FOREWORD

This volume includes the Acts of the 1955 Regular Session, the First Extraordinary Session of 1955 and the 1956 Regular Session of the Fifty-second West Virginia Legislature. It also includes resolutions of general interest adopted by the Legislature and the two Houses thereof during the three sessions.

Regular Session 1955

The 60-day regular session convened on January 12 and adjourned sine die March 14, 1955. There was a total of 931 bills introduced—533 House Bills and 398 Senate Bills. The Legislature passed 139 House Bills and 77 Senate Bills.

Of the 216 enactments of the session, the Governor approved 206, vetoed six and permitted three to become law without approval. The Budget Bill does not require executive action. The Acts vetoed were: H. B. 31 (Audits by Legislative Auditor), H. B. 153 (Board of Chiropractic Examiners), S. B. 29 (Lists and Records of Department of Public Assistance), S. B. 141 (Reorganization of State Road Commission), S. B. 334 (Special Fund, Department of Purchases) and S. B. 336 (Control of Expenditures by Director of the Budget).

During the session there were 29 House Concurrent, 15 House Joint and 31 House Resolutions, of which 10 House Concurrent, two House Joint and 28 House Resolutions were adopted. Twenty-nine Senate Concurrent, 9 Senate Joint and 12 Senate Resolutions were offered, of which 17 Senate Concurrent, one Senate Joint and 12 Senate Resolutions were adopted.

Ninety-nine House Bills, passed by the House, failed of passage by the Senate; and 28 Senate Bills, passed by the Senate, failed of passage by the House. Two bills (H. B. 48, fees for special motor vehicle license plates, and S. B. 14, use of microwaves in checking speed of motor vehicles) died in conference.

First Extraordinary Session of 1955

This extraordinary session was called by the Governor "For the purpose of considering and acting upon measures to meet the grave financial problems confronting public schools and state supported higher education in this State, including salary increases for teaching personnel, social security coverage for all employees, and necessary revenue measures."
The session started on May 9 and adjourned sine die on May 13, 1955.

During the session there was a total of 37 bills introduced—21 House Bills and 16 Senate Bills. The Legislature passed two bills—S. B. 3 and S. B. 4—which were approved by the Governor.

There were one House Concurrent, one House Joint and seven House Resolutions, of which one Concurrent, no House Joint and seven House Resolutions were adopted. The Senate had six Concurrent, no Joint and six Senate Resolutions, of which five Concurrent and six Senate Resolutions were adopted.

The House did not pass a single one of the 21 bills introduced. Eight Senate Bills, passed by the Senate, failed of passage by the House.

Regular Session 1956

The first regular thirty-day session of the Legislature, under the Constitutional Amendment approved by the voters in 1954, convened on January 11 and adjourned sine die February 10, 1956.

During the session there was a total of 60 bills introduced—35 House Bills and 25 Senate Bills. The Legislature passed 11 House Bills and 5 Senate Bills. The Governor approved all enactments of the session, with the exception of the Budget Bill which does not require his approval.

There were 14 House Concurrent, one House Joint and 14 House Resolutions, of which six Concurrent, no House Joint and 14 House Resolutions were adopted. The Senate had eight Concurrent, two Joint and 11 Senate Resolutions, of which three Concurrent, no Joint and 10 Senate Resolutions were adopted.

Five House Bills, passed by the House, failed of passage by the Senate, and one Senate Bill, passed by the Senate, failed of passage by the House.

This volume may be purchased from the State Department of Purchases, State Capitol, Charleston 5, W. Va.

C. A. Blankenship, Clerk,
House of Delegates
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<td>13. Continuing the Commission on Education</td>
<td>724</td>
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LEGISLATURE OF WEST VIRGINIA
MEMBERS, OFFICERS AND STANDING COMMITTEES

FIFTY-SECOND LEGISLATURE

SENATE
OFFICERS

President—RALPH J. BEAN, Moorefield
President Pro Tempore—FRED C. ALLEN, Marlinton
Clerk—J. HOWARD MYERS, Martinsburg
Sergeant-at-Arms—DAVE CAUBLE, Welch
Doorkeeper—PAUL BABICH, Beckley

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(D) Democrats .................................. 23
(R) Republicans .................................. 9

Total ........................................... 32

*Hold-over Senators, elected in 1954, who will be members of the 53rd Legislature.
## HOUSE OF DELEGATES

### OFFICERS

**Speaker**—W. E. FLANNERY, Man  
**Clerk**—C. A. BLANKENSHIP, Pineville  
**Sergeant-at-Arms**—DON YOAK, Grantsville  
**Doorkeeper**—CLYDE W. REINHART, Gauley Bridge

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*Appointed by the Governor on August 22, 1955, to succeed Mrs. Nell W. Walker of Winona, who resigned to become State Banking Commissioner.  
†Appointed by the Governor on December 16, 1955, to succeed Charles L. Williams of Man, who resigned to become a member of the West Virginia Liquor Control Commission.
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| (D) Democrats | 76 |
| (R) Republicans | 24 |
| **Total** | **100** |
AN ACT to amend and reenact section six, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to plaintiff, amount of damages, distribution of amount recovered and limitation on time in which action shall be commenced where death of a person is caused by wrongful act, neglect or default.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Actions for Injuries.

Section 6. Party plaintiff in such action; damages; distribution; limitation.

Be it enacted by the Legislature of West Virginia:

That section six, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Party Plaintiff in Such Action; Damages; Distribution; Limitation.—Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered in every such
action shall be distributed to the parties and in the proportion provided by law in relation to the distribution of personal estate, left by persons dying intestate. In every such action the jury may give such damages as they shall deem fair and just, not exceeding ten thousand dollars: Provided, however, If the plaintiff in such action shall prove by a preponderance of the evidence financial or pecuniary loss sustained by a distributee or distributees of such deceased person in an amount exceeding the sum of ten thousand dollars the jury may give such damages as shall equal such financial or pecuniary loss, not exceeding twenty thousand dollars as the total of all damages recoverable in such action, and the amount so recovered shall not be subject to any debts or liabilities of the deceased. Every such action shall be commenced within two years after the death of such deceased person.

CHAPTER 2

(House Bill No. 420—By Mr. Andrews and Mr. Whaley)

AN ACT to amend and reenact section six, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to objections to claims, and when claims to be proved by other evidence, and funeral expenses.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Proof and Allowance of Claims Against Estates of Decedents.

Section
6. Objections to claims, and when claims to be proved by other evidence; funeral expenses.

