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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

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ENROLLED

HOUSE BILL No. 669

(By Mr. *Speaker Mr. Boiarosky, and*
Mr. Dickert)

—●—

PASSED *February 12,* 1970

In Effect *ninety days from* Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE *2-18-70*

669

ENROLLED
House Bill No. 669

(By MR. SPEAKER, MR. BOIARSKY, and MR. SEIBERT)

[Passed February 12, 1970; in effect ninety days from passage.]

AN ACT to provide for submitting to the voters of an amendment to the constitution of the state, amending sections thirteen, eighteen, twenty-two, twenty-four and thirty-three, article six, and sections fourteen and fifteen, article seven thereof, relating to eligibility to seat in the Legislature, time and place of assembly of Legislature, length of legislative session, rules governing legislative proceedings, compensation and expenses of members, presentation of bills to the governor and the governor's approval or disapproval of bills.

Be it enacted by the Legislature of West Virginia:

§1. Submitting an 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 seventy, which proposed amendment is as follows:

That sections thirteen, eighteen, twenty-two, twenty-four and thirty-three, article six, and sections fourteen and fifteen, article seven, thereof be amended, all to read as follows:

"ARTICLE VI. LEGISLATURE.

"§13. Eligibility to seat in Legislature.

1 "No person holding any other lucrative office or em-
2 ployment under this state, the United States, or any
3 foreign government; no member of Congress; and no per-
4 son who is sheriff, constable, or clerk of any court of rec-
5 ord, shall be eligible to a seat in the Legislature.

"§18. Time and place of assembly of Legislature.

1 "The Legislature shall assemble annually at the seat
2 of government, and not oftener unless convened by the
3 Governor. Regular sessions of the Legislature shall com-
4 mence on the second Wednesday of January of each
5 year. Upon the convening of the Legislature in each
6 odd-numbered year, each House shall proceed to organize

7 by the election of its officers for two-year terms and both
8 Houses shall then in joint assembly open and publish
9 the election returns delivered to the Legislature as pre-
10 scribed by other provisions of this Constitution and by
11 general law. When all of these matters have been com-
12 pleted in the year one thousand nine hundred seventy-
13 three and every fourth year thereafter, the Legislature
14 shall adjourn until the second Wednesday of February
15 following. Notwithstanding the provisions of section
16 fifty-one of this article and any other provisions of this
17 Constitution, on and after the effective date hereof, there
18 shall be submitted by the Governor to the Legislature,
19 on the second Wednesday of February in the year one
20 thousand nine hundred seventy-three and every fourth
21 year thereafter, and on the second Wednesday of January
22 of all other years, unless a later time in any year be
23 fixed by the Legislature, a budget for the next ensuing
24 fiscal year and a bill for the proposed appropriations
25 of such budget.

“§22. Length of legislative session.

1 “The regular session of the Legislature held in the year

2 one housand nine hundred seventy-three and every
3 fourth year thereafter shall, in addition to the meeting
4 days preceding the adjournment provided for in section
5 eighteen of this article, not exceed sixty calendar days
6 computed from and including the second Wednesday of
7 February, and the regular session held in all other years
8 shall not exceed sixty calendar days computed from and
9 including the second Wednesday of January. Any regular
10 session may be extended by a concurrent resolution
11 adopted by a two-thirds vote of the members elected to
12 each House determined by yeas and nays and entered on
13 the Journals.

“§24. Rules governing legislative proceedings.

1 “A majoriy of the members elected to each House of
2 the Legislature shall constitute a quorum. But a smaller
3 number may adjourn from day to day, and shall be
4 authorized to compel the attendance of absent members,
5 as each House may provide. Each House shall determine
6 the rules of its proceedings and be the judge of the
7 elections, returns and qualifications of its own members.
8 The Senate shall choose, from its own body, a President;

9 and the House of Delegates, from its own body, a Speaker.
10 Each House shall appoint its own officers, and remove
11 them at pleasure. The oldest Delegate in point of con-
12 tinuous service present at the assembly of the Legislature
13 at which officers thereof are to be selected, and if there
14 be two or more such Delegates with equal continuous
15 service the one agreed upon by such Delegates or chosen
16 by such Delegates by lot, shall call the House to order,
17 and preside over it until the Speaker thereof shall have
18 been chosen, and have taken his seat. The oldest member
19 of the Senate in point of continuous service present at
20 the assembly of the Legislature at which officers thereof
21 are to be selected, and if there be two or more such
22 members with equal continuous service the one agreed
23 upon by such members or chosen by such members by
24 lot, shall call the Senate to order, and preside over the
25 same until a President of the Senate shall have been
26 chosen, and have taken his seat.

