WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 36

(By Mr. , Speaker of the House)

PASSED March 9, 1963

In Effect _______ Passage

Filed in Office of the Secretary of State
of West Virginia 3/5/63

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to repeal section eleven, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend article one, chapter five of the code, as amended, by adding thereto a new section, designated section twenty-two, relating to vacancies in appointive offices filled by the governor; senate action with respect thereto; the bonds required; and filling vacancies in other appointive offices.

Be it enacted by the Legislature of West Virginia:

That section eleven, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as
amended, be repealed, and that article one, chapter five of the
code, as amended, be amended by adding thereto a new sec-
tion, designated section twenty-two, to read as follows:

Article 1. The Governor.

Section 22. Vacancies in Offices Filled by Governor

Appointment; Senate Action; Bond Requirements; Filling

Vacancies in Other Appointive Offices.—In case of a
vacancy, during the recess of the senate, in any office,
which vacancy the governor is authorized to fill by and
with the advice and consent of the senate, the gover-
nor shall, by appointment, fill such vacancy until the
next meeting of the senate, when the governor shall sub-
mit to the senate a nomination to fill such vacancy and,
upon confirmation of such nomination by the senate, by
a vote of a majority of all the members elected to the
senate, taken by yeas and nays, the person so nominated
and confirmed shall hold said office during the remainder
of the term for which his predecessor in office was
appointed, and until his successor shall be appointed and
qualified. No person whose nomination for office has
been rejected by the senate shall be again nominated for
the same office during the session in which his nomination was so rejected, unless at the request of the senate, nor shall he be appointed to the same office during the recess of the senate. No appointee who resigns from any such office prior to confirmation, or whose name has not been submitted for confirmation while the senate is in session, shall be eligible, during the recess of the senate, to hold any office the nomination for which must be confirmed by the senate.

The bond, if any, required by law to be given by any officer so temporarily appointed by the governor, shall be in such penalty as is required by law of the incumbent of such office.

Any vacancy in any other office filled by appointment, or in any office hereafter created to be filled by appointment, shall be filled by the same person, court or body authorized to make appointment to such office for the full term thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approve this the 14th day of March, 1963.

Governor