

193

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

House Bill No. 193

(By Mr. LaFon)

Passed June 3, 1933

In Effect from Passage

Originated in the..... Takes effect..... Passage

Clerk House of Delegates.

CORRECTLY ENROLLED

Clerk.

Chairman Senate Committee.

Chairman House Committee.

ENROLLED BILL

(H. B. No. 193)

[Passed June 3, 1933; in effect from passage.]

AN ACT directing the governor to maintain a balanced budget.

Be it enacted by the Legislature of West Virginia:

Section 1. The legislature hereby directs that the governor,
2 during the fiscal years one thousand nine hundred thirty-four
3 and one thousand nine hundred thirty-five, shall administer the
4 fiscal affairs of the state in accordance with the standards here-
5 inafter set forth so as to maintain a balanced budget. But all
6 authority not expressly granted is reserved to the legislature.

Sec. 2. The governor shall examine and survey the progress
2 of the collection of the revenue and shall determine quarterly
3 the proportion which the amount actually collected bears to the
4 collections estimated for that period. For this purpose the
5 governor shall have the authority to require all necessary esti-

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Chairman Senate Committee.

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6 mates and reports from any office, department or other agency
7 of state government.

Sec. 3. If, as the result of the survey ordered in section two,
2 the governor determines that the amounts, or parts thereof,
3 appropriated from general revenue cannot be expended without
4 creating an overdraft in the general fund or an increase in the
5 deficit, he may reduce equally and pro rate all appropriations
6 out of general revenue in such a degree as may be necessary to
7 prevent an overdraft in the general fund or an increase in the
8 deficit.

Sec. 4. The governor, in the manner prescribed in section
2 three, may reduce appropriations from: (1) Funds supported
3 by designated taxes or fees; (2) fees or other collections set
4 aside for the support of designated activities or services. Each
5 fund and each fee or collection account shall be treated sepa-
6 rately, but appropriations from the same fund or account shall
7 be treated equally and reduced pro rata.

Sec. 5. For the purpose of maintaining a balanced budget
2 without impairing indispensable services, the legislature fixes
3 and classifies the several objects of expenditures as follows:

4 Class one: Agencies collecting revenue and administering the

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5 fiscal operations of government, including the offices and de-
6 partments of the tax commissioner, auditor, treasurer, and sink-
7 ing fund commission.

8 Class two: Agencies vested with the supervision, control and
9 direction of executive policy and law enforcement, including the
10 governor's office, the attorney general's office, and the depart-
11 ment of public safety.

12 Class three: State institutions, educational, charitable and
13 corrective.

14 Class four: Other departments and services of the state gov-
15 ernment.

16 Class five: Transfers from the general fund.

17 The legislature directs the governor, in case he determines
18 that the pro rata reduction of appropriations from general reve-
19 nue will dangerously impair the existence of those agencies most
20 essential to the maintenance of government to reduce the
21 amount to be expended for individual objects of appropriation
22 as follows:

23 The first class of appropriations to be reduced shall be class
24 five, and the preceding classes shall follow in this order: Class
25 four, class three, class two and class one.

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Chairman Senate Committee.

Chairman House Committee.

26 All reductions shall be in multiples of five per cent, but a
27 fixed relationship shall be maintained among the classes which
28 shall be measured by a difference of five per cent in the rate of
29 reduction. Class five shall not be reduced more than twenty-five
30 per cent. The relationship thus to be maintained among the
31 appropriations as classified shall be according to the table below :

32	CLASSES	Five	Four	Three	Two	One
33	(Per cent of	5%	.....	.....	.....	.....
34	reductions	10%	5%	.....	.....	.....
35	from total	15%	10%	5%	.....	.....
36	appropria-	20%	15%	10%	5%	.....
37	tions)	25%	20%	15%	10%	5%

Sec. 6. The governor may, within his discretion, direct the
2 reallocation of funds among items of any appropriation in order
3 to achieve increased economy without unnecessary injury to
4 efficient service. But this reallocation shall neither increase the
5 amount of any item authorized in the budget nor make funds
6 available for a purpose not authorized therein.

Sec. 7. Wherever related services are being performed by
2 two or more agencies, the governor may appoint one person to
3 administer such agencies; may order the coordination of per-

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4 sonnel; and may by executive order combine the appropriations.
5 He shall fix the consolidated appropriation at that amount,
6 within the total of the several separate appropriations, which
7 he shall determine to be required for the efficient operation of
8 the coordinated agencies. The consolidated appropriation shall
9 then be treated as a single appropriation in the administration
10 of the budget.

Sec. 8. Any appointment or contract for the expenditure of
2 appropriations authorized by the budget shall be made subject
3 to the provisions of this act.

Sec. 9. The provisions of this act shall not be construed to
2 authorize the abolition of any office created by the constitution
3 or a reduction in compensation contrary to section thirty-eight,
4 article six of the constitution.

Sec. 10. The provisions of this act shall not be construed to
2 authorize the elimination of any office heretofore established by
3 law, but where two or more such offices are vested within the
4 same function and require substantially the same qualifications
5 the governor may appoint the same person to all such offices.

Sec. 11. Sections three, four, five, six and seven shall be con-
2 strued as each vesting in the governor a separate authority, and

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3 if any are held invalid the remaining shall not be affected

4 thereby.

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James A. Smith
Chairman Senate Committee.

R. M. Stinner
Speaker of the House of Delegates.

Geo. L. Hance
Clerk of the House of Delegates.

H. M. S. ...
President of the Senate.

Samuel Smith
Clerk of the Senate.

James A. Smith
Chairman House Committee.

The within is... *approved* ...

this... *9th* ... day of... *June* ..., 1933.

H. S. Kemp
Governor.

Filed in the office of the Secretary of State
of West Virginia. *JUN 12 1933*
Wm. S. O'BRIEN,
Secretary of State