Be it enacted by the Legislature of West Virginia:

That section six, article two, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 6. Objections to Claims, and When Claims to be
Proved by other Evidence; Funeral Expenses.—Every
claim so itemized, so accompanied by proper vouchers,
and so verified, shall be taken to be proved, and shall be
allowed, unless before the commissioner shall make up
his report of claims the personal representative or a dis-
tributary, or a legatee, or, in the case of estates that appear
to be insolvent, a creditor, shall file before the commis-
sioner a counter affidavit, denying the claim in whole
or in part; and when said counter affidavit is so filed
the commissioner shall fix a time and place for hearing
evidence for and against such claim and give reasonable
notice of such time and place to the claimant, the party
objecting, and the personal representative. Claims for
funeral expenses shall be made and determined in the
same manner as any other claims.

CHAPTER 3

(Senate Bill No. 316—By Mr. Martin)

AN ACT to amend and reenact section three, article five, chap-
ter forty-four of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to non-
resident fiduciaries.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 5. General Provisions as to Fiduciaries.

Section

3. Nonresident not to be appointed.

Be it enacted by the Legislature of West Virginia:
That section three, article five, chapter forty-four of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:

Section 3. Nonresident Not to Be Appointed.—Not-
withstanding any other provision of law, no person not
A resident of this state nor any nonresident banking institution nor any corporation having its principal office or place of business outside of the state of West Virginia shall be appointed or act as executor, administrator, curator, guardian, or committee, except that a testator who is a nonresident of the state at the time of his death may name, and there may be appointed and act, a nonresident as his executor, and except that for the guardian of an infant who is a nonresident of the state there may be appointed the same person who was appointed guardian at the domicile of the infant.

CHAPTER 4

(Senate Bill No. 231—By Mr. Martin)

AN ACT to amend and reenact section two, article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to securities in which fiduciaries may invest trust funds.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Investments by Fiduciaries.

Section 2. In what securities fiduciaries may invest trust funds.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter forty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. In What Securities Fiduciaries May Invest Trust Funds.—Any executor, administrator, guardian, curator, committee, trustee, or other fiduciary whose duty it may be to loan or invest money intrusted to him as such, may without any order of any court, invest the same or any part thereof in any of the following securities, and without liability for any loss resulting from investments therein: Provided, That such fiduciary shall
9 exercise the judgment and care under the circumstances
10 then prevailing which men of prudence, discretion and
11 intelligence exercise in the management of their own
12 affairs, not in regard to speculation, but in regard to the
13 permanent disposition of their funds, considering the
14 probable income as well as the probable safety of their
15 capital:
16 (a) In bonds or interest-bearing notes or obligations
17 of the United States, or those for which the faith of the
18 United States is distinctly pledged to provide for the
19 payment of the principal and interest thereof, including
20 bonds issued under the federal farm loan act;
21 (b) In bonds or interest-bearing notes or obligations
22 of this state;
23 (c) In bonds of any state of the United States which
24 has not within ten years previous to the making of such
25 investment defaulted in the payment of any part of
26 either principal or interest on any of its bonds issued by
27 authority of the legislature of such state;
28 (d) In the bonds or interest-bearing notes or obliga-
29 tions of any county, district, school district or independent
30 school district, municipality, or any other political divi-
31 sion of this state that have been issued pursuant to the
32 authority of any law of this state, since the ninth of May
33 of the year one thousand nine hundred seventeen;
34 (e) In bonds and negotiable notes secured by first
35 mortgage or first trust deed upon improved real estate
36 in this state where the amount secured by such mort-
37 gage or trust deed shall not at the time of making the
38 same exceed eighty per cent of the assessed value, or
39 fifty per cent of the appraised value as determined by
40 wholly disinterested and independent appraisers, whichever
41 ever value shall be the higher, of the real estate covered
42 by such mortgage or trust deed, and when such mortgage
43 or trust deed is accompanied by a satisfactory abstract
44 of title, certificate of title, or title insurance policy, show-
45 ing good title in the mortgagor when making such mort-
46 gage or trust deed, and by a fire insurance policy in an
47 old line company with loss, if any, payable to the mort-
48 gagee or trustee as his interest may appear: Provided,
49 That the rate of interest upon the above enumerated
50 securities in this subsection (e), in which such invest-
51 ment may be made, shall not be less than two per cent,
52 nor more than seven per cent, per annum;
53 (f) In savings accounts and time deposits of bank or
54 trust companies to the extent that such deposits are in-
55 sured by the federal deposit insurance corporation, or
56 by any other similar federal instrumentality that may be
57 hereafter created, provided there shall be such an in-
58 strumentality in existence and available for the purpose,
59 or, by bonds of solvent surety companies: Provided, That
60 the rate of interest upon such savings accounts or time
61 deposits shall not be less than the rate paid other de-
62 positors in such bank or trust company;
63 (g) In shares of state building and loan associations,
64 or federal savings and loan associations, to the extent
65 that such shares are insured by the federal savings and
66 loan insurance corporation, or by any other similar
67 federal instrumentality that may be hereafter created,
68 provided that there shall be such an instrumentality in
69 existence and available for the purpose, or by bonds of
70 solvent surety companies: Provided, That the dividend
71 rate upon such shares shall not be less than the rate
72 paid to other shareholders in such associations.
73 (h) In other securities of corporations organized and
74 existing under the laws of the United States or of the
75 District of Columbia or any state of the United States
76 including, but not by way of limitation, bonds, deben-
77 tures, notes, equipment trust obligations or other evi-
78 dences of indebtedness, and shares of common and pre-
79 ferred stocks of such corporations and securities of any
80 open end or closed end management type investment com-
81 pany or investment trust registered under the federal
82 investment company act of 1940, as from time to time
83 amended, which men of prudence, discretion and intelli-
84 gence acquire or retain for their own account, provided
85 and upon condition, however, that: (1) no investment
86 shall be made pursuant to the provisions of this subsection
87 (h) which, at the time such investment shall be made, will
88 cause the aggregate market value thereof to exceed
89 thirty-five per cent of the aggregate market value at that
90 time of all of the property of the fund held by such
fiduciary; (2) no bonds, debentures, notes, equipment
trust obligations or other evidence of indebtedness of
such corporations shall be purchased under authority of
this subsection (h) unless such obligations, if other than
issues of a common carrier subject to the provisions of
section 20a of the interstate commerce act as amended,
shall be obligations issued, guaranteed or assumed by
corporations which have any securities currently regis-
tered with the securities and exchange commission; and
(3) no common or preferred stocks, other than bank and
insurance company stocks, shall be purchased under
authority of this subsection (h) unless currently fully
listed and registered upon an exchange registered with
the securities and exchange commission as a national
securities exchange. No sale or other liquidation of any
investment shall be required solely because of any change
in the relative market value of those investments made
eligible by this subsection (h) and those made eligible
by the preceding paragraphs of this section. In determin-
ing the aggregate market value of the property of a fund
and the percentage of a fund to be invested under the
provisions of this subsection, a fiduciary may rely upon
published market quotations as to those investments for
which such quotations are available, and upon such valu-
atations of other investments as in the fiduciary’s best
judgment seem fair and reasonable according to avail-
able information.