“§33. Compensation and expenses of members.

1 “Members of the Legislature shall receive such com-
2 pensation in connection with the performance of their

3 respective duties as members of the Legislature and such
4 allowances for travel and other expenses in connection
5 therewith as shall be (1) established in a resolution
6 submitted to the Legislature by the Citizens Legislative
7 Compensation Commission hereinafter created, and (2)
8 thereafter enacted into general law by the Legislature
9 at a regular session thereof, subject to such require-
10 ments and conditions as shall be prescribed in such gen-
11 eral law. The Legislature may in any such general law
12 reduce but shall not increase any item of compensation
13 or expense allowance established in such resolution. All
14 voting on the floor of both Houses on the question of
15 passage of any such general law shall be by yeas and
16 nays to be entered on the Journals.

17 “The Citizens Legislative Compensation Commission is
18 hereby created. It shall be composed of seven members
19 who have been residents of this state for at least ten years
20 prior to the date of appointment, to be appointed by the
21 Governor within twenty days after ratification of this
22 amendment, no more than four of whom shall be members
23 of the same political party. The members shall be broadly

24 representative of the public at large. Members of the Leg-
25 islature and officers and employees of the state or of any
26 county, municipality or other governmental unit of the
27 state shall not be eligible for appointment to or to serve as
28 members of the Commission. Each member of the Com-
29 mission shall serve for a term of seven years, except of the
30 members first appointed, one member shall be appointed
31 for a term of one year, and one each for terms ending two,
32 three, four, five, six and seven years after the date of ap-
33 pointment. As the term of each member first appointed
34 expires, a successor shall be appointed for a seven-year
35 term. Any member may be reappointed for any number
36 of terms, and any vacancy shall be filled by the Gover-
37 nor for the unexpired term. Any member of the Com-
38 mission may be removed by the Governor prior to the
39 expiration of such member's term for official miscon-
40 duct, incompetency or neglect of duty. The Governor
41 shall designate one member of the Commission as chair-
42 man. The members of the Commisison shall serve with-
43 out compensation, but shall be entitled to be reimbursed
44 for all reasonable and necessary expenses actually in-

45 curred in the performance of their duties as such mem-
46 bers.

47 "The Commission shall meet as often as may be neces-
48 sary and shall within fifteen days after the beginning
49 of the regular session of the Legislature in the year
50 one thousand nine hundred seventy-one and within
51 fifteen days after the beginning of the regular session
52 in each fourth year thereafter submit by resolution to the
53 Legislature its determination of compensation and ex-
54 pense allowances, which resolution must be concurred
55 in by at least four members of the Commission.

56 "Notwithstanding any other provision of this Constitu-
57 tion, such compensation and expense allowances as may
58 be provided for by any such general law shall be paid
59 on and after the effective date of such general law. Until
60 the first such general law becomes effective, the pro-
61 visions of this section in effect immediately prior to the
62 ratification of this amendment shall continue to govern.

"ARTICLE VII. EXECUTIVE DEPARTMENT.

**"§14. Governor's approval or disapproval of bills passed by the
Legislature.**

1 "Subject to the provisions of section fifteen of this
2 article, every bill passed by the Legislature shall, before

3 it becomes a law, be presented to the Governor. If he
4 approves, he shall sign it, and thereupon it shall become
5 a law; but if not, he shall return it, with his objections,
6 to the House in which it originated, which House shall
7 enter the objections at large upon its Journal, and may
8 proceed to reconsider the returned bill. Notwithstanding
9 the provisions of section fifty-one, article six of this
10 Constitution, any such bill may be reconsidered even if
11 the Legislature is at the time in extended session for
12 the sole purpose of considering the budget bill, as
13 specified in said section fifty-one. If, after any such
14 reconsideration, a majority of the members elected to
15 that House agree to pass the bill, it shall be sent, to-
16 gether with the objections of the Governor to the other
17 House, by which it may likewise be reconsidered, and if
18 approved by a majority of the members elected to that
19 House, it shall become a law, notwithstanding the objec-
20 tions of the Governor. If upon any such reconsideration
21 the bill is amended and reenacted, then it shall be again
22 sent to the Governor and he shall act upon it as if it
23 were before him for the first time. In all cases, the vote

24 of each House shall be determined by yeas and nays
25 to be entered on the Journal.

26 "Any bill which shall not be returned by the Governor
27 within five days, Sundays excepted, after it shall have
28 been presented to him shall be a law, in the same manner
29 as if he had signed it, unless the Legislature shall, by
30 adjournment sine die, prevent its return, in which case
31 it shall be filed with his objections in the office of the
32 Secretary of State within fifteen days, Sundays excepted,
33 after such adjournment, or become a law.

