Rec., Jan. 29, 1934

ENROLLED BILL

Second Extraordinary Session

SENATE BILL NO. 84

By Mr. Hodges

PASSED January 25 1934 IN EFFECT Minety days PASSAGE

ENROLLED BILL

Passage.

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(S. B. No. 84)

[Passed January 25, 1934; in effect ninety days from passage.]

AN ACT to provide for submission to the voters of the state of an amendment to the constitution of the state, amending section six, article thirteen of the constitution.

Be it enacted by the Legislature of West Virginia:

That section six, article thirteen of the constitution be proposed for amendment; relating to assessments on the land books.

Section 1. The question of the ratification or rejection of 2 an amendment of the constitution of West Virginia, proposed 3 in accordance with the provisions of section two, article four-4 teen of said constitution, shall be submitted to the voters of the 5 state at the next general election to be held in the year one

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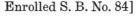
Chairman Senate

Chairman House Committee

6 thousand nine hundred thirty-four, which proposed amendment 7 is as follows:

That section six, article thirteen of said constitution of West Virginia be amended to read as follows:

Sec. 6. It shall be the duty of every owner of land, or of 2 an undivided interest therein, to have such land, or such un-3 divided interest therein, entered on the land books of the county 4 in which it, or a part of it, is situated, and to cause himself to 5 be charged with taxes legally levied thereon and pay the same. 6 When, for any five successive years, the owner of any tract of 7 land, or undivided interest therein, shall not have been charged 8 on such land books with state, county and district taxes there-9 on, then, by operation hereof, the land, or undivided interest 10 therein, shall be forfeited, and title vested in the state. But 11 if, for any one or more of such five years, the owner of such 12 land, or of any undivided interest therein, shall have been 13 charged with state, county and district taxes on any part of 14 such land, such part thereof, or undivided interest therein, 15 shall not be forfeited for such cause. And any owner of land 16 so forfeited, or of any interest therein, at the time of the 17 forfeiture thereof, who shall then be an infant, married woman,



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18 or insane person, may, until the expiration of three years after 19 the removal of such disability, have the land, or such interest, 20 charged on such land books, with all state and other taxes that 21 shall be, and but for the forfeiture would be, chargeable on the 22 land, or interest therein, for the year one thousand eight 23 hundred sixty-three, and every year thereafter, with interest 24 at the rate of ten per centum per annum, and pay all taxes 25 and interest therein: *Provided*, Such right to redeem shall 27 in no case extend beyond twenty years from the time such land 28 was forfeited.

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Sec. 2. For convenience in referring to said proposed amend-2 ment and in the preparation of the form of ballot hereinafter 3 provided for, said proposed amendment is hereby designated as 4 follows: To be known as "Land Book Assessment Amend-5 ment".

Sec. 3. For the purpose of enabling the voters of the state 2 to vote on the question of said proposed amendment to the con-3 stitution, at said general election to be held in the year one 4 thousand nine hundred thirty-four, the board of ballot commis-5 sioners of each county is hereby required to prepare separate



6 ballots from that of the ballot to be voted at said election, and 7 print thereon the following:

8 Ballot of Constitutional Land Book Assessment Amendment 9 amending section six of article thirteen of the constitution. For ratification of land book assessment amendment. 10 11 Against ratification of land book assessment amendment. The said election on the proposed amendment at each place 12 13 of voting shall be superintended, conducted and returned, and 14 the result thereof ascertained, by the same officers and in the 15 same manner as the election of officers to be voted for at said 16 election; and all of the provisions of the law relating to general 17 elections, including all duties to be performed by any officer 18 or board, as far as applicable and not inconsistent with any-19 thing herein contained, shall apply to the election held under 20 the provisions of this act, except when it is herein otherwise 21 provided. The ballots cast on the question of said proposed 22 amendment shall be counted as other ballots cast at said 23 election.

