WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 361

(By Mr. Goff)

PASSED March 10, 1945

In Effect 90 days from Passage
ENROLLED

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[Passed March 10, 1945; in effect ninety days from passage.]

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state of West Virginia, amending article six thereof, by adding thereto a new section to be numbered fifty-three, and to be known as the "Forestry Amendment".

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting an Amendment to Article Six of the State Constitution, adding Section Fifty-three thereto.—The question of the ratification or rejection of an amendment to the constitution of the state of West Virginia, proposed in accordance with the provisions of section two, article fourteen, of said constitution, amending article six thereof by adding to said article a new section, numbered fifty-three, shall be submitted to the voters of the state at the next general election to be held in the
Proposed Amendment


Sectin 53. Forestry Amendment.—The Legislature may by general law define and classify forest lands and provide for cooperation by contract between the state and the owner in the planting, cultivation, protection, and harvesting thereof. Forest lands embraced in any such contract may be exempted from all taxation or be taxed in such manner, including the imposition of a severance tax or charge as trees are harvested, as the Legislature may from time to time provide. But any tax measured by valuation shall not exceed the aggregate rates authorized by section one of article ten of this Constitution.

Sec. 2. Amendment to be Known as the “Forestry Amendment.”—For convenience in referring to said proposed amendment and in the preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated and shall be known as the “Forestry Amendment”.
Sec. 3. Form of Ballot; Election.—For the purpose of enabling the voters of the state to vote on the question of said proposed amendment to the constitution at the general election to be held in the year one thousand nine hundred forty-six, the board of ballot commissioners of each county is hereby required to place upon, and at the foot of, the official ballot to be voted at said election, the following:

Ballot on constitutional “Forestry Amendment” amending article six of the state constitution by adding a new section thereto.

☐ For ratification of “Forestry Amendment”.

☐ Against ratification of “Forestry Amendment”.

The election on the proposed amendment, at each place of voting, shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of officers to be voted for at said election, and all of the provisions of law relating to general elections, including all duties to be performed by any officer or board, as far as applicable and not inconsistent with anything herein con-
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tained, shall apply to the election held under the pro-
visions of this act, except when it is herein otherwise pro-
vided. The ballots cast on the question of said proposed
amendment shall be counted as other ballots cast at said
election.

Sec. 4. Certificates of Election Commissioners; Canvass
of Vote; Certifying Result.—As soon as the result is as-
certained, the commissioners, or a majority of them, and
the canvassers (if there be any), or a majority of them, at
each place of voting, shall make out and sign two certifi-
cates thereof in the following form or to the following
effect:

"We, the undersigned who acted as commissioners (or
canvassers, as the case may be), of the election held at pre-
cinct number ........., in the district of .........................,
in the county of ........................., on the........day of
November, one thousand nine hundred forty-six, upon
the question of the ratification or rejection of the pro-
posed constitutional amendment to article six, do hereby
certify that the result of said election is as follows:
Amending article six by adding thereto a new section, numbered fifty-three:

For ratification of "Forestry Amendment" ______ votes.

Against ratification of "Forestry Amendment" ____________

votes.

Given under our hands this ______ day of November, one thousand nine hundred forty-six."

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said questions.

The said commissioners, or any one of them (or said canvassers, or any one of them, as the case may be), shall within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court of the county, together with the ballots, and the other to the clerk of the circuit court of the county.

The said certificates, together with the ballots cast on the question of said proposed amendment, shall be laid before the commissioners of the county court at the courthouse at the same time the ballots, poll books and
the certificates of the election for the members of the Legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners, as a board of canvassers, in the following form or to the following effect:

"We, the board of canvassers of the county of ______________, having carefully and impartially examined the returns of the election held in said county, in each district thereof, on the ______ day of November, one thousand nine hundred forty-six, do certify that the result of the election in said county on the question of the ratification or rejection of the proposed constitutional amendment to article six is as follows:

For ratification of "Forestry Amendment" ______ votes.
Against ratification of "Forestry Amendment" ______ votes.

Given under our hands this ______ day of ______________, one thousand nine hundred forty-six."

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

Sec. 5. *Proclamation of Result of Election by Governor.*

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

Sec. 6. *Publication of Proposed Amendment by Gov-
ernor.*—The governor shall cause the said proposed amend-
ment, with the proper designation for the same as herein-
before adopted, to be published one time, at least three
5 months before such election, in some newspaper in every county in this state in which a newspaper is printed, at a price to be agreed upon in advance in writing, and the cost of such advertising shall in the first instance, if found necessary by him, be paid out of the governor's contingent fund and be afterwards repaid to such fund by appropriation of the Legislature.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

J. W. Beamer
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

Howard McGee
Clerk of the Senate

R. B. Huff
Clerk of the House of Delegates

Ormand W. Tucker
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 16th day of March, 1945.

WV Governor:

Filed in the office of the Secretary of State of West Virginia MAR 16 1945

Wm. S. O'BRIEN,
Secretary of State.