

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 361

(By Mr. Goff)



PASSED March 10 1945

In Effect 90-days from Passage

1945

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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

10 year one thousand nine hundred forty-six, which proposed
11 amendment is as follows:

Proposed Amendment

Article 6. Legislature.

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

Sec. 2. *Amendment to be Known as the "Forestry*
2 *Amendment*."—For convenience in referring to said pro-
3 posed amendment and in the preparation of the form of
4 the ballot hereinafter provided for, said proposed amend-
5 ment is hereby designated and shall be known as the
6 "Forestry Amendment".

Sec. 3. *Form of Ballot; Election.*—For the purpose of en-

2 abling the voters of the state to vote on the question of
3 said proposed amendment to the constitution at the gen-
4 eral election to be held in the year one thousand nine
5 hundred forty-six, the board of ballot commissioners of
6 each county is hereby required to place upon, and at the
7 foot of, the official ballot to be voted at said election, the
8 following:

9 Ballot on constitutional “Forestry Amendment” amend-
10 ing article six of the state constitution by adding a new
11 section thereto.

12 ☐ For ratification of “Forestry Amendment”.

13 ☐ Against ratification of “Forestry Amendment”.

14 The election on the proposed amendment, at each place
15 of voting, shall be superintended, conducted and re-
16 turned, and the result thereof ascertained by the same
17 officers and in the same manner as the election of offi-
18 cers to be voted for at said election, and all of the pro-
19 visions of law relating to general elections, including all
20 duties to be performed by any officer or board, as far as
21 applicable and not inconsistent with anything herein con-

22 tained, shall apply to the election held under the pro-
23 visions of this act, except when it is herein otherwise pro-
24 vided. The ballots cast on the question of said proposed
25 amendment shall be counted as other ballots cast at said
26 election.

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

8 “We, the undersigned who acted as commissioners (or
9 canvassers, as the case may be), of the election held at pre-
10 cinct number _____, in the district of _____,
11 in the county of _____, on the _____ day of
12 November, one thousand nine hundred forty-six, upon
13 the question of the ratification or rejection of the pro-
14 posed constitutional amendment to article six, do hereby
15 certify that the result of said election is as follows:

16 Amending article six by adding thereto a new section,
17 numbered fifty-three:

18 For ratification of "Forestry Amendment" votes.

19 Against ratification of "Forestry Amendment"
20 votes.

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

23 The said two certificates shall correspond with each
24 other in all respects, and contain the full and true returns
25 of said election at each place of voting on said questions.
26 The said commissioners, or any one of them (or said can-
27 vassers, or any one of them, as the case may be), shall
28 within four days, excluding Sunday, after that on which
29 said election was held, deliver one of said certificates
30 to the clerk of the county court of the county, together
31 with the ballots, and the other to the clerk of the circuit
32 court of the county.

33 The said certificates, together with the ballots cast on
34 the question of said proposed amendment, shall be laid
35 before the commissioners of the county court at the
36 courthouse at the same time the ballots, poll books and

37 the certificates of the election for the members of the
38 Legislature are laid before them; and as soon as the re-
39 sult of said election in the county upon the question of
40 such ratification or rejection is ascertained, two certifi-
41 cates of such result shall be made out and signed by said
42 commissioners, as a board of canvassers, in the following
43 form or to the following effect:

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

52 For ratification of "Forestry Amendment" _____ votes.

53 Against ratification of "Forestry Amendment" _____
54 votes.

55 Given under our hands this _____ day of _____,
56 one thousand nine hundred forty-six."

57 One of the certificates shall be filed in the office of

58 the clerk of the county court, and the other forwarded
59 by mail to the secretary of state, who shall file and pre-
60 serve the same until the day on which the result of said
61 election in the state is to be ascertained, as hereinafter
62 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-*

2 *ernor.*—The governor shall cause the said proposed amend-
3 ment, with the proper designation for the same as herein-
4 before adopted, to be published one time, at least three

5 months before such election, in some newspaper in every
6 county in this state in which a newspaper is printed, at a
7 price to be agreed upon in advance in writing, and the
8 cost of such advertising shall in the first instance, if found
9 necessary by him, be paid out of the governor's con-
10 tingent fund and be afterwards repaid to such fund by
11 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. H. Be Grunty Jr.
Chairman House Committee

Originated in the

House

Takes effect

90-days from

passage.

Howard Hughes
Clerk of the Senate

J. R. Ruff
Clerk of the House of Delegates

Quaid W. Tickers
President of the Senate

John E. Amos
Speaker House of Delegates

The within

Approved

this the

16th

day of

March

, 1945.

Robert M. Mason
Governor.



Filed in the office of the Secretary of State
of West Virginia

MAR 16 1945

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