Trust funds received by executors, administrators,
guardians, curators, committees, trustees and other fidu-
ciaries may be kept invested in the securities originally
received by them, unless otherwise ordered by a court
having jurisdiction of the matter, as hereinafter provided,
or unless the instrument under which the trust was
created shall direct that a change of investment be made,
and any such fiduciary shall not be liable for any loss
that may occur by depreciation of such securities.

This section shall not apply where the instrument
creating the trust, or the last will and testament of any
testator, or any court having jurisdiction of the matter,
specially directs in what securities the trust funds shall
be invested, and every such court is hereby given power specially to direct by order or orders, from time to time, additional securities in which trust funds may be invested, and any investment thereof made in accordance with any such special direction shall be legal, and no executor, administrator, guardian, curator, committee, trustee or other fiduciary, shall be held for any loss resulting in any such case.

CHAPTER 5

(SENATE BILL NO. 253—By Mr. Martin and Mr. Stemple)

AN ACT to amend and reenact section thirty-five, article nine, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to tests for bovine tuberculosis and disposition of infected bovine animals.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 9. Diseases Among Domestic Animals.

Section 35. Tests for bovine tuberculosis and disposition of infected bovine animals.

Be it enacted by the Legislature of West Virginia:

That section thirty-five, article nine, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 35. Tests for Bovine Tuberculosis and Disposition of Infected Bovine Animals.—The commissioner, or his agent, or the inspectors of the United States department of agriculture shall possess authority to test with tuberculin any bovine animal kept within the state, subject to such rules and regulations as the commissioner may prescribe. The tuberculin test shall be applied to bovine animals at such times as may be designated by the commissioner in the control and eradication of bovine
tuberculosis in this state, and all cows whose milk is
sold for human consumption or manufacture, and all
uncastrated beef animals, shall be tested with tuberculin
insofar as may be possible.
When a bovine animal is found by the officer making
the test to give what the commissioner shall have pre-
scribed by his rules and regulations to be a clearly de-
 fined reaction to such test, the animal shall be considered
to be infected with bovine tuberculosis, and shall be
marked or branded upon the left jaw with a capital “T”
not less than two inches high, one and one-half inches
wide, with mark one-fourth of an inch wide, and such
branding shall not be construed as cruelty to animals
within the meaning of the penal laws of the state.
All bovine animals within the state which are deemed
tuberculous, either as a result of a physical examination
or the tuberculin test, shall be slaughtered, and if the
owner of any such animal shall demand indemnity there-
for, he shall execute the agreement provided for in sec-
tion twenty-eight of this article, and such animal shall
be appraised as provided in section thirty, and appraisal
certificate issued as provided in section thirty-one, and
the slaughter supervised and certificate of same issued
as provided in section thirty-two of this article.

CHAPTER 6

(Com. Sub. for House Bill No. 192—Originating in the House Committee on Agriculture)

AN ACT to amend chapter nineteen of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended,
by adding thereto a new article, to be designated twenty-a,
relating to the vaccination of dogs and the prevention of
rabies.

[Passed March 8, 1955; in effect ninety days from passage. Approved by the Governor.]

Section
1. Purpose and policy.
2. Vaccination of dogs.
3. Vaccination record and report.
4. Vaccination tag and certificate.
5. Vaccine furnished by person administering same; fee.
6. Penalties.
7. Enforcement of law.
8. Dogs vaccinated may run at large; confinement may be required.

Be it enacted by the Legislature of West Virginia:
That chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one as amended, be amended by adding thereto a new article, to be designated twenty-a, to read as follows:

Section 1. Purpose and Policy.—This article is hereby declared to be an emergency measure to dispose of a surplus lot of dogs and to check the spread of rabies for the immediate preservation of life, health and safety for the reason that rabies is spreading among dogs, and becoming a menace and danger to people, livestock, poultry and game, and the provisions herein are designated to prevent the spread of rabies and its menace to all living things.

Sec. 2. Vaccination of Dogs.—Whoever owns, keeps or harbors a dog or dogs within the boundaries of any county in the state of West Virginia shall, on or before the first day of June, one thousand nine hundred fifty-five, have such dog or dogs properly vaccinated or immunized against rabies, and shall each year thereafter have such dog or dogs revaccinated. After the first day of June, one thousand nine hundred fifty-five, whoever obtains an unvaccinated dog or dogs shall at once have such dog or dogs properly vaccinated against rabies and shall have such vaccination repeated yearly: Provided, however, that dogs need not be vaccinated before the age of three months: Provided further, That dogs entering the state of West Virginia temporarily cannot be kept and maintained within the state of West Virginia for a period of more than thirty days unless properly vaccinated. Anyone owning a dog or dogs can have them vaccinated by
any veterinarian, or doctor of medicine or any substitute working with or under any veterinarian or doctor of medicine, subject to the approval of the county court or the county health department.

Sec. 3. Vaccination Record and Report.—Whoever vaccinates or revaccinates a dog or dogs against rabies shall keep a record of such vaccination or revaccination, and on or before the first day of each calendar month thereafter, shall mail to or deliver to the county clerk of the county where the vaccination takes place a report of such vaccination or revaccination which shall include a number identifying the individual record of the dog vaccinated, a complete description of the dog, place where the dog is kept or harbored, name of the owner, keeper or harborer, his or her address, date and type of vaccination or revaccination and such other information as may be required by the county health department or the county court over the signature of the person reporting.

Sec. 4. Vaccination Tag and Certificate.—There shall be provided by the state department of agriculture uniform certificates to be approved by the commissioner of agriculture, and which shall be furnished to each county so that the veterinarian or doctor of medicine, or the person vaccinating each animal can make his proper reports, and he shall retain one for himself, give a certificate to the owner for whom he does the work, and file one copy with the clerk of the county court. Tags to be furnished by the county court shall be of a distinctive and easily recognized color, and shall have thereon engraved, or stamped, the year of vaccination and the number indicating the record above described. Such tag shall be securely fastened to the collar worn by the dog and shall be given to the owner by the veterinarian, the doctor of medicine or the person vaccinating the dog at the time of vaccination.

Sec. 5. Vaccine Furnished by Person Administering Same; Fee.—It shall be the duty of the veterinarian, doctor or person vaccinating each animal to furnish the vaccine which he administers and he shall charge and
collect for his services a fee not to exceed one dollar and
fifty cents for each animal vaccinated.

