 It shall be the duty of the state tax commissioner of West
25 Virginia, and of the prosecuting attorney of each of the
26 counties of this state, to see that this act and all said penalties
27 hereby imposed for violation thereof are promptly enforced.

Sec. 4. This act shall not apply to any public officer, or the
2 holder of any public office, public position, or place of public
3 employment, whose salary or compensation shall be specially

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4 fixed by any act passed at this extraordinary session of the
5 legislature of West Virginia, but otherwise this act shall apply
6 to all officers, employees, and other persons herein mentioned,
7 as above provided.

Sec. 5. In order to fix and provide for the salaries of cer-
2 tain public officers and holders of public positions and places
3 of public employment in this state, and in certain political
4 subdivisions thereof, whose salaries are not fixed and reduced
5 under the foregoing provisions of this act, the salary of each
6 of the following officials and holders of public positions and
7 places of public employment in this state, or any subdivision
8 thereof, is hereby fixed as follows:

9 (a) The salary of the governor shall be eight thousand
10 dollars per annum;

11 (b) The salary of each, the auditor, treasurer, attorney
12 general, commissioner of agriculture, superintendent of free
13 schools, and secretary of state, respectively, shall be five thou-
14 sand dollars per annum; and the secretary of state shall re-
15 duce the employees of the bureau of the sinking fund commis-
16 sion in his office by the discharge of one assistant bookkeeper
17-19 therein;

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20 (c) The salary of each of the judges of the supreme court
21-22 of appeals shall be eight thousand dollars per annum,

23 (d) The salary of the private secretary to the governor shall
24 be three thousand six hundred dollars per annum;

25 (e) The salary of the pardon attorney shall be three thou-
26 sand six hundred dollars per annum;

27 (f) The salaries of the following employees in and about
28 the state capitol building shall be as follows: of the superin-
29 tendent of capitol buildings and grounds, one thousand eight
30 hundred dollars per annum; of the engineer at said building,
31 one thousand three hundred fifty dollars per annum; of the
32 night engineer at said building, one thousand six hundred
33 twenty dollars per annum; of the chief engineer and electri-
34 cian, two thousand four hundred dollars per annum; of the
35 keeper of the lawn and elevator operator, one thousand eighty
36 dollars per annum; of all janitors at the capitol building who
37 received one hundred dollars per month during the fiscal year
38 ending June thirty, one thousand nine hundred and thirty-
39 two, ninety dollars per month each; of all janitors at said
40 building who received in excess of one hundred dollars per
41 month during said fiscal year ending June thirty, one thousand

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42 nine hundred and thirty-two, one hundred dollars per month
43-48 each;

49 (h) Each of the employees in the office of the secretary of
50 state shall receive the following salary, respectively: chief
51 clerk, two thousand five hundred fifty dollars per annum;
52 charter clerk, one thousand eight hundred eighty-seven dollars
53 per annum; clerk of the board of public works, two thousand
54 five hundred fifty dollars per annum; certificate clerk, one
55 thousand seven hundred eighty-five dollars per annum;
56 recorder, one thousand seven hundred eighty-five dollars per
57 annum; stenographer, one thousand seven hundred eighty-five
58 dollars per annum; record clerk, one thousand seven hundred
59 eighty-five dollars per annum;

60 (i) The following employees of the state department of edu-
61 cation shall each receive the following salary: assistant to state
62 superintendent, three thousand two hundred dollars per annum;
63 chief clerk, two thousand eight hundred eighty dollars per
64 annum; supervisor of negro schools, two thousand eight hun-
65 dred eighty dollars per annum; state supervisor of high
66 schools, three thousand two hundred dollars per annum; super-
67 visor of rural schools, three thousand two hundred dollars per

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68 annum; assistant supervisors of rural schools, each two thou-
69 sand eight hundred eighty dollars per annum; state aid clerk,
70 one thousand seven hundred eighty-five dollars per annum;
71 and each of the persons listed in the payroll of said depart-
72 ment as clerks and stenographers shall receive and be paid not
73 in excess of ninety per centum of the salary received by each
74 thereof during the fiscal year ending June thirty, one thousand
75 nine hundred and thirty-two; and the positions of statistical
76 clerk, printing and supply clerk, director of physical educa-
77 tion, supervisors of teacher training, stenographer to secretary
78 of state board, secretary to the board of education, are hereby
79 abolished; the director of investigation and research and/or his
79-a department shall receive no money from the state of West
79-b Virginia or its sub-divisions.

80 (j) The employees in the department of the state auditor
81 shall receive the reduced salaries provided by section 1 of
82 this act, but such reduction shall be based upon and applicable
82-a to salaries paid as of June thirty, one thousand nine hundred
82-b thirty-one, except that the positions of three department heads
83 in said auditor's office who received four thousand dollars
84 each per annum during the fiscal year ending June thirty,

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85 one thousand nine hundred and thirty-one, and the messenger,
86 signature clerk, and the position of said department actuary
87 are hereby abolished;

88 In the fire marshal's office in said auditor's department, five
89 assistant fire marshals and two stenographers only shall be
90 retained, at the percentage of reduction provided in section 1
91 of this bill, and the employees classified respectively, as fol-
92 lows, that is to say, the employee assigned to investiga-
93 tion and office work, and the janitor and messenger, are
94 each hereby directed to be discharged, and their posi-
95 tions abolished, and the auditor shall take judicial notice
96 of this section and carry the same into effect in accordance
97 with the intent and direction of the legislature;

98 (k) That of the employees of the supreme court of appeals,
99 five law clerks shall each receive a salary of two thousand five
100 hundred dollars per annum;

