WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1964

ENROLLED

HOUSE BILL No. 11

(By Mr. Speaker, Mr. Singleton and Mr. Sawyer)

PASSED January 22, 1964

In Effect Ninety days from Passage
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 proposed, as follows:

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

BETTER ROADS AMENDMENT

The Legislature shall have power to authorize the issuing and selling of state bonds not exceeding in the aggregate two hundred million dollars. The proceeds of said bonds hereby authorized to be issued and sold shall be used and appropriated solely for the building and construction of state roads and highways provided for by this
constitution and the laws enacted thereunder. Such bonds may be issued and sold in amounts not to exceed twenty million dollars in any fiscal year. When a bond issue as aforesaid is authorized, the Legislature shall, at the same time provide for the collection of an annual state tax sufficient to pay as it may accrue the interest on such bonds and the principal thereof within and not exceeding twenty-five years. Such tax shall be levied in any year only to the extent that the moneys in the state road fund irrevocably set aside and appropriated for and applied to the payment of the interest on and principal of said bonds becoming due and payable in such year are insufficient therefor.

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

Sec. 2. Amendment to Be Known as the “Better Roads Amendment.”—For convenience in referring to said pro-
posed amendment, and in the preparation of the form of
the ballot hereinafter provided for, said proposed amend-
ment is hereby designated as the “Better Roads Amend-
ment.”

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 sixty-four, 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 upon at that election,
the following:

Ballot on Better Roads Amendment.

☐ For ratification of Better Roads Amendment.

☐ Against ratification of Better Roads Amendment.

The said election on the proposed amendment at each
place of voting shall be superintended, conducted and re-
turned, and the result thereof ascertained by the same of-
ficers 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 officer or board, as far as practicable,
and not inconsistent with anything herein contained, shall
apply to the election held under the provisions of this act, except when it is herein otherwise provided. The ballots cast on the question of said proposed amendment shall be counted as other ballots cast at said election.

Sec. 4. Certificate 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 following 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 sixty-four, 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 Better Roads Amendment.............. votes.

“Against ratification of Better Roads Amendment .............. votes.
"Given under our hands this ________ day of ______________,
one thousand nine hundred sixty-four."

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 anyone 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 Legislature are laid before them; and as soon as the result of said election in the county upon the question of such ratification 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

examined the returns of the election held in said

county, in each district thereof, on the          day

of November, one thousand nine hundred sixty-four,

do certify that the result of the election in said

county, on the question of the ratification or rejec-
tion of the proposed amendment is as follows:

"For ratification of Better Roads Amendment......

                      votes.

"Against ratification of Better Roads Amendment

                      votes.

"Given under our hands this       day of          ,

one thousand nine hundred sixty-four."

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 Gover-

nor.—On the twenty-fifth day after the election is held,
or as soon thereafter as practicable, the said certificate 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 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.

Takes effect Ninety 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 28th day of January, 1964.

Governor