

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968

ENROLLED

SENATE BILL NO. 136

(By ~~Mr.~~ *Originating in The Committee*
on the Judiciary)

PASSED February 8, 1968

In Effect Monday, Jan Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68

136

ENROLLED

Senate Bill No. 136

(Originating in the Committee on the Judiciary)

[Passed February 8, 1968: 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 of West Virginia, authorizing the issuing and selling of state road bonds in an amount not exceeding three hundred fifty million dollars.

Be it enacted by the Legislature of West Virginia:

§1. Submitting an amendment to the state constitution.

1 That the question of the ratification or rejection of an
2 amendment to the constitution of West Virginia, proposed
3 in accordance with the provisions of section two, article
4 fourteen of said constitution, shall be submitted to the
5 voters of the state at the next general election, to be held

6 in the year one thousand nine hundred sixty-eight, which
7 proposed amendment is as follows:

8 "The Legislature shall have power to authorize the
9 issuing and selling of state bonds not exceeding in the
10 aggregate three hundred fifty million dollars. The pro-
11 ceeds of said bonds hereby authorized to be issued and
12 sold shall be used and appropriated solely for the building
13 and construction of free state roads and highways pro-
14 vided for by this constitution and the laws enacted there-
15 under. When a bond issue as aforesaid is author-
16 ized, the Legislature shall, at the same time provide for
17 the collection of an annual state tax sufficient to pay as it
18 may accrue the interest on such bonds and the principal
19 thereof within and not exceeding twenty-five years. Such
20 tax shall be levied in any year only to the extent that the
21 moneys in the state road fund irrevocably set aside and
22 appropriated for and applied to the payment of the in-
23 terest on and principal of said bonds becoming due and
24 payable in such year are insufficient therefor."

**§2. Amendment to be known as the "Roads Development
Amendment"; statement of purpose.**

1 In accordance with the provisions of section thirteen,

2 article six, chapter three of the code of West Virginia, one
3 thousand nine hundred thirty-one, as amended, said pro-
4 posed amendment is hereby designated as the "Roads
5 Development Amendment," and the purpose of the pro-
6 posed amendment is summarized as follows: "To author-
7 ize the Legislature to issue and sell state bonds not ex-
8 ceeding in the aggregate \$350,000,000 for the development
9 of the Appalachian Highway System and a network of
10 modern roads and highways throughout the state of West
11 Virginia."

§3. Publication of proposed amendment by governor.

1 The governor shall cause the said proposed amendment,
2 with the proper designation and the summary of the
3 purpose for the same as hereinbefore adopted and stated,
4 to be published one time at least three months before such
5 election in some newspaper in every county in which a
6 newspaper is printed, and the cost of such advertising,
7 determined in accordance with the provisions of section
8 three, article three, chapter fifty-nine of the code of
9 West Virginia, one thousand nine hundred thirty-one, as
10 amended, shall in the first instance, if found necessary by

11 him, be paid out of the governor's contingent fund and
12 be afterwards repaid to such fund by appropriation of the
13 Legislature.

§4. Form of ballot; election.

1 For the purpose of enabling the voters of the state to
2 vote on the question of this proposed amendment to the
3 constitution and any other proposed amendments to the
4 constitution which may be submitted at the said general
5 election to be held in the year one thousand nine hundred
6 sixty-eight, the board of ballot commissioners of each
7 county is hereby required to place upon, and at the foot
8 of, the official ballot to be voted at that election under the
9 heading reading "Ballot on Constitutional Amend-
10 ment(s)," in the second position under said heading, the
11 following:

12 No. 2. Roads Development Amendment.

13 ☐ For the amendment

14 ☐ Against the amendment

15 The said election on the proposed amendment at each
16 place of voting shall be superintended, conducted and re-
17 turned, and the result thereof ascertained by the same

18 officers and in the same manner as the election of officers
19 to be voted for at said election, and all the provisions of
20 the law relating to general elections, including all duties
21 to be performed by any officer or board, as far as practi-
22 cable, and not inconsistent with anything herein con-
23 tained, shall apply to the election held under the pro-
24 visions of this act, except when it is herein otherwise pro-
25 vided. The ballots cast on the question of said proposed
26 amendment shall be counted as other ballots cast at said
27 election.