Sec. 6. Penalties.—Whoever owns, keeps or harbors a
dog or dogs and fails to have such dog or dogs vaccinated
or revaccinated against rabies; and whoever vaccinates
a dog or dogs against rabies and fails or refuses to keep
and report the required record of such vaccination, or
fails or refuses to provide the required tag, or whoever
obstructs or interferes in any way with the enforcement
of any section of this article, shall, upon conviction, be
fined not less than ten dollars nor more than fifty dollars,
or be confined in the county jail not less than ten days
nor more than sixty days, or both.

Sec 7. Enforcement of Law.—The enforcement of the
provisions of this article shall be in the hands of the
sheriff of each county, any of his deputies, constables,
conservation commission officers, commonly known as
game wardens, and, if deemed necessary, there shall be
a special officer to be appointed by the county court, who
is authorized, empowered, and directed to inspect rabies,
pick up dogs and dispose of dogs which are not taxable
or not vaccinated according to this article. The sheriff of
each county can have one or more sittings, if deemed
necessary, in each district of the county, at which he shall
be present or have present one of his deputies or the
special officer above provided for, to take charge of all
delinquent dogs and homeless dogs that are not vacci-
nated. The assessor of each county, or one of his deputies,
shall accompany the veterinarian, doctor, or the one who
administers the vaccine in these sittings for the purpose
of collecting taxes on dogs. All dogs that are not vacci-
nated and taxes paid upon shall become the responsi-
bility of the sheriff to catch and dispose of as is provided
by law.

Sec. 8. Dogs Vaccinated May Run at Large; Confine-
ment May Be Required.—Dogs vaccinated in compliance
with the provisions of this article may run at large in any
area or locality subject to a quarantine established by the
commissioner of agriculture pursuant to article nine of
6 this chapter, but the commissioner may, in his discretion, require all such vaccinated dogs, as well as dogs not vaccinated, within the limits of any such quarantined area or locality to be confined as provided in said article nine.

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CHAPTER 7

(Senate Bill No. 133—By Mr. Traubert)

AN ACT to amend and reenact section seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to handling and disposition of moneys collected by the West Virginia liquor control commission.

[Passed February 22, 1955; in effect from passage. Approved by the Governor.]

Article 3. Sales by Commission.

Section 17. Regulations as to handling and depositing of moneys collected; monthly remittances.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 17. Regulations as to Handling and Depositing of Moneys Collected; Monthly Remittances.—The commission, with the approval of the governor and the state treasurer, shall prescribe regulations for the handling and depositing of all moneys collected by the commission. All receipts accruing to and available for the general revenue fund as profits from the commission shall be remitted by the commission to the state treasury monthly within fifteen days next after the end of each calendar month.
CHAPTER 8
(Senate Bill No. 335—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact sections fifteen, eighteen and nineteen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to regulation and control of the stock and funds of the West Virginia liquor control commission.

[Passed March 8, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 3. Sales by Commission.

Section
15. Amount of stock allowed; contract for manufacture of state brand.
18. Operating fund; continuation and use.
19. Amount of operating fund; payment into veterans’ bonus sinking fund; disposition of excess.

Be it enacted by the Legislature of West Virginia:
That sections fifteen, eighteen and nineteen, article three, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 15. Amount of Stock Allowed; Contract for Manufacture of State Brand.—In order to avoid the accumulation of excessive stocks in warehouses and stores, the commission shall so plan its purchases of alcoholic liquors for sale in state stores and agencies that the stock on hand at any time does not exceed the estimated requirements for sixty days’ sales, and the amount of operating fund and the value of inventory stock shall not exceed six million dollars.

The commission may, with the consent of the governor, contract for the manufacture of alcoholic liquors for sale in state stores and agencies. Such liquors shall bear a special designation as a “state brand”.

Listed brands and sizes of spirituous liquors shall not be reordered in quantities greater than at the rate of comparative gross sales as determined by the last weekly report published prior to each reorder: Provided, however,
That listed brands on allocation by the respective suppliers may be reordered upon the basis of anticipated needs to be determined by projecting the adjusted sales records to the period of allocation as fixed by the respective suppliers.

The initial order of any new or unlisted brand of spirituous liquor, excepting wine, shall not exceed five hundred (500) cases. The initial order of new or unlisted wine brands shall not exceed fifteen hundred cases.

Sec. 18. Operating Fund; Continuation and Use.—The operating fund of the commission, heretofore created in the state treasury, is hereby continued and shall be a revolving fund from which all operation and administration expenses of the commission shall be paid.

The reserve fund of the commission, heretofore created and existing in the state treasury, is hereby abolished and discontinued and all moneys in or belonging, owing or accruing to said fund shall be paid into the state treasury in accordance with the provisions of section seventeen of this article.

Sec. 19. Amount of Operating Fund; Payment into Veterans' Bonus Sinking Fund; Disposition of Excess.—All moneys collected by the commission shall be credited to the operating fund until that fund reaches an amount sufficient for the current and routine requirements of the department, this amount to be not in excess of the amount hereinafter provided in section fifteen of this article.

On or after the first day of July, one thousand nine hundred fifty-five, from receipts in excess of the requirement of the operating fund, the sum of four hundred thousand dollars shall, upon requisition of the governor, be paid each quarter into the veterans' bonus sinking fund. If in any fiscal year the amount so paid shall be less than fifteen per cent of such excess, an additional amount sufficient to make the total payments equal to fifteen per cent of such excess shall at the end of the fiscal year be paid into the sinking fund, upon requisition of the governor. Whenever in any fiscal year the amount of money accumulated in the veterans' bonus
sinking fund shall be sufficient to pay at maturity all outstanding bonus bonds, together with the interest due or payable thereon, no further transfers to such sinking fund shall be made after the end of such fiscal year.

All receipts of the commission, not otherwise disposed of by this section, shall be paid monthly into the state general revenue fund in accordance with the provisions of section seventeen of this article.

CHAPTER 9
(House Bill No. 390—Originating in the House Committee on Temperance)

AN ACT to amend article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two, relating to the licensing of persons selling alcoholic liquors to the West Virginia liquor control commission and providing penalties for violations thereof.

[Passed March 3, 1955; in effect ninety days from passage. Became a law without the approval of the Governor.]

Article 4. Licenses.
Section
22. Licensing of persons selling to commission; persons ineligible; fees; penalties.

