

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1953

ENROLLED

SENATE BILL NO. 342

(By Mr. Amos)

PASSED March 14 1953

In Effect Ninety days from Passage

0658

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Senate Bill No. 342

(By MR. AMOS)

[Passed March 14, 1953; 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, amending sections eighteen, twenty-two and thirty-three of article six, thereof, relating to time of assembly of the Legislature, length of session and compensation of members.

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting an Amendment to the State Constitution.*—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

7 election, to be held in the year one thousand nine hundred
8 fifty-four, which proposed amendment is as follows:

PROPOSED AMENDMENT

Article 6.

Sec. 18. *Time of Assembly of Legislature.*—The Legis-
2 lature shall assemble annually at the seat of government,
3 and not oftener, unless convened by the governor. Regu-
4 lar sessions of the Legislature shall commence on the
5 second Wednesday of January of each year. Notwith-
6 standing any other provisions of the Constitution, the
7 board of public works shall, on and after the effective
8 date hereof, submit to the Legislature an annual budget
9 prepared as otherwise required by the Constitution.

Sec. 22. *Length of Legislative Sessions.*—The regular
2 session of the Legislature held in the year one thousand
3 nine hundred fifty-five and every second year thereafter
4 shall not exceed sixty days, and the regular session held
5 in the year one thousand nine hundred fifty-six and every
6 second year thereafter shall not exceed thirty days.
7 During any thirty day session the Legislature shall con-
8 sider no other business than the annual budget bill, ex-

9 cept such as may be stated in a proclamation issued by
10 the governor at least ten days prior to the convening of
11 the session, or such business as may be stated by the
12 Legislature on its own motion in a concurrent resolution
13 adopted by a two-thirds vote of the members elected to
14 each house. All regular sessions may be extended by the
15 concurrence of two-thirds of the members elected to
16 each house.

Sec. 33. *Compensation of Members.*—Each member of
2 the Legislature shall receive for his services the sum of
3 one thousand five hundred dollars a year, and expenses
4 for one round trip in connection with any session, at the
5 rate of ten cents a mile traveled in going to and return-
6 ing from the seat of government by the most direct
7 route: *Provided*, That if party caucuses are held in ad-
8 vance of the date of the assembly of the Legislature in
9 odd-numbered years for the purpose of selecting candi-
10 dates for officers of the two houses, expenses for travel
11 at the rate herein fixed shall be allowed each member
12 for one round trip in connection with attending such
13 caucus. The Speaker of the House of Delegates and the

14 President of the Senate shall each receive an additional
15 compensation of five dollars a day for each day served
16 as presiding officer. No other allowance or emolument
17 than that by this section provided shall directly or in-
18 directly be made or paid to the members of either house
19 for postage, stationery, newspapers, or any other pur-
20 pose whatever. Notwithstanding any other provision of
21 the Constitution, the compensation herein provided for
22 shall be paid to each member of the Legislature on and
23 after the adoption of this amendment.

Sec. 2. *Amendment to be Known as the "Legislative*
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 as the "Legislative Amend-
6 ment".

Sec. 3. *Form of Ballot; Election*.—For the purpose of
2 enabling the voters of the state to vote on the question of
3 said proposed amendment to the constitution at the said
4 general election to be held in the year one thousand nine
5 hundred fifty-four, 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 that election, the
8 following:

9 Ballot on "Legislative Amendment".

10 ☐ For Legislative Amendment.

11 ☐ Against Legislative Amendment.

12 The said election on the proposed amendment at each
13 place of voting shall be superintended, conducted and re-
14 turned, and the result thereof ascertained by the same
15 officers and in the same manner as the election of officers
16 to be voted for at said election, and all the provisions of
17 the law relating to general elections, including all duties
18 to be performed by any officer or board, as far as practi-
19 cable, and not inconsistent with anything herein con-
20 tained, shall apply to the election held under the pro-
21 visions of this act, except when it is herein otherwise
22 provided. The ballots cast on the question of said pro-
23 posed amendment shall be counted as other ballots cast
24 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, 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
6 certificates thereof in the following form or the follow-
7 ing 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 _____, in
11 the county of _____, on the _____ day of
12 _____, one thousand nine hundred fifty-four, upon
13 the question of the ratification or rejection of the pro-
14 posed constitutional amendment, do hereby certify that
15 the result of said election is as follows:

16 "For ratification of Legislative Amendment _____
17 votes.

18 "Against ratification of Legislative Amendment _____
19 _____ votes.

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

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 said
29 certificates to the clerk of the county court of his county,
30 together with the ballots, and the other to the clerk of
31 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
35 court house at the same time the ballots, poll books, and
36 the certificates of election of the members of the Legis-
37 lature are laid before them; and as soon as the result
38 of said election in the county upon the question of such
39 ratification or rejection is ascertained, two certificates of
40 such result shall be made out and signed by said com-
41 missioners as a board of canvassers, in the form or to
42 the following effect:

43 "We, the board of canvassers of the county of _____,
44 having carefully and impartially examined the returns

45 of the election held in said county, in each district there-
46 of, on the _____ day of November, one thousand nine
47 hundred fifty-four, do certify that the results of the elec-
48 tion in said county, on the question of the ratification or
49 rejection of the proposed amendment is as follows:

50 "For ratification of Legislative Amendment _____
51 votes.

52 "Against ratification of Legislative Amendment _____
53 _____ votes.

54 "Given under our hands this _____ day of _____,
55 one thousand nine hundred fifty-four."

56 One of the certificates shall be filed in the office of the
57 clerk of the county court, and the other forwarded by
58 mail to the secretary of state, who shall file and preserve
59 the same until the day on which the result of said elec-
60 tion in the state is to be ascertained, as hereinafter
61 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
7 or more newspapers printed at the seat of government.
8 If 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
12 the constitution of the state.

Sec. 6. *Publication of Proposed Amendment by Gov-*
2 *ernor.*—The governor shall cause the said proposed
3 amendment, 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 in
6 every county in which a newspaper is printed, at a price
7 to be agreed upon in advance, in writing, and the cost
8 of such advertising shall in the first instance, if found
9 necessary by him, be paid out of the governor's contingent
10 fund and be afterwards repaid to such fund by appropria-
11 tion of the Legislature.

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S. B. NO. 342
LEGISLATIVE DEPT.

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

W. M. Kinley
Chairman Senate Committee

C. H. Ambler
Chairman House Committee

Originated in the Senate.

Takes effect *ninety days from* passage.

Howard Hughes
Clerk of the Senate

J. D. Hoff
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. E. Fann
Speaker House of Delegates

The within *approved* this the *19th*
day of *March*, 1953.

William C. Marland
Governor.



FILE IN THE OFFICE OF THE SECRETARY OF STATE

MAR 19 1953

of West Virginia

D. PITT O'BRIEN,

SECRETARY OF STATE