

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 398

(By Mr. Trent)



PASSED March 12 1949

In Effect Ninety day from Passage



398

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House Bill No. 398
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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, to be known
as the "Veterans' Bonus Amendment".

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting "Veterans' Bonus Amendment"*

2 *to the State Constitution.*—That the question of the rati-
3 fication or rejection of an amendment to the constitution
4 of West Virginia, proposed in accordance with the provi-
5 sions of section two, article fourteen of said constitution,
6 shall be submitted to the voters of the state at the next
7 general election, to be held in the year one thousand nine
8 hundred fifty, which proposed amendment is as follows:

9 **Veterans' Bonus Amendment**

10 The Legislature shall by law provide for the issuance
11 and sale of state bonds, not to exceed in the aggregate

12 ninety million dollars, which shall be in addition to all
13 other state bonds heretofore authorized. The proceeds
14 of such additional bonds, or so many thereof as may be
15 necessary for the purpose, shall be used and appropriat-
16 ed solely for the purpose of paying a cash bonus to
17 veterans of World War I and World War II. Such bonus
18 shall be paid to all persons who rendered active service
19 in the armed forces of the United States in World War I
20 between the sixth day of April, one thousand nine hun-
21 dred seventeen, and the eleventh day of November, one
22 thousand nine hundred eighteen, both dates inclusive,
23 or in World War II between the seventh day of Decem-
24 ber, one thousand nine hundred forty-one, and the sec-
25 ond day of September, one thousand nine hundred forty-
26 five, both dates inclusive, or in both such wars, who were
27 bona fide residents of the State of West Virginia at the
28 time of their entry into such service and for a period
29 of at least six months prior thereto, who were not dis-
30 honorably discharged from such forces, and who within
31 the periods specified above actively served in such armed
32 forces for a period of at least ninety days. Such a bonus

33 shall also be paid to any disabled veteran, otherwise
34 qualified, who was discharged within ninety days after
35 entering the services because of a service connected dis-
36 ability. The amount of such bonus shall be calculated
37 on the basis of ten dollars for each month, or major frac-
38 tion thereof, served within the territorial limits of the
39 forty-eight states and the District of Columbia, and fif-
40 teen dollars for each month, or major fraction thereof,
41 served outside such limits, but such amount shall in no
42 case exceed three hundred dollars for those who served
43 only within the territorial limits specified above, and
44 four hundred dollars for those who served outside such
45 limits. The bonus to which any deceased veteran would
46 be entitled, if living, shall be paid only to the following
47 surviving relatives of such veteran, if such relatives are
48 residents of this State when application for payment is
49 made: Any unremarried widow, or if none, any child
50 or children under the age of sixteen, or if none, any de-
51 pendent parent or parents.

52 Whenever the Legislature shall provide for the issuance
53 of any bonds under the authority of this amendment, it

54 shall at the same time provide for the levy and collection
55 of an additional cigarette tax, or an additional tax on
56 nonintoxicating beer, or an additional charge on the sale
57 of each bottle of wine and liquor, or an additional general
58 consumers sales tax, or a graduated income tax, or any
59 two or more thereof, in such amount as may be required
60 to pay annually the interest on such bonds and the prin-
61 cipal thereof within and not exceeding thirty years.

Sec. 2. *Amendment to be Known as the "Veterans'
2 Bonus Amendment"*.—For convenience in referring to
3 said proposed amendment, and in the preparation of the
4 form of the ballot hereinafter provided for, said proposed
5 amendment is hereby designated as the "Veterans Ninety
6 Million Dollars Bonus 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 thousand
5 nine hundred fifty, the board of ballot commissioners
6 of each county is hereby required to place upon, and at

7 the foot of, the official ballot to be voted at that election,
8 the following:

9 Ballot on "Veterans' \$90,000,000.00 Bonus Amendment".

10 (The Bonus Bonds to be Retired by Additional Taxes.)

11 ☐ For ratification of Veterans' \$90,000,000.00 Bonus
12 Amendment.

13 ☐ Against ratification of Veterans' \$90,000,000.00 Bonus
14 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
20 of the law relating to general elections, including all
21 duties to be performed by any officer or board, as far
22 as practicable, and not inconsistent with anything here-
23 in contained, shall apply to the election held under the
24 provisions of this act, except when it is herein otherwise
25 provided. The ballots cast on the question of said pro-
26 posed amendment shall be counted as other ballots cast
27 at 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,
4 and the canvassers (if there be any), or a majority of
5 them, at each place of voting, shall make out and sign
6 two certificates thereof in the following form or the
7 following effect:

8 "We, the undersigned, who acted as commissioners
9 (or canvassers, as the case may be) of the election held
10 at Precinct No. _____, in the district of _____
11 in the county of _____, on the _____
12 day of _____, one thousand nine hun-
13 dred fifty, upon the question of the ratification or rejec-
14 tion of the proposed constitutional amendment, do here-
15 by certify that the result of said election is as follows:

16 "For ratification of Veterans' Ninety Million Dollars
17 Bonus Amendment _____ votes.

18 "Against ratification of Veterans' Ninety Million Dollars
19 Bonus Amendment _____ votes.

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

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

32 The said certificates, together with the ballots cast on
33 the question of said proposed amendment, shall be laid
34 before the commissioners of the county court at the court
35 house at the same time the ballots, poll books, and the
36 certificates of election of the members of the Legislature
37 are laid before them; and as soon as the result of said
38 election in the county upon the question of such ratifi-
39 cation or rejection is ascertained, two certificates of such
40 result shall be made out and signed by said commission-
41 ers as a board of canvassers, in the form or to the following
42 effect:

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

51 "For ratification of Veterans' Ninety Million Dollars
52 Bonus Amendment _____ votes.

53 "Against ratification of Veterans' Ninety Million Dollar
54 Bonus 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 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 Gov-*

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

Sec. 6. *Publication of Proposed Amendment by Gov-*

2 *error*.—The governor shall cause the said proposed amend-
3 ment, with the proper designation for the same as
4 hereinbefore adopted, to be published one time at least
5 three months before such election in some newspaper
6 in every county 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.

James L. McMan

Chairman Senate Committee

R. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect

Ninety days from passage.

Howard Meyer

Clerk of the Senate

J. A. Huff

Clerk of the House of Delegates

P. Franklyn Shelton

President of the Senate

W. B. Lawrence


Speaker House of Delegates

The within *APPROVED* this the *18TH*

day of *MARCH*, 1949.

Okuy 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