Be it enacted by the Legislature of West Virginia:
That article four, chapter sixty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two, to read as follows:

Section 22. Licensing of Persons Selling to Commission;
Persons Ineligible; Fees; Penalties.—No person, firm or corporation shall be or act or serve as an agent, broker or salesman selling or offering to sell or soliciting or negotiating the sale of alcoholic liquor to the commission without first obtaining a license so to do in accordance with the provisions of this section. The commission shall be
the licensing authority and may grant, refuse to grant, suspend or revoke licenses. Licenses shall be on an annual basis for the period from the first day of July until the thirtieth day of June next following. New and renewal licenses shall be granted only upon verified application to the commission presented on forms provided by the commission. Any person representing more than one producer, manufacturer, or distributor of alcoholic liquors shall file a separate application and shall obtain a separate license for each such representation. The annual license fee shall be ten dollars. The fee for any license granted for the remainder of any license year between the first day of January and the thirtieth day of June of the same calendar year shall be five dollars.

No person who is the father, mother, son, daughter, brother, sister, uncle, aunt, nephew or niece of a member of the commission or of any elected or appointive state official, or who is the spouse of any such person so related to a member of the commission or to any elected or appointive state official, may be granted a license hereunder. No member of the Legislature or the spouse of any such member may be granted a license hereunder.

In addition to all other information which the commission may require to be supplied on the license application forms, each applicant shall be required to state his name and his residence address and the name and business address of the producer, manufacturer or distributor he represents; the name and address of each additional producer, manufacturer or distributor of alcoholic liquors he represents; the monetary total of all alcoholic liquor sales, if any, made by him to the commission during the fiscal year preceding the license year for which he is seeking a license; the monetary total of the gross income received by him on such sales, if any, during such fiscal year; whether he has, during such fiscal year, made or given, voluntarily or on request, any gift, contribution of money or property to any member or employee of the commission or to or for the benefit of any political party committee or campaign fund; and his relationship, if any, by blood or marriage, to any member of the commission or to any elected or appointive state official. All such
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49 applications shall be verified by oath of the applicant and
50 shall be prepared and filed in duplicate. All such applic-
51 cations and a current list of all licensees hereunder shall
52 be matters of public record and shall be available to
53 public inspection at the commission's offices at the state
capitol. Every licensee who ceases to be an agent, broker
55 or salesman, as herein contemplated, shall so advise the
56 commission in writing and such person's name shall be
57 immediately removed from the license list and his license
58 shall be cancelled and terminated.
59 All licensees hereunder shall be subject to all other
60 provisions of this chapter and to the lawful rules and
61 regulations promulgated by the commission. Licenses
62 may be refused, suspended or revoked by the commission
63 for cause, including any of the applicable grounds of
64 revocation specified in section nineteen of this article.
65 Provisions of this article relating to notice, hearing and
66 appeals shall, to the extent applicable, govern procedures
67 on suspension and revocation of licenses hereunder.
68 Any person, firm or corporation violating any provi-
69 sion of this section, including knowingly making of any
70 false statement in a verified application for a license, shall
71 be guilty of a misdemeanor offense and shall, upon con-
72 viction thereof, be fined not exceeding one thousand dol-
73 lars or imprisoned in jail not exceeding twelve months,
74 or be subject to both such fine and imprisonment in the
75 discretion of the court.

CHAPTER 10

(Com. Sub. for Senate Bill No. 1—Originating in the Senate Committee
on Finance)

AN ACT making appropriations of public money out of the
treasury in accordance with section fifty-one, article six of
the constitution.

[Passed March 14, 1955; in effect from passage.]

Title
2. Appropriations.
3. Administration.
Title 1. General Provisions.

Section
1. General policy.
2. Definitions.
3. Classification of appropriations.

Be it enacted by the Legislature of West Virginia:

Section 1. General Policy.—The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year one thousand nine hundred fifty-six.

Sec. 2. Definitions.—For the purpose of this act:
2 “Board” shall mean the board of public works;
3 “Spending Unit” shall mean the department, agency, or institution to which an appropriation is made;
5 The “fiscal year one thousand nine hundred fifty-six” shall mean the period from July first, one thousand nine hundred fifty-five through June thirtieth, one thousand nine hundred fifty-six.
5 “From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collection. If the amount collected exceeds the amount designated “from collections” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by chapter thirty-nine, acts of the legislature, regular session, one thousand nine hundred thirty-nine.

Sec. 3. Classification of Appropriations.—An appropriation for:
3 “Personal services” shall be expended only for the payment of salaries, wages, fees, and other compensation for skill, work, or employment;
5 Unless otherwise specified, appropriations for Personal Services shall include salaries of heads of spending units.
8 “Current expenses” shall be expended only for operating
9 costs other than personal services or capital outlay;
10 “Repairs and alterations” shall include all expenditures
11 for materials, supplies and labor used in repairing and
12 altering buildings, grounds and equipment;
13 “Equipment” shall be expended only for things which
14 have an appreciable and calculable period of usefulness in
15 excess of one year;
16 “Buildings” shall include construction and alteration of
17 structures and the improvements of lands, sewer and water
18 improvements, and shall include shelter, support, storage,
19 protection, or the improvement of a natural condition;
20 “Lands” shall be expended only for the purchase of
21 lands or interest in lands.
22 Appropriations otherwise classified shall be expended
23 only where the distribution of expenditures for different
24 purposes cannot well be determined in advance or it is nec-
25 essary or desirable to permit the spending unit freedom to
26 spend an appropriation for more than one of the above
27 purposes.

Sec. 4. Method of Expenditure.—Money appropriated
2 by this act, unless otherwise specifically directed, shall be
3 appropriated and expended according to the provisions of
4 article three, chapter twelve of the code of West Virginia,
5 one thousand nine hundred thirty-one, or according to any
6 law detailing a procedure specifically limiting that article.

Title 2. Appropriations.

Section
1. Appropriations from general revenue.

