

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

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ENROLLED

HOUSE BILL No. 125

(By Mr. Allen)

—●—
PASSED Mar 7 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State
of West Virginia MAR 15 1955
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 175

[Passed March 7, 1955; in effect ninety days from passage.]

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 "Korean Veterans Bonus Amendment."

Be it enacted by the Legislature of West Virginia:

Section 1. *Submitting "Korean Veterans Bonus Amend-*
2 *ment" to the State Constitution.*—That the question of the
3 ratification or rejection of an amendment to the constitu-
4 tion of West Virginia, proposed in accordance with the
5 provisions of section two, article fourteen of said con-
6 stitution, shall be submitted to the voters of the state at
7 the next general election, to be held in the year one
8 thousand nine hundred fifty-six, which proposed amend-
9 ment is as follows:

10 KOREAN VETERANS BONUS AMENDMENT

11 The Legislature shall by law provide for the issuance
12 and sale of state bonds, which shall be in addition to all
13 other state bonds heretofore issued, for the following
14 purposes:

15 (1) The paying of a cash bonus to veterans of the
16 armed forces of the United States who served during the
17 Korean conflict. Such bonus shall be paid to all persons
18 who rendered active service in the armed forces of the
19 United States between the twenty-seventh day of June,
20 one thousand nine hundred fifty, and the twenty-seventh
21 day of July, one thousand nine hundred fifty-three, both
22 dates inclusive, who were bona fide residents of the
23 state of West Virginia at the time of their entry into
24 such service and for a period of at least six months
25 prior thereto, who were not dishonorably discharged
26 from such service, and who within the period specified
27 above actively served in such armed forces for a period
28 of at least ninety days. Such a bonus shall also be
29 paid to any disabled veteran, otherwise qualified, who
30 was discharged within ninety days after entering the

31 services because of a service-connected disability.
 32 The amount of such bonus shall be calculated on the
 33 basis of ten dollars for each month, or major frac-
 34 tion thereof, served within the territorial limits of
 35 the forty-eight states and the District of Columbia,
 36 and fifteen dollars for each month, or major fraction
 37 thereof, served outside such limits, but such amount
 38 shall in no case exceed three hundred dollars for those
 39 who served only within the territorial limits specified
 40 above, and four hundred dollars for those who served
 41 outside such limits. The bonus to which any deceased
 42 veteran would be entitled, if living, shall be paid only to
 43 the following surviving relatives of such veteran, if such
 44 relatives are residents of this state when application for
 45 payment is made: Any unmarried widow, or if none, any
 46 child or children under the age of sixteen, or if none,
 47 any dependent parent or parents.

48 The principal amount of bonds to be issued for the
 49 purpose provided in paragraph (1) above shall not ex-
 50 ceed the principal amount of the ninety million dollars
 51 bonds authorized by the veterans bonus amendment sub-

52 mitted by chapter nineteen of the acts of the Legislature
53 of West Virginia of one thousand nine hundred forty-nine,
54 regular session, and ratified by the people of West Vir-
55 ginia at the general election held on the seventh day of
56 November, one thousand nine hundred fifty (hereinafter
57 referred to as "Veterans Bonus Amendment of one thou-
58 sand nine hundred fifty"), which shall not have been issued
59 on the date of the ratification of this amendment by the
60 people of West Virginia: *Provided, however,* That such
61 bonds issued under the provisions of paragraph (1) above
62 may be funded or refunded at any time in the manner
63 provided in paragraph (2) below.

64 (2) The funding or refunding of all or any part of
65 the bonds heretofore issued pursuant to said veterans
66 bonus amendment of one thousand nine hundred fifty.
67 Said bonds issued pursuant to said veterans bonus amend-
68 ment of one thousand nine hundred fifty may be so funded
69 or refunded either on the maturity dates of said bonds
70 or on any date on which said bonds are callable prior
71 to maturity, and if any of said bonds have not matured
72 or are not then callable prior to maturity, the Legislature

73 may nevertheless provide at any time for the issuance
74 of refunding bonds to fund or refund such bonds on the
75 dates when said bonds mature or on any date on which
76 said bonds are callable prior to maturity, and for the
77 investment or reinvestment of the proceeds of such re-
78 funding bonds in direct obligations of the United States
79 of America until the date or dates upon which such bonds
80 issued pursuant to said veterans bonus amendment of
81 one thousand nine hundred fifty mature or are callable
82 prior to maturity.

83 The principal amount of bonds issued under the pro-
84 visions of paragraph (2) above shall not exceed the prin-
85 cipal amount of the bonds to be funded or refunded
86 thereby.

87 Such bonds for the purposes authorized in paragraphs
88 (1) and (2) above may be issued from time to time as
89 separate issues for such purposes or as combined issues
90 for such purposes.

