

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 373

(By Mr. Ballard of Mercer)



PASSED March 10 1949

In Effect 90 days from Passage



373

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House Bill No. 373

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AN ACT to provide for the submission to the voters of the state  
an amendment to the constitution of the state, amending  
section thirty-three of article six thereof, relating to com-  
pensation of members of the Legislature.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Submitting an Amendment to the State Con-*  
stitution.—That the question of the ratification or rejection  
of an amendment to the constitution of West Virginia,  
proposed in accordance with the provisions of section two,  
article fourteen of said constitution, shall be  
submitted to the voters of the state at the next general  
election, to be held in the year one thousand nine hundred  
fifty, which proposed amendment is as follows:

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## PROPOSED AMENDMENT

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## Article 6—Section 33

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## Compensation of Members of the Legislature

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Section 33. The members of the Legislature shall each

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receive for their services, the sum of one thousand dollars

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per annum, and ten cents for each mile traveled in going

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to and returning from the seat of government by the most

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direct route, and in addition thereto, shall receive ten

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dollars per day for each day's attendance upon any ex-

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tended or extraordinary session of the Legislature. The

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Speaker of the House of Delegates and the President of

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the Senate shall each receive an additional compensation

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of five dollars per day for each day they shall act as

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presiding officer. No other allowance or emolument than

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that by this section provided shall directly or indirectly

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be made or paid to the members of either house for post-

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age, stationery, newspapers, or any other purpose what-

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ever.

Sec. 2. *Amendment to be Known as the "Compensation*

*of Members of the Legislature Amendment".—For con-*

*venience in referring to said proposed amendment, and*

4 in the preparation of the form of the ballot hereinafter  
5 provided for, said proposed amendment is hereby desig-  
6 nated as the "Compensation of Members of the Legisla-  
7 ture Amendment."

Sec. 3. *Form of Ballot; Election.*—For the purpose of  
2 enabling the voters of the state to vote on the question  
3 of said proposed amendment to the constitution at the  
4 said general election to be held in the year one thou-  
5 sand nine hundred fifty, the board of ballot commis-  
6 sioners of each county is hereby required to place upon,  
7 and at the foot of, the official ballot to be voted at that  
8 election, the following:

9 Ballot on "Compensation of Members of the Legislature  
10 Amendment."

11 ☐ For ratification of Compensation of Members of the  
12 Legislature Amendment.

13 ☐ Against ratification of Compensation of Members of  
14 Legislature Amendment.

15 The said election on the proposed amendment at each  
16 place of voting shall be superintended, conducted and  
17 returned, and the result thereof ascertained by the same

18 officers and in the same manner as the election of officers  
19 to be voted for at said election, and all the provisions of  
20 the law relating to general elections, including all duties  
21 to be performed by any officer or board, as far as prac-  
22 ticable, and not inconsistent with anything herein con-  
23 tained, shall apply to the election held under the provi-  
24 sions of this act, except when it is herein otherwise pro-  
25 vided. The ballots cast on the question of said proposed  
26 amendment shall be counted as other ballots cast at  
27 said 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,  
5 at each place of voting, shall make out and sign two cer-  
6 tificates thereof in the following form or 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  
10 Precinct No. \_\_\_\_\_, in the district of \_\_\_\_\_  
11 in the county of \_\_\_\_\_, on the

12 ..... day of ....., one thousand nine  
13 hundred fifty, upon the question of the ratification or  
14 rejection of the proposed constitutional amendment, do  
15 hereby certify that the result of said election is as fol-  
16 lows:

17 "For ratification of Compensation of Members of the  
18 Legislature Amendment ..... votes.

19 "Against ratification of Compensation of Members of the  
20 Legislature Amendment ..... votes.

21 "Given under our hands this ..... day of .....,  
22 one thousand nine hundred fifty."

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 question.  
26 The said commissioners, or any one of them (or said  
27 canvassers or any one of them, as the case may be),  
28 shall, within four days, excluding Sunday, after that on  
29 which said election was held, deliver one of said cer-  
30 tificates to the clerk of the county court of his county,  
31 together with the ballots, and the other to the clerk of  
32 the circuit 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 court  
36 house at the same time the ballots, poll books, and the  
37 certificates of election of the members of the Legislature  
38 are laid before them; and as soon as the result of said  
39 election in the county upon the question of such ratifica-  
40 tion or rejection is ascertained, two certificates of such  
41 result shall be made out and signed by said commissioners  
42 as a board of canvassers, in the form or to the following  
43 effect:

44 "We, the board of canvassers of the county of \_\_\_\_\_,  
45 having carefully and impartially examined the returns  
46 of the election held in said county, in each district thereof,  
47 on the \_\_\_\_\_ day of November, one thousand nine hundred  
48 fifty, do certify that the results of the election in said  
49 county, on the question of the ratification or rejection of  
50 the proposed amendment is as follows:

51 "For ratification of Compensation of Members of the  
52 Legislature Amendment \_\_\_\_\_ votes.

53 "Against ratification of Compensation of Members of

54 the Legislature Amendment \_\_\_\_\_ votes.

55 "Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_,

56 one thousand nine hundred fifty."

57 One of the certificates shall be filed in the office of the  
58 clerk of the county court, and the other forwarded by  
59 mail to the secretary of state, who shall file and preserve  
60 the same until the day on which the result of said election  
61 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 state,  
6 and declare the same by proclamation published in one or  
7 more newspapers printed at the seat of government. If  
8 a majority of the votes cast at said election upon said  
9 question be for ratification of said amendment, the pro-  
10 posed amendment so ratified shall be in force and effect  
11 from and after the time of such ratification, as part of the  
12 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 which a newspaper is printed, at a price to be  
7 agreed upon in advance, in writing, and the cost of such  
8 advertising shall in the first instance, if found necessary  
9 by him, be paid out of the governor's contingent fund and  
10 be afterwards repaid to such fund by appropriation of  
11 the Legislature.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Frank L. McGinnis*  
Chairman Senate Committee

*Donnauchars*  
Chairman House Committee

Originated in the House of Delegates

Takes effect *90 days from* passage.

*Thomas M. Myers*  
Clerk of the Senate

*J. A. Rupp*  
Clerk of the House of Delegates

*Henry M. Thacker*  
President of the Senate

*W. C. F. Lanning*  
Speaker House of Delegates

The within *APPROVED* this the *18TH*

day of *MARCH*, 1949.

*Oliver L. Patterson*  
Governor.

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

**MAR 18 1949**  
D. PITT O'BRIEN,  
SECRETARY OF STATE