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Interstate commission on Potomac river basin—Acct. No. 473
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</tr>
<tr>
<td>Department of education (free textbooks)</td>
<td>297</td>
<td>33</td>
</tr>
<tr>
<td>Department of education (state aid to supplement the general school fund)</td>
<td>295</td>
<td>32</td>
</tr>
<tr>
<td>Fairmont state college</td>
<td>321</td>
<td>37</td>
</tr>
<tr>
<td>FFA-FHA camp and conference center</td>
<td>336</td>
<td>40</td>
</tr>
<tr>
<td>Glenville state college</td>
<td>322</td>
<td>38</td>
</tr>
<tr>
<td>Marshall college</td>
<td>320</td>
<td>37</td>
</tr>
<tr>
<td>Shepherd college</td>
<td>324</td>
<td>38</td>
</tr>
<tr>
<td>Teachers' retirement board</td>
<td>298</td>
<td>33</td>
</tr>
<tr>
<td>West Liberty state college</td>
<td>323</td>
<td>38</td>
</tr>
<tr>
<td>West Virginia institute of technology</td>
<td>327</td>
<td>39</td>
</tr>
<tr>
<td>West Virginia library commission</td>
<td>350</td>
<td>40</td>
</tr>
<tr>
<td>West Virginia school for the deaf and blind</td>
<td>333</td>
<td>40</td>
</tr>
<tr>
<td>West Virginia state college</td>
<td>328</td>
<td>39</td>
</tr>
<tr>
<td>West Virginia state college (4-H camp for colored boys and girls)</td>
<td>330</td>
<td>39</td>
</tr>
<tr>
<td>West Virginia university</td>
<td>300</td>
<td>34</td>
</tr>
<tr>
<td>West Virginia university (agricultural, etc.)</td>
<td>302</td>
<td>34</td>
</tr>
<tr>
<td>West Virginia university (agricultural experiment station)</td>
<td>310</td>
<td>36</td>
</tr>
<tr>
<td>West Virginia university (cooperation with Oglebay Institute)</td>
<td>304</td>
<td>35</td>
</tr>
<tr>
<td>West Virginia university (engineering experiment station)</td>
<td>306</td>
<td>35</td>
</tr>
<tr>
<td>West Virginia university (experiment farm—Kearneysville)</td>
<td>311</td>
<td>36</td>
</tr>
<tr>
<td>West Virginia university (experiment farm—Reedsville)</td>
<td>314</td>
<td>37</td>
</tr>
<tr>
<td>West Virginia university (extension division)</td>
<td>305</td>
<td>35</td>
</tr>
<tr>
<td>West Virginia university (gas and petroleum research)</td>
<td>309</td>
<td>35</td>
</tr>
<tr>
<td>West Virginia university (Jackson's Mill)</td>
<td>303</td>
<td>34</td>
</tr>
<tr>
<td>West Virginia university (mining, etc.)</td>
<td>301</td>
<td>34</td>
</tr>
<tr>
<td>West Virginia university (Ohio valley sub-station)</td>
<td>313</td>
<td>36</td>
</tr>
<tr>
<td>West Virginia university (Potomac state college)</td>
<td>315</td>
<td>37</td>
</tr>
<tr>
<td>West Virginia university (Reymann memorial farm)</td>
<td>312</td>
<td>36</td>
</tr>
</tbody>
</table>

### EXECUTIVE

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governor's office</td>
<td>120</td>
<td>28</td>
</tr>
<tr>
<td>Parole and probation Investigation and supervision</td>
<td>123</td>
<td>29</td>
</tr>
</tbody>
</table>
CUSTODIAL AND SERVICE
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Director of the budget (inventory control)—Acct. No. 211 _____________ 30
Sinking fund commission—Acct. No. 170 _________________________ 29
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INCORPORATING AND RECORDING
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HEALTH AND WELFARE
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Health department—Acct. No. 400 ______________________________ 44
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- Board of control (insurance)—Acct. No. 585
- Civilian defense—Acct. No. 581
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**PAYABLE FROM SPECIAL REVENUE FUND**
- Conservation commission (general administration)—Acct. No. 663
- Department of agriculture—Acct. No. 655
- Insurance commissioner—Acct. No. 664
- Insurance commissioner—(fire marshal)—Acct. No. 660
- Public service commission—Acct. No. 661
- Public service commission (motor carrier division)—Acct. No. 662
- State committee of barbers and beauticians—Acct. No. 656
- West Virginia liquor control commission—Acct. No. 667

**PAYABLE FROM STATE ROAD FUND**
- Department of motor vehicles—Acct. No. 671
- Department of public safety—(inspection division)—Acct. No. 673
- State road commission (general administration and engineering)—Acct. No. 670
- Tax commissioner (gasoline tax division)—Acct. No. 672

**PAYABLE FROM GENERAL SCHOOL FUND**
- Auditor’s office (land department)—Acct. No. 709
- Department of education—Acct. No. 703
- Department of education (salaries of county superintendents)—Acct. No. 706
- Department of education (hot lunches)—Acct. No. 705
- State board of education—Acct. No. 700
- State board of education (vocational division)—Acct. No. 701
- State board of school finance—Acct. No. 704

**PAYABLE FROM WORKMEN’S COMPENSATION FUND**
- Workmen’s compensation commission—Acct. No. 900

3. Awards for claims against the state.
4. Reappropriations.
5. Special revenue appropriations.
6. Specific funds and collection accounts.
7. Appropriations for refunding erroneous payments.
8. Sinking fund deficiencies.
9. Appropriations from taxes and license fees.
10. Appropriations to pay premiums on bonds of county clerks.
11. Appropriations to pay costs of publication of delinquent corporations.
12. Appropriations for local governments.
13. Total appropriation.
Section 1. Appropriations from General Revenue.—
From the state fund, general revenue, there is hereby ap-
propriated conditionally upon the fulfillment of the pro-
visions set forth in chapter thirty-nine, acts of the Legisla-
ture, regular session, one thousand nine hundred thirty-
nine, the following amounts, as itemized, for expenditure
during the fiscal year one thousand nine hundred fifty-six.

**LEGISLATIVE**

1—Senate
Acct. No. 101

**Fiscal Year 1955-56**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Members</td>
<td>$48,000.00</td>
</tr>
<tr>
<td>To pay clerk of the Senate for compiling and publishing the West Virginia Blue Book, the distribution of which shall be made by the Office of the Clerk of the Senate and shall include seventy-five copies for each member of the Legislature and two copies to each classified and approved High and Junior High School and one to each elementary school within the state</td>
<td>10,000.00</td>
</tr>
<tr>
<td>To pay cost of printing the 1955 edition of Blue Book</td>
<td>41,500.00</td>
</tr>
<tr>
<td>Joint Committee on Government and Finance and other Committees</td>
<td>95,000.00</td>
</tr>
<tr>
<td>To establish bill drafting service and expenses connected therewith</td>
<td>6,000.00</td>
</tr>
</tbody>
</table>

**Fiscal Year 1954-55**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Members</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>Mileage of Members</td>
<td>789.90</td>
</tr>
<tr>
<td>Compensation and per diem of officers and attaches</td>
<td>77,000.00</td>
</tr>
<tr>
<td>Current Expenses and Contingent funds</td>
<td>80,000.00</td>
</tr>
<tr>
<td>Joint Committee on Government and Finance and other Committees</td>
<td>20,000.00</td>
</tr>
</tbody>
</table>

The above appropriations for the fiscal year 1954-55 are to remain in full force and effect until the convening of the regular session of the Legislature, 1956.

The Clerk of the Senate is authorized to
draw his warrants upon the Auditor, payable out of the contingent fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, and for bills for supplies and services incurred after adjournment, and for the necessary operation of the Senate offices, the requisition for same to be accompanied by bills to be filed with the Auditor.

