

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1964



ENROLLED

HOUSE BILL No. 14

(By Mr. Speaker, Mr. Singleton and
Mr. Sawyers



PASSED JANUARY 22 1964

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BUNDETT
SECRETARY OF STATE
THIS DATE 1-28-64

ENROLLED

House Bill No. 14

(By MR. SPEAKER, MR. SINGLETON, and MR. SAWYERS)

[Passed January 22, 1964; 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 to be known as the "Better Roads Amendment," relating to the issuance and sale of state bonds for the building and construction of state roads and highways, limiting the amount of bonds that may be issued and sold in any fiscal year, requiring the Legislature to provide as directed by the amendment for the collection of an annual state tax to pay the interest on and principal of such bonds, and revoking as of January first, one thousand nine hundred sixty-five, the authority to issue and sell and have outstanding additional bonds granted by the amendment to the constitution proposed by Senate Joint Resolution No. fifteen,

adopted February fifteenth, one thousand nine hundred
nineteen, and afterwards ratified by a vote of the people.

Be it enacted by the Legislature of West Virginia:

That the following amendment to the constitution of the
state, relating to road bonds, be and the same is hereby pro-
posed, as follows:

Section 1. Submitting "Better Roads 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 pro-
5 visions 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 sixty-four, which proposed amendment is as
9 follows:

10 BETTER ROADS AMENDMENT

11 The Legislature shall have power to authorize the issu-
12 ing and selling of state bonds not exceeding in the aggre-
13 gate two hundred million dollars. The proceeds of said
14 bonds hereby authorized to be issued and sold shall be
15 used and appropriated solely for the building and con-
16 struction of state roads and highways provided for by this

17 constitution and the laws enacted thereunder. Such
18 bonds may be issued and sold in amounts not to exceed
19 twenty million dollars in any fiscal year. When a bond
20 issue as aforesaid is authorized, the Legislature shall, at
21 the same time provide for the collection of an annual
22 state tax sufficient to pay as it may accrue the interest on
23 such bonds and the principal thereof within and not ex-
24 ceeding twenty-five years. Such tax shall be levied in
25 any year only to the extent that the moneys in the state
26 road fund irrevocably set aside and appropriated for and
27 applied to the payment of the interest on and principal
28 of said bonds becoming due and payable in such year are
29 insufficient therefor.

30 The authority to issue and sell and have outstanding
31 additional bonds granted by the amendment to the con-
32 stitution proposed by Senate Joint Resolution No. 15,
33 adopted February 15, 1919, and afterwards ratified by a
34 vote of the people, is hereby revoked as of January 1, 1965,
35 but said amendment shall in all other respects remain in
36 full force and effect.

Sec. 2. Amendment to Be Known as the "Better Roads
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 "Better Roads 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 sixty-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 upon at that election,
8 the following:

9 Ballot on Better Roads Amendment.

10 ☐ For ratification of Better Roads Amendment.

11 ☐ Against ratification of Better Roads 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 of-
15 ficers and in the same manner as the election of officers to
16 be voted for at said election, and all the provisions of the
17 law relating to general elections, including all duties to
18 be performed by any officer or board, as far as practicable,
19 and not inconsistent with anything herein contained, shall

20 apply to the election held under the provisions of this act,
21 except when it is herein otherwise provided. The ballots
22 cast on the question of said proposed amendment shall be
23 counted as other ballots cast at said election.

**Sec. 4. Certificate 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, at
5 each place of voting, shall make out and sign two certifi-
6 cates thereof in the following form or the following effect:

7 “We, the undersigned, who acted as commission-
8 ers (or canvassers, as the case may be) of the elec-
9 tion held at Precinct No. _____, in the district of
10 _____, in the county of _____, on the
11 _____day of_____, one thousand nine hundred
12 sixty-four, upon the question of the ratification or
13 rejection of the proposed constitutional amend-
14 ment, do hereby certify that the result of said elec-
15 tion is as follows:

16 “For ratification of Better Roads Amendment.....
17 _____votes.

18 “Against ratification of Better Roads Amendment
19 _____votes.

20 “Given under our hands this _____ day of _____,
21 one thousand nine hundred sixty-four.”

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 can-
26 vassers or anyone of them, as the case may be), shall, with-
27 in four days, excluding Sunday, after that on which said
28 election was held, deliver one of said certificates to the
29 clerk of the county court of his county, together with the
30 ballots, and the other to the clerk of the circuit court of
31 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 elec-
38 tion in the county upon the question of such ratification
39 or rejection is ascertained, two certificates of such result
40 shall be made out and signed by said commissioners as
41 a board of canvassers, in the form or to the following ef-
42 fect:

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

51 “For ratification of Better Roads Amendment.....
52 votes.

53 “Against ratification of Better Roads Amendment
54 votes.

55 “Given under our hands this _____ day of _____,
56 one thousand nine hundred sixty-four.”

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 Gover-

2 **nor.**—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 in
7 one or more newspapers printed at the seat of govern-
8 ment. If a majority of the votes cast at said election upon
9 said question be for ratification of said amendment, the
10 proposed amendment so ratified shall be in force and ef-
11 fect from and after the time of such ratification, as part
12 of 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 of
8 such advertising shall in the first instance, if found neces-
9 sary by him, be paid out of the governor's contingent fund
10 and be afterwards repaid to such fund by appropriation
11 of the Legislature.

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

Roy Parker
Chairman Senate Committee

Charles L. Candall
Chairman House Committee

Originated in the House.

Takes effect Ninety days from passage.

John M. Meyer
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

Howard Robinson
President of the Senate

Julius W. Singleton
Speaker House of Delegates

The within approved this the 28th
day of January, 1964.

W. M. B. B. B.
Governor