91 Whenever the Legislature shall provide for the issuance
92 of any bonds under the authority of this amendment, it
93 shall at the same time provide for the levy and collection

94 of an additional cigarette tax, or an additional tax on
95 nonintoxicating beer, or an additional charge on the sale
96 of each bottle of wine and liquor, or an additional general
97 consumers sales tax, or a graduated income tax, or any
98 two or more thereof, in such amount as may be required
99 to pay annually the interest on such bonds and the prin-
100 cipal thereof within and not exceeding thirty years, and
101 all such taxes or charges so levied shall be irrevocably
102 dedicated for the payment of the principal of and interest
103 on such bonds until such principal of and interest on such
104 bonds is finally paid and discharged, and any of the cove-
105 nants, agreements or provisions in the acts of the Leg-
106 isature levying such taxes or charges shall be enforce-
107 able in any court of competent jurisdiction by any of the
108 holders of said bonds. The additional taxes on cigarettes
109 and nonintoxicating beer and additional charges on the
110 sale of each bottle of alcoholic liquor, provided for in
111 chapter six, one hundred eighty-four and one hundred
112 eighty-seven of the acts of the Legislature of West Vir-
113 ginia, regular session, one thousand nine hundred fifty-
114 one, shall continue to be pledged for the payment of the

115 principal of an interest on bonds issued pursuant to said
116 veterans bonus amendment of one thousand nine hundred
117 fifty, or bonds issued pursuant to this amendment to fund
118 or refund such bonds issued pursuant to said veterans
119 bonus amendment of one thousand nine hundred fifty:
120 *Provided, however,* That upon the funding or refunding
121 of all outstanding bonds issued pursuant to said veterans
122 bonus amendment of one thousand nine hundred fifty,
123 or the deposit in trust of sufficient funds to pay all the
124 principal of and interest on such outstanding bonds issued
125 pursuant to said veterans bonus amendment of one thou-
126 sand nine hundred fifty to their respective dates of ma-
127 turity or to the first date upon which said bonds are call-
128 able prior to maturity, the taxes and charges provided for
129 in said chapter six, one hundred eighty-four and one hun-
130 dred eighty-seven of the acts of the Legislature of West
131 Virginia, regular session, one thousand nine hundred fifty-
132 one, may be pledged to the payment of the principal of and
133 interest on any bonds issued under any of the provisions
134 of this amendment.

Sec. 2. *Amendment to be Known as the "Korean Vet-*

erans Bonus Amendment".—For convenience in referring to said proposed amendment, and in preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as the "Korean Veterans Bonus 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 said general election to be held in the year one thousand nine hundred fifty-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 that election, the following:

Ballot on "Korean Veterans Bonus Amendment".

☐ For ratification of "Korean Veterans Bonus Amendment"

☐ Against ratification of "Korean Veterans Bonus Amendment"

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

17 officers and in the same manner as the election of officers
 18 to be voted for at said election, and all the provisions of
 19 the law relating to general elections, including all duties
 20 to be performed by any officers or board, as far as practic-
 21 able, 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 pro-
 25 posed amendment shall be counted as other ballots cast
 26 at said election.

Sec. 4. *Certificates of Election Commissioners; Canvass*
 2 *of Vote; Certifying Result.*—As soon as the result is
 3 ascertained, 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.....,
 11 in the county of....., on the.....

12 day of _____, one thousand nine hun-
13 dred fifty-six, 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 follows:

16 "For ratification of Korean Veterans Bonus Amend-
17 ment _____ votes.

18 "Against ratification of Korean Veterans Bonus Amend-
19 ment _____ votes.

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

22 The said two certificates shall correspond with each
23 other in all respects and contain the full and true returns
24 of said election at each place of voting on said question.
25 The said commissioners, or any one of them (or said
26 canvassers or any one of them, as the case may be), shall,
27 within four days, excluding Sunday, after that on which
28 said election was held, deliver one of said certificates to
29 the clerk of the county court of his county, together with
30 the ballots, and the other to the clerk of the circuit court
31 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 courthouse at the same time the ballots, poll books, and
36 the certificates of election of the members of the Legisla-
37 ture are laid before them; and as soon as the result of said
38 election in the county upon the question of such ratifica-
39 tion or rejection is ascertained, two certificates of such
40 result shall be made out and signed by said commissioners
41 as a board of canvassers, in the form or to the following
42 effect:

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

51 "For ratification of Korean Veterans Bonus Amend-
52 ment votes.

53 "Against ratification of Korean Veterans Bonus Amend-
54 ment _____ votes.

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

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 elec-
61 tion in the state is to be ascertained, as hereinafter stated.

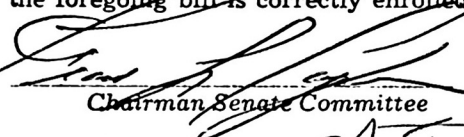
Sec. 5. *Proclamation of Result of Election by Governor.*


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
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 be 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 appro-
11 priation of the Legislature.

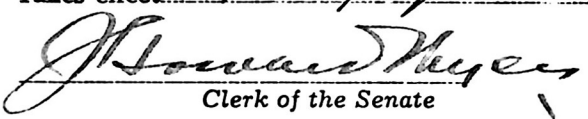
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

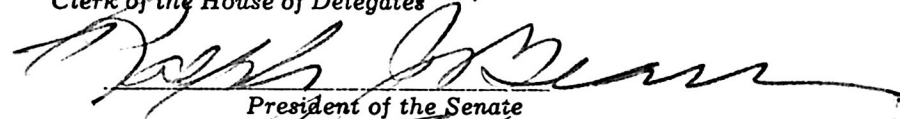

Chairman House Committee

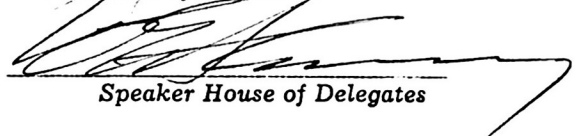
Originated in the House of Delegates

Takes effect 90 days from passage.

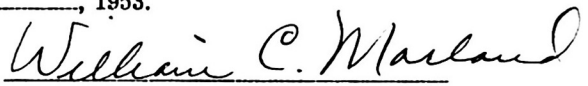

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the 14
day of March, 1953.


Governor

Filed in the Office of the Secretary of State
of West Virginia MAR 15 1953

D. PITT O'BRIEN
SECRETARY OF STATE