2—House of Delegates

Acct. No. 102

Fiscal Year 1955-56

1 Salary of Members $ 150,000.00
2 Joint Committee on Government and Finance and other authorized Legislative Committees
3 95,000.00
5 To establish bill drafting service and expenses connected therewith 5,000.00

Fiscal Year 1954-55

8 Salary of Members $ 100,000.00
9 Mileage of Members 2,424.00
10 Compensation and per diem of officers and attaches 105,200.00
12 Contingent Fund 72,000.00
13 Joint Committee on Government and Finance and other authorized Legislative Committees 20,000.00

The above appropriations for the fiscal year 1954-55 are to remain in full force and effect until the convening of the regular session of the Legislature, 1956.

With the approval of the Speaker, an amount, not to exceed $3,600.00 per year, is hereby authorized to be expended from the contingent fund of the House of Delegates for janitor services, etc.

The House Committee on Rules, with the approval of the Speaker, is hereby author-
ized to expend from the House contingent
fund an amount, not to exceed the sum of
thirty-six thousand dollars ($36,000.00),
for the purpose of altering the elevator in
the northeast section of the Main Unit of
the Capitol Building so as to provide au-
tomatic operation for passenger and freight
service, and for the purchase and installa-
tion of duplicating equipment for use by
the House of Delegates.

The Clerk of the House of Delegates is au-
thorized to draw his warrants upon the
Auditor, payable out of the contingent fund
of the House of Delegates, for any bills for
supplies and services that may have been
incurred by the House of Delegates and
not included in the appropriation bill, and
for bills for services and supplies incurred
after adjournment, and for the necessary
operation of the House of Delegates offices,
the requisition for same to be accompanied
by bills to be filed with the Auditor.

For duties imposed by law and by the House
of Delegates including the salary allowed
by law as keeper of rolls, the Clerk of
the House of Delegates shall be paid a
monthly salary of $700.00 per month, pay-
able from the contingent fund of the House
of Delegates, and the Clerk may employ a
secretary at a salary of not to exceed
$300.00 per month, payable monthly from
the same fund.

3—Joint Expenses
Acct. No. 103

Fiscal Year 1954-55

1 Commission on Interstate Cooperation.........$ 5,000.00
2 For Legislative Printing, including printing,
   binding, and stationery.............................. 125,000.00

4 Total.....................................................$ 130,000.00
Fiscal Year 1955-56

Commission on Interstate Cooperation $ 10,000.00

The above appropriations for the fiscal year 1954-55 are to remain in full force and effect until the convening of the regular session of the Legislature, 1956.

JUDICIAL

4—Supreme Court of Appeals
Acct. No. 110

1 Salaries of Judges $ 87,500.00
2 Other Personal Services 76,620.00
3 Current Expenses 20,000.00
4 Equipment 2,000.00

5 Total $ 186,120.00

5—Circuit Courts
Acct. No. 111

1 Salaries of Judges of the Circuit Courts $ 291,000.00
2 Current Expenses 54,000.00

3 Total $ 345,000.00

6—Judges' Retirement System
Acct. No. 112

1 To be transferred to the Judges' Retirement Fund, in accordance with the law relating thereto, upon requisition of the State Auditor $ 25,000.00

7—State Law Library
Acct. No. 114

1 Personal Services $ 12,260.00
2 Current Expenses 1,000.00
3 Equipment 10,000.00

4 Total $ 23,260.00
8—Auditor’s Office—Criminal Charges
Acct. No. 119
1 Criminal Charges $165,000.00

EXECUTIVE

9—Governor’s Office
Acct. No. 120
1 Salary of Governor $12,500.00
2 Other Personal Services 32,230.00
3 Current Expenses 9,500.00
4 Equipment 1,500.00
5 Civil Contingent Fund 100,000.00
6 Of this appropriation there may be expended
an amount not to exceed $5,000.00 to pro-
vide instruction, care and maintenance for
persons who are deaf and blind, and for
whom the state provides no facilities.
7 Of this appropriation there may be ex-
pended, at the discretion of the Governor,
an amount not to exceed $1,000.00 as West
Virginia’s contribution to the Interstate
Oil Compact Commission.
8 Custodial Fund $31,350.00
9 To be used for current general expenses,
including compensation of servants and
employees, household maintenance, cost of
official functions, and any additional house-
hold expenses occasioned by such official
functions. In the event Napoleon Gardner,
now for many years in the service of the
Governor and his predecessors in office,
shall become unable to perform such serv-
ices for which he may earn compensation,
an amount not in excess of $50.00 per
month may be expended out of this ap-
propriation by the Governor at his discre-
tion, for the use and benefit of the said
Napoleon Gardner.
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31
32

Total $187,080.00
### APPROPRIATIONS

#### 10—Board of Probation and Parole

**Acct. No. 123**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$105,000.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$30,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$135,000.00</strong></td>
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</tbody>
</table>

#### FISCAL

#### 11—Auditor’s Office—General Administration

**Acct. No. 150**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of State Auditor</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$121,600.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$7,900.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$143,250.00</strong></td>
</tr>
</tbody>
</table>

#### 12—Treasurer’s Office

**Acct. No. 160**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of State Treasurer</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$55,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$71,350.00</strong></td>
</tr>
</tbody>
</table>

#### 13—Sinking Fund Commission

**Acct. No. 170**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$12,900.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$600.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,500.00</strong></td>
</tr>
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</table>

#### 14—State Tax Commissioner

**Acct. No. 180**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$482,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$134,425.00</td>
</tr>
<tr>
<td>Category</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>8,550.00</td>
</tr>
<tr>
<td>4 Property Evaluation</td>
<td>50,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$674,975.00</td>
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</table>

**15—West Virginia Board of Control**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Members</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$36,480.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$9,400.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$475.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$67,355.00</td>
</tr>
</tbody>
</table>

**16—Director of the Budget**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$93,700.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$11,970.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Total</td>
<td>$106,670.00</td>
</tr>
</tbody>
</table>

**17—Director of the Budget—Inventory Control**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$15,680.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$4,250.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>$19,930.00</td>
</tr>
</tbody>
</table>

**LEGAL**

**18—Attorney General**

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Attorney General</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$91,500.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$3,950.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>
5 To protect the resources or tax structure of
6 the State in controversies or legal proceed-
7 ings affecting same............................................. 4,000.00

8 Total............................................................. $108,950.00

19—Commission on Uniform State Laws
Acct. No. 245
1 Total............................................................. $650.00

INCORPORATING AND RECORDING
20—Secretary of State
Acct. No. 250
1 Salary of Secretary of State........................ $7,250.00
2 Other Personal Services............................... 29,140.00
3 Current Expenses.......................................... 5,000.00
4 Equipment.................................................. 1,000.00