**§5. Certificates of election commissioners; canvass of vote;
certifying result.**

1 As soon as the result is ascertained, the commissioners,
2 or a majority of them, and the canvassers (if there be
3 any), or a majority of them, at each place of voting, shall
4 make out and sign two certificates thereof in the following
5 form or to the following effect:

6 “We, the undersigned, who acted as commissioners
7 (or canvassers, as the case may be) of the election held
8 at Precinct No., in the district of, in
9 the county of, on the day of,

10 one thousand nine hundred sixty-eight, upon the ques-
11 tion of the ratification or rejection of the proposed con-
12 stitutional amendment, do hereby certify that the result
13 of said election is as follows:

14 "Amendment No. 2. Roads Development Amendment.

15 "For the amendment votes.

16 "Against the amendment votes.

17 "Given under our hands this day of,
18 one thousand nine hundred sixty-eight."

19 The said two certificates shall correspond with each
20 other in all respects and contain the full and true returns
21 in said election at each place of voting on said question.
22 The said commissioners, or any one of them (or said
23 canvassers or any one of them, as the case may be),
24 shall, within four days, excluding Sunday, after that on
25 which said election was held, deliver one of said certifi-
26 cates to the clerk of the county court of the county, to-
27 gether with the ballots, and the other to the clerk of the
28 circuit court of the county.

29 The said certificates, together with the ballots cast on
30 the question of said proposed amendment, shall be laid

31 before the commissioners of the county court at the
32 courthouse at the same time the ballots, poll books and
33 the certificates of election of the members of the Legis-
34 lature are laid before them; and as soon as the result
35 of said election in the county upon the question of such
36 ratification or rejection is ascertained, two certificates
37 of such result shall be made out and signed by said com-
38 missioners as a board of canvassers, in the form or to
39 the following effect:

40 "We, the board of canvassers of the county of _____,
41 having carefully and impartially examined the returns
42 of the election held in said county, in each district there-
43 of, on the _____ day of _____, one thousand nine
44 hundred sixty-eight, do certify that the result of the
45 election in said county, on the question of the ratification
46 or rejection of the proposed amendment is as follows:

47 "Amendment No. 2. Roads Development Amendment.

48 "For the amendment _____ votes.

49 "Against the amendment _____ votes.

50 "Given under our hands this _____ day of _____,
51 one thousand nine hundred sixty-eight."

52 One of the certificates shall be filed in the office of the
53 clerk of the county court, and the other forwarded by
54 mail to the secretary of state, who shall file and pre-
55 serve the same until the day on which the result of said
56 election in the state is to be ascertained; as hereinafter
57 stated.

§6. Proclamation of results of election by governor.

1 On the twenty-fifth day after the election is held, or as
2 soon thereafter as practicable, the said certificates shall
3 be laid before the governor, whose duty it shall be to
4 ascertain therefrom the result of said election in the state,
5 and declare the same by proclamation published in one or
6 more newspapers printed at the seat of government, the
7 cost of such publication to be determined in accordance
8 with the provisions of section three, article three, chapter
9 fifty-nine of the code of West Virginia, one thousand nine
10 hundred thirty-one, as amended. If a majority of the
11 votes cast at said election upon said question be for ratifi-
12 cation of said amendment, the proposed amendment so
13 ratified shall be in force and effect from and after the
14 time of such ratification as part of the constitution of the
15 state.

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

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Thomas Meyer
Clerk of the Senate

Ch. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Lahan White
Speaker House of Delegates

The within approved this the 14
day of February, 1968.

Huey C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/12/68

Time 3:02 P.M.

RECEIVED

FEB 15 1 30 PM '68

OFFICE OF
SOCIETY OF STATE
CLERKS, ALABAMA