WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955

ENROLLED

HOUSE BILL No. ___

(By Mr. Allen)

PASSED Mar 7, 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State
MAR 15 1955
of West Virginia
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 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 election, to be held in the year one thousand nine hundred fifty-six, which proposed amendment is as follows:
KOREAN VETERANS BONUS AMENDMENT

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

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

The amount of such bonus shall be calculated on the basis of ten dollars for each month, or major fraction thereof, served within the territorial limits of the forty-eight states and the District of Columbia, and fifteen dollars for each month, or major fraction thereof, served outside such limits, but such amount shall in no case exceed three hundred dollars for those who served only within the territorial limits specified above, and four hundred dollars for those who served outside such limits. The bonus to which any deceased veteran would be entitled, if living, shall be paid only to the following surviving relatives of such veteran, if such relatives are residents of this state when application for payment is made: Any unmarried widow, or if none, any child or children under the age of sixteen, or if none, any dependent parent or parents.

The principal amount of bonds to be issued for the purpose provided in paragraph (1) above shall not exceed the principal amount of the ninety million dollars bonds authorized by the veterans bonus amendment sub-
mitted by chapter nineteen of the acts of the Legislature of West Virginia of one thousand nine hundred forty-nine, regular session, and ratified by the people of West Virginia at the general election held on the seventh day of November, one thousand nine hundred fifty (hereinafter referred to as "Veterans Bonus Amendment of one thousand nine hundred fifty"), which shall not have been issued on the date of the ratification of this amendment by the people of West Virginia: Provided, however, That such bonds issued under the provisions of paragraph (1) above may be funded or refunded at any time in the manner provided in paragraph (2) below.

(2) The funding or refunding of all or any part of the bonds heretofore issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty. Said bonds issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty may be so funded or refunded either on the maturity dates of said bonds or on any date on which said bonds are callable prior to maturity, and if any of said bonds have not matured or are not then callable prior to maturity, the Legislature
may nevertheless provide at any time for the issuance
of refunding bonds to fund or refund such bonds on the
dates when said bonds mature or on any date on which
said bonds are callable prior to maturity, and for the
investment or reinvestment of the proceeds of such re-
funding bonds in direct obligations of the United States
of America until the date or dates upon which such bonds
issued pursuant to said veterans bonus amendment of
one thousand nine hundred fifty mature or are callable
prior to maturity.

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

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

Whenever the Legislature shall provide for the issuance
of any bonds under the authority of this amendment, it
shall at the same time provide for the levy and collection
of an additional cigarette tax, or an additional tax on nonintoxicating beer, or an additional charge on the sale of each bottle of wine and liquor, or an additional general consumers sales tax, or a graduated income tax, or any two or more thereof, in such amount as may be required to pay annually the interest on such bonds and the principal thereof within and not exceeding thirty years, and all such taxes or charges so levied shall be irrevocably dedicated for the payment of the principal of and interest on such bonds until such principal of and interest on such bonds is finally paid and discharged, and any of the covenants, agreements or provisions in the acts of the Legislature levying such taxes or charges shall be enforceable in any court of competent jurisdiction by any of the holders of said bonds. The additional taxes on cigarettes and nonintoxicating beer and additional charges on the sale of each bottle of alcoholic liquor, provided for in chapter six, one hundred eighty-four and one hundred eighty-seven of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-one, shall continue to be pledged for the payment of the
principal of an interest on bonds issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty, or bonds issued pursuant to this amendment to fund or refund such bonds issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty: Provided, however, That upon the funding or refunding of all outstanding bonds issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty, or the deposit in trust of sufficient funds to pay all the principal of and interest on such outstanding bonds issued pursuant to said veterans bonus amendment of one thousand nine hundred fifty to their respective dates of maturity or to the first date upon which said bonds are callable prior to maturity, the taxes and charges provided for in said chapter six, one hundred eighty-four and one hundred eighty-seven of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-one, may be pledged to the payment of the principal of and interest on any bonds issued under any of the provisions of this amendment.

Sec. 2. Amendment to be Known as the "Korean Vet-
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
officers and in the same manner as the election of officers
to be voted for at said election, and all the provisions of
the law relating to general elections, including all duties
to be performed by any officers or board, as far as practic-
able, and not inconsistent with anything herein con-
tained, shall apply to the election held under the pro-
visions of this act, except when it is herein otherwise pro-
vided. The ballots cast on the question of said pro-
posed amendment shall be counted as other ballots cast
at said election.

Sec. 4. Certificates of Election Commissioners; Canvass
of Vote; Certifying Result.—As soon as the result is
ascertained, the commissioners, or a majority of them, and
the canvassers (if there be any), or a majority of them,
at each place of voting, shall make out and sign two
certificates thereof in the following form or the follow-
ing effect:

"We, the undersigned, who acted as commissioners (or
canvassers, as the case may be) of the election held at
Precinct No............... in the district of...........................
in the county of................................., on the...........
day of ..........................................., one thousand nine hundred fifty-six, upon the question of the ratification or rejection of the proposed constitutional amendment, do hereby certify that the result of said election is as follows:

"For ratification of Korean Veterans Bonus Amendment ................................ votes.

"Against ratification of Korean Veterans Bonus Amendment ................................ votes.

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

The said two certificates shall correspond with each other in all respects and contain the full and true returns of said election at each place of voting on said question.

The said commissioners, or any one of them (or said canvassers or any one of them, as the case may be), shall, within four days, excluding Sunday, after that on which said election was held, deliver one of said certificates to the clerk of the county court of his county, together with the ballots, and the other to the clerk of the circuit court of the county.

The said certificates, together with the ballots cast on
the question of said proposed amendment, shall be laid
before the commissioners of the county court at the
courthouse at the same time the ballots, poll books, and
the certificates of election of the members of the Legisla-
ture are laid before them; and as soon as the result of said
election in the county upon the question of such ratifica-
tion or rejection is ascertained, two certificates of such
result shall be made out and signed by said commissioners
as a board of canvassers, in the form or to the following
effect:

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

"For ratification of Korean Veterans Bonus Amend-
ment ........................................ votes."
Against ratification of Korean Veterans Bonus Amendment ______ votes.

Given under our hands this _____ day of ______________, one thousand nine hundred fifty-six.”

One of the certificates shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as hereinafter stated.

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

—On the twenty-fifth day after the election is held, or as soon thereafter as practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in one or more newspapers printed at the seat of government. If a majority of the votes cast at said election upon said question be for ratification of said amendment, the proposed amendment so ratified shall be in force and effect from and after the time of such ratification, as part of the constitution of the state.
Sec. 6. Publication of Proposed Amendment by Governor.—The governor shall cause the said proposed amendment, with the proper designation for the same as hereinbefore adopted, to be published one time at least three months before such election in some newspaper in every county in which a newspaper is printed, at a price to be agreed upon in advance, in writing, and the cost of such advertising shall be in the first instance, if found necessary by him, be paid out of the governor’s contingent fund and be afterwards repaid to such fund by appropriation 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.

William C. Marland
Governor

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

D. Pitt O'Brien
Secretary of State