Sec. 4. As soon as the result is ascertained the commis-2 sioners, or a majority of them, and the canvassers (if there 3 be any) or a majority of them, at each place of voting, shall

Committee. 4 make out and sign two certificates thereof in the following 5 form or to the following effect: We, the undersigned, who Chairman Senate 6 acted as commissioners (or canvassers, as the case may be), 7 of the election held at 8, in the district of, in the 9 county of, on the day of, 10 one thousand nine hundred thirty-four, upon the question of

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Enrolled S. B. No. 84]

11 the ratification or rejection of the proposed constitutional 12 amendment to section six, article thirteen, do hereby certify 13 that the result of said election is as follows:

14 Amending section six of article thirteen:

15 For ratification of land book assessment amendment16 votes.

17 Against ratification of land book assessment amendment18 votes.

19 Given under our hands this day of, 20 one thousand nine hundred thirty-four. The said two certifi-21 cates shall correspond with each other in all respects, and con-22 tain the full and true returns of said election at each place 23 voting on said question. The said commissioners, or any of 24 them, (or said canvassers, or one of them, as the case may

Chairman House Committee

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25 be) shall within four days, excluding Sundays, after that on 26 which said election was held, deliver one of said certificates to 27 the elerk of the county court of his county, together with the 28 ballots and the other to the elerk of the circuit court of the 29 county.

30 The said certificates, together with the ballots cast on the 31 question of said proposed amendment shall be laid before the 32 commissioners of the county court at the courthouse at the same 33 time the ballots, poll books and the certificates of the election 34 for the members of the legislature are laid before them. And 35 as soon as the result of said election in the county upon the 36 question of such ratification or rejection is ascertained, two 37 certificates of such result shall be made out and signed by said 38 commissioners, as a board of canvassers, in the form or to the 39 following effect:

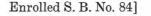
40 We, the board of canvassers of the county of, 41 having carefully and impartially examined the returns of the 42 election held in said county, in each district thereof, on the 43 day of November, one thousand nine hundred thirty-44 four, do certify that the results of the election in said county, 45 on the question of the ratification or rejection of the proposed

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46 amendment to section six of article thirteen is as follows:
47 For ratification of land book assessment amendment
48 votes.

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49 Against ratification of land book assessment amendment 50 votes.

51 Given under our hand this day of, 52 one thousand nine hundred thirty-four.

53 One of the certificates shall be filed in the office of the clerk 54 of the county court, and the other forwarded by mail to the 55 secretary of state who shall file and preserve the same until 56 the day on which the result of said election in the state is to 57 be ascertained, as hereinafter stated.

Sec. 5. On the twenty-fifth day after the election is held, 2 or as soon thereafter as practicable, the said certificates shall 3 be laid before the governor, whose duty it shall be to ascertain 4 therefrom the result of said election in the state, and declare 5 the same by proclamation published in one or more newspapers 6 printed at the seat of government. If a majority of the votes 7 cast at said election upon said question be for the ratification 8 of said amendment, the proposed amendment, so ratified shall 9 be of force and effect from and after the time of such ratificaAfriced A. Boby re Chairman Senate Committee.

Sec. 6. The governor shall cause the said proposed amend-2 ment, with the proper designation for the same as hereinbefore 3 adopted, to be published one time at least three months before 4 such election, in some newspaper in every county in which a 5 newspaper is printed, at a price to be agreed upon in advance, 6 in writing, and the cost of such advertising shall be in the 7 first instance, if found necessary by him, paid out of the 8 governor's contingent fund and be afterwards repaid to such 9 fund by appropriation of the legislature.

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10 tion, as part of the constitution of the state.

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Enrolled S. B. No. 84] 9 Speaker of the House of Delegates Chairman S Clerk of the House of Delegates 10 CORRECTLY ENROLLED 1 President of the Senate Clerk of the Senate Chairman House Comn The within is..... Filed in the office of the Secretary of State of West Virginia Wm. S. O'BRIEN, Governor Secretary of State 6 R. Marine