

555

ENROLLED BILL

(REGULAR SESSION, 1933)

House Bill No. 553

(By Mr. La Fol)

Passed March 11, 1933

In Effect from Passage

Originated in the *House* Takes effect *from* Passage
John S. Hall *John S. Hall*
 Clerk. Clerk of the House of Delegates.

CORRECTLY ENROLLED

James L. Smith *Arthur D. Hays*
 Chairman House Committee. Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 553)

[Passed March 11, 1933; in effect from passage.]

AN ACT to give the governor power and authority to combine, merge, consolidate and/or dispense with any of the departments, boards, bureaus or commissions of this state, or like agencies by whatever name; to limit the activities of the same; to fix and adjust the salary or compensation of any member, assistant or employee of such agencies, and that of appointees to office or position in the state on and after March fourth, one thousand nine hundred thirty-three, on a basis such members, assistants, employees or appointees could earn in competitive employment, and this act to remain in effect for two years from the date the same goes into effect.

Be it enacted by the Legislature of West Virginia:

Section 1. That the governor of this state be and he is hereby 2 vested with the authority and power, and it shall be his duty

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James L. Smith
Chairman House Committee.
A. H. Jones
Chairman Senate Committee.

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3 when in his opinion the financial affairs of the state government
4 demand:

5 (a) To combine, merge and consolidate any of the depart-
6 ments, boards, bureaus and commissions of this state, or like or
7 similar agency or agencies of the state government by whatever
8 name created or existing by general laws or any rules and regu-
9 lations in pursuance thereof and not provided for by expressed
10 terms in, or existing and functioning under any provision of,
11 the constitution of this state construed to be mandatory in its
12 terms, and direct that the duty or duties imposed upon or given
13 any one or more of such agencies to be performed, be done and
14 performed by another or other of such agencies;

15 (b) To dispense with any one or more of such agencies he may
16 deem useless and unnecessary for any time or period this act may
17 be in effect and to accomplish the object and purpose of this act;

18 (c) To dispense with or limit the activity or activities of any
19 agency aforesaid of this state whether or not such agency be
20 combined, merged and consolidated with any other agency, for
21 any time or period this act may be in effect and to accomplish
22 the object and purpose thereof;

23 (d) To dismiss any or all appointees and employees and dis-

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James L. Smith
Chairman House Committee.

James D. Hyman
Chairman Senate Committee.

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24 pense with the services of any appointee or employee whose serv-
25 ices are unnecessary or become unnecessary by reason of the
26 exercise of the power and authority herein conferred, or other-
27 wise become unnecessary;

28 (e) To fix the salary, compensation or emolument of any mem-
29 ber or assistant or employee of any agency aforesaid whether or
30 not such agency is combined, merged or consolidated with an-
31 other or other agency of the state government, and whether or
32 not the activity or activities of such agency are limited and
33 curtailed, at an amount not in excess of what such member,
34 assistant or employee could earn in competitive employment.

Sec. 2. That any person appointed on or after March fourth,
2 one thousand nine hundred thirty-three, to any office, depart-
3 ment, board, bureau or commission, or any other like agency by
4 whatever name known in this state, whether for a specified term
5 or otherwise, shall not by virtue of such appointment or the
6 acceptance thereof, have or gain any vested right under the
7 constitution of this state or laws in pursuance thereof in any
8 fixed salary, compensation or emolument at the time of the
9 appointment authorized by any such agencies or by general law,
10 and the right is hereby reserved in and to the governor of this

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James A. Smith

James L. Smith

Chairman Senate Committee.

Chairman House Committee.

11 state to reduce such salary, compensation or emolument of any
12 such appointee and fix and adjust the same in an amount such
13 appointee could earn in competitive employment: *Provided,*
14 *however,* That the provision herein shall not apply to the salary,
15 compensation or emolument of any such appointee which but
16 for this act is protected by the constitution of this state, unless
17 such appointee voluntarily assent thereto.

Sec. 3. This act shall be construed as an amendment to exist-
2 ing laws and the rules and regulations of any department, board,
3 bureau or commission made in pursuance of the law applicable
4 to such agency.

Sec. 4. This act shall be and remain in effect for a period of
2 two years from the date the same becomes effective, and any
3 acts or parts of acts in conflict with the foregoing act, or any
4 part thereof, are hereby repealed while this act is in effect. The
5 various provisions of this act shall be construed as separable and
6 several, and should any of the provisions or parts thereof be
7 construed or held to be unconstitutional, or for any other reason
8 invalid, the remaining provisions of this act shall not be thereby
9 affected.

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David A. Hays
Chairman Senate Committee.

B. M. Limer
Speaker of the House of Delegates.

John S. Hall
Clerk of the House of Delegates.

A. B. M. Atkins
President of the Senate.

Paul Donley
Clerk of the Senate.

James L. Smith
Chairman House Committee.

The within is... *approved*

this... *13th* ... day of... *March* ..., 1933.

H. S. Kemp
Governor.

Filed in the office of the Secretary of State
of West Virginia **MAR 14 1933**

Secretary of State.