"§15. Governor's approval or disapproval of bills making appropriations of money.

1 "A bill passed by the Legislature making appropriations
2 of money must be submitted to the Governor for his
3 approval or disapproval to the extent and only to the
4 extent required by section fifty-one, article six of this
5 Constitution, and any provision therein contained as to
6 such approval or disapproval shall govern and control
7 as to any such bill."

"§2. Amendment to be known as the "Legislative Improvement Amendment"; summary of purpose.

1 "In accordance with the provisions of section thirteen,
2 article six, chapter three of the code of West Virginia,

3 one thousand nine hundred thirty-one, as amended, said
4 proposed amendment is hereby designated as the "Legis-
5 lative Improvement Amendment." Principal purposes of
6 the proposed amendment are summarized as follows: "To
7 provide for a sixty-day session of the Legislature each
8 year, and to provide for a citizens legislative compensa-
9 tion commission composed of seven citizens appointed by
10 the governor."

§3. Publication of proposed amendment by governor.

1 The governor shall cause the said proposed amend-
2 ment, with the proper designation and the summary of
3 the purposes for the same as hereinbefore adopted and
4 stated, to be published one time at least three months
5 before such election in some newspaper in every county
6 in which a newspaper is printed, and the cost of such
7 advertising, determined in accordance with the provisions
8 of section three, article three, chapter fifty-nine of the
9 code of West Virginia, one thousand nine hundred thirty-
10 one, as amended shall in the first instance, if found neces-
11 sary by him, be paid out of the governor's contingent fund
12 and be afterwards repaid to such fund by appropriation
13 of the Legislature.

§4. Form of ballot; election.

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

12 No. 2. Legislative Improvement Amendment.

13 ☐ For

14 ☐ Against

15 The said election on the proposed amendment at each
16 place of voting shall be superintended, conducted and
17 returned, 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
20 of the law relating to general elections, including all

21 duties to be performed by any officer or board, as far
22 as practicable, and not inconsistent with anything herein
23 contained, shall apply to the election held under the
24 provisions of this act, except when it is herein other-
25 wise provided. The ballots cast on the question of said
26 proposed amendment shall be counted as other ballots
27 cast at said 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,
4 shall make out and sign two certificates thereof in the
5 following 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 _____,
9 in the county of _____, on the _____
10 day of _____, one thousand nine
11 hundred seventy, upon the question of the ratification
12 or rejection of the proposed constitutional amendment,

13 do hereby certify that the result of said election is as
14 follows:

15 "Amendment No. 2. Legislative Improvement Amend-
16 ment.

17 "For ratification _____ votes.

18 "Against ratification _____ votes.

19 "Given under our hands this _____ day of _____,
20 one thousand nine hundred seventy."

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

31 The said certificates, together with the ballots cast on
32 the question of said proposed amendment, shall be laid
33 before the commisisoners of the county court at the

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

42 "We, the board of canvassers of the county of _____,
43 having carefully and impartially examined the returns
44 of the election held in said county, in each district
45 thereof, on the _____ day of November, one thousand
46 nine hundred seventy, do certify that the result of the
47 election in said county, on the question of the ratifica-
48 tion or rejection of the proposed amendment is as fol-
49 lows:

50 "Amendment No. 2. Legislative Improvement Amend-
51 ment.

52 "For ratification _____votes.

53 "Against ratification _____votes.

54 "Given under our hands this ____ day of _____,
55 one thousand nine hundred seventy."

56 One of the certificates shall be filed in the office of
57 the clerk of the county court, and the other forwarded
58 by mail to the secretary of state, who shall file and pre-
59 serve the same until the day on which the result of
60 said election in the state is to be ascertained, as here-
61 inafter stated.

§6. Proclamation of result of election by governor.

1 On the twenty-fifth day after the election is held,
2 or as soon thereafter as practicable, the said certificates
3 shall be laid before the governor, whose duty it shall
4 be to ascertain therefrom the result of said election in
5 the state, and declare the same by proclamation pub-
6 lished in one or more newspapers printed at the seat of
7 government, the cost of such publication to be determined
8 in accordance with the provisions of section three, article
9 three, chapter fifty-nine of the code of West Virginia, one
10 thousand nine hundred thirty-one, as amended. If a ma-
11 jority of the votes cast at said election upon said question

12 be for ratification of said amendment, the proposed
13 amendment so ratified shall be in force and effect from
14 and after the time of such ratification as part of the con-
15 stitution of the state.

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

William Tompaz
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Laurel G. Jackson
President of the Senate

Sam F. Bannister
Speaker House of Delegates

The within approved this the 17th
day of February, 1970.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/16/70

Time 2:40 p.m.