101 (l) That the salary of the state tax commissioner shall be
102 five thousand dollars per annum, and that of the chief
103 accountant in his office four thousand eight hundred dollars
104 per annum; and that the percentage of salary reductions pro-
105 vided in section 1 of this act shall apply to all other employees

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106 in the office of said tax commissioner, except that the position
107 of the employee listed as law assistant is hereby abolished;

108 (m) The salary of each of the members of the public service
109 commission shall be five thousand dollars per annum, and that
110 of the statistician of said department shall be four thousand
111 dollars per annum; the salary of the engineer of said depart-
112 ment shall be forty-eight hundred dollars per annum; and the
113 position of legal advisor to said public service commission is
114 hereby abolished and his duties transferred to the office of the
114-a attorney general;

115 (n) The salary of the state compensation commissioner shall
116 be five thousand dollars per annum;

117 (o) The salary of the commissioner of banking shall be five
118 thousand dollars per annum;

119 (p) The salary of the state commissioner of health shall be
120 four thousand dollars per annum;

121 (q) The salary of the superintendent of the department of
122 public safety shall be four thousand dollars per annum;

123 (r) The salary of each of the members of the state road
124 commission shall be six thousand dollars per annum; the
125 salary of the secretary and of the purchasing agent of said

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126 commission shall be four thousand dollars each per annum;
127 and the salary of the superintendent of transportation of said
128 commission shall be three thousand eight hundred forty dollars
129 per annum;

130 (s) The salary of the superintendent of each of the follow-
131 ing state schools, sanitariums, and hospitals shall be as follows:

132 (1) of Weston State hospital, four thousand dollars per
133 annum; (2) of Spencer State hospital, three thousand six
134 hundred dollars per annum; (3) of Huntington State hospital,
135 four thousand dollars per annum; (4) of Rutherford Sani-
136 tarium, three thousand five hundred dollars per annum; (5)
137 of Denmar Sanitarium, three thousand dollars per annum;
138 (6) of Welch Emergency hospital, four thousand eight hun-
139 dred dollars per annum; (7) of McKendree Emergency hos-
140 pital, four thousand dollars per annum; (8) the superin-
140-a.tendent of Hopemont sanitarium shall receive thirty-five
140-b hundred dollars per annum;

141 (t) The salary of the president of West Virginia University
142 shall be seven thousand five hundred dollars per annum; the
143 salary of the athletic director of said university shall be
144 four thousand dollars per annum, which shall include all pay-

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145 ments out of athletic fees; the salary of the head football coach
146 shall be four thousand dollars per annum, which shall include
147 all payments out of athletic fees; no assistant football coach
148 shall receive in excess of three thousand dollars per annum,
149 but the salary of all such assistants shall be subject to the
150 general reduction provided in section 1 of this act; the salary
151 of each of the other employees of said university who now re-
152 ceives a salary in excess of five thousand dollars per annum
153 shall be reduced twenty per centum of the salary now re-
154-161 ceived; and the position of secretary of the alumni asso-
162 ciation of said university is hereby abolished;

163 (u) The salary of the warden of the West Virginia peni-
164 tentiary shall be four thousand dollars per annum; and the
165 positions of parole officers, as shown by the payroll of said
166 West Virginia penitentiary, are hereby abolished;

167 (v) The positions of members of the state board of edu-
168 cation and of each of its advisory members, together with its
169 secretary and director, are hereby abolished and the duties
170 heretofore performed by said state board of education and its
171 employees are hereby transferred to the state board of public
172 works, which board, with the aid of an additional secretary

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173 which it is hereby authorized to employ at a salary not to ex-
174 ceed three thousand six hundred dollars per annum, and a sten-
174-a ographer for the secretary at a salary not to exceed fifteen
174-b hundred dollars per annum, which board shall perform said
175 duties without additional compensation;

176 (w) The salary of each and every circuit judge in this state
177 is hereby reduced twenty per centum below the salary or com-
178 pensation that he is now receiving, and the salary or allowance
179 of each and every person serving as special judge of a circuit
180 or other court is hereby fixed at seven dollars and fifty cents
181 per day.

182 (x) The salary of each of the members of the state board
183-184 of control shall be five thousand dollars per annum;

185 (y) The salary of the chief of the department of mines
186 shall be five thousand dollars per annum.

186 a (z) The employment of his wife at public expense, by any
186-b officer or employee of the state, is expressly prohibited.

187 It is the purpose and object of the legislature to put into
188 effect the aforesaid salary, for each of the officials or holders
189 of public positions and places of public employment in this
190 state, regardless of whether the salary of each thereof shall be

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Chairman House Committee.

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191 now fixed at a different sum by other statutes which are not
192 specifically referred to in the title of this bill, and in order to
193 affect such reductions in accordance with the purpose of this
194 enactment, all courts and other persons shall construe this act
195 liberally and in such way as to carry out and effectuate said
196 purpose of the legislature.

Sec. 6. All acts and parts of acts in conflict with the fore-
2 going act, or any part thereof, are hereby repealed. The
3 various provisions of this act shall be construed as seperable
4 and several, and should any of the provisions or parts thereof
5 be construed or held to be unconstitutional, or for any other
6 reason invalid, the remaining provisions of this act shall not be
7 thereby affected.

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Jacob D. Smith
Chairman Senate Committee.

Lawrence M. Hodges
Chairman House Committee.

E. Alfred Taylor
Speaker of the House of Delegates.

R. H. Hines
Clerk of the House of Delegates.

M. G. White
President of the Senate.

M. S. Hodges
Clerk of the Senate.

The within is *Approved only as to the*
provisions of this act which are con-
stitutional.
this *27th* day of *August*, 1932.

W. G. Bailey
Governor.

Filed in the office of the Secretary of State
of West Virginia *Aug 27, 1932*
GEORGE W. SHARP,
Secretary of State.