5 Total............................................................. $42,390.00

CUSTODIAL AND SERVICE
21—Capitol Building and Grounds
Acct. No. 270
1 Personal Services................................. $152,988.00
2 Current Expenses................................. 87,875.00
3 Repairs and Alterations.......................... 23,750.00
4 Equipment............................................. 1,900.00

5 Total............................................................. $266,513.00

22—Central Mailing Office
Acct. No. 280
1 Personal Services................................. $11,989.00
2 Current Expenses................................. 1,691.00
3 Equipment............................................ 190.00
4 Postage.................................................. 47,000.00

5 Total............................................................. $60,870.00
6 The Workmen's Compensation Commission,  
7 Department of Public Assistance, West Virginia Public Service Commission, Conservation Commission, Department of Motor  
8 Vehicles, State Road Commission and State  
9 Health Department shall reimburse the  
10 Postage appropriation of the Central Mailing Office monthly for all meter service.  
11 Any spending unit receiving reimbursement for postage costs from the Federal  
12 Government shall refund to the Postage account of the Central Mailing Office such  
13 amounts. Should this appropriation for  
14 Postage be insufficient to meet the mailing  
15 requirements of the State spending units as  
16 set out above, any excess postage meter  
17 service requirements shall be a proper  
18 charge against the units, and each spending  
19 unit shall refund to the Postage appropriation of the Central Mailing Office any  
20 amounts required for that Department for  
21 postage in excess of this appropriation.

23—Department of Purchases

Acct. No. 290

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$73,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$13,610.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$86,610.00</strong></td>
</tr>
</tbody>
</table>

EDUCATIONAL

24—Department of Education—State Aid to Schools

Acct. No. 295

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>State aid to supplement the General School Fund</td>
<td>$46,088,707.00</td>
</tr>
<tr>
<td>To be transferred to the general school fund</td>
<td></td>
</tr>
<tr>
<td>upon the requisition of the Governor. To</td>
<td></td>
</tr>
<tr>
<td>be distributed according to law except an</td>
<td></td>
</tr>
<tr>
<td>amount not to exceed $100,000.00, which</td>
<td></td>
</tr>
</tbody>
</table>
sum shall be available to the State Board of School Finance to aid counties in providing instruction for physically and mentally handicapped children, and the sum of $150,000.00, which sum shall be transferred by the Governor to the State Tax Commissioner, for the purpose of making or causing to be made, an annual survey of the appraised valuations of non public utility property based on true and actual valuations: Provided, however, That from the amount appropriated herein to the State Board of School Finance to aid counties in providing instruction for the physically and mentally handicapped children, an amount not to exceed $6,000.00 may be used to pay the salary of a director for the physically and mentally handicapped children's program.

In making distribution of state aid to counties as provided by law, the state board of school finance shall allocate to each county, state aid of not less than fifty dollars for each net enrolled pupil in the county.

25—Department of Education—Textbook Aid

Acct. No. 297

1 Textbooks for Schools ........................................ $ 150,000.00
2 To be distributed according to chapter fifty-one, acts of the Legislature, regular session, 1939.

26—Teachers Retirement Board

Acct. No. 298

1 Benefit Fund—Payments to Retired Teachers $ 1,367,000.00
2 Employers' Accumulation Fund—To match contribution of members 3,160,000.00

4 Total .............................................................$ 4,527,000.00
### Appropriations

#### 27—West Virginia University  
**Acct. No. 300**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$3,495,470.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$522,500.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$190,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$190,000.00</td>
</tr>
<tr>
<td>5 State aid to Medical Students</td>
<td>$62,500.00</td>
</tr>
<tr>
<td>6 State aid to Students of Veterinary Medicine</td>
<td>$22,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$4,482,470.00</strong></td>
</tr>
</tbody>
</table>

#### 28—West Virginia University—Mining and Industrial Extension  
**Acct. No. 301**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$46,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$18,525.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$475.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$65,500.00</strong></td>
</tr>
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</table>

#### 29—West Virginia University—Agricultural, Horticultural and Home Economics Extension  
**Acct. No. 302**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$85,700.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$10,450.00</td>
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<tr>
<td>3 Equipment</td>
<td>$475.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$96,625.00</strong></td>
</tr>
</tbody>
</table>

5 Out of the above appropriation for personal services the sum of $6,000.00 shall be used only for the employment of a Spray Specialist who shall be stationed only at West Virginia University Experimental Farm at Kearneysville.

#### 30—West Virginia University—Jackson's Mill 4-H Camp  
**Acct. No. 303**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$24,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$13,680.00</td>
</tr>
</tbody>
</table>
3 Repairs and Alterations 9,500.00
4 Equipment 4,655.00

5 Total $51,835.00

31—West Virginia University—Cooperation with Oglebay Institute
Acct. No. 304
1 Unclassified—Total $3,705.00

32—West Virginia University—Extension Division
Acct. No. 305
1 Personal Services $167,100.00
2 Current Expenses 28,500.00

3 Total $195,600.00
4 To pay expenses of County Agricultural Agents and Home Demonstration Agents.

33—West Virginia University—Engineering Experiment Station
Acct. No. 306
1 Personal Services $19,500.00
2 Current Expenses 2,850.00
3 Equipment 2,375.00

4 Total $24,725.00

34—West Virginia University—Gas and Petroleum Research
Acct. No. 309
1 Personal Services $13,000.00
2 Current Expenses 3,040.00
3 Equipment 475.00

4 Total $16,515.00
<table>
<thead>
<tr>
<th>Account No.</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>310</td>
<td>Personal Services</td>
<td>$124,900.00</td>
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<tr>
<td></td>
<td>Current Expenses</td>
<td>$15,485.00</td>
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<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$5,130.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$7,980.00</td>
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<tr>
<td></td>
<td>Total</td>
<td>$153,495.00</td>
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<tr>
<td>311</td>
<td>Current Expenses</td>
<td>$11,400.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$3,325.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$4,750.00</td>
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<tr>
<td></td>
<td>Total</td>
<td>$19,475.00</td>
</tr>
<tr>
<td>312</td>
<td>Current Expenses</td>
<td>$9,500.00</td>
</tr>
<tr>
<td></td>
<td>Repairs and Alterations</td>
<td>$2,850.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$1,900.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$14,250.00</td>
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<tr>
<td>313</td>
<td>Current Expenses</td>
<td>$6,080.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$1,900.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$7,980.00</td>
</tr>
</tbody>
</table>
## 39—West Virginia University—Experiment Farm—Reedsville

**Acct. No. 314**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Current Expenses</td>
<td>$6,650.00</td>
</tr>
<tr>
<td>2 Repairs and Alterations</td>
<td>$3,325.00</td>
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<tr>
<td>3 Equipment</td>
<td>$3,325.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$13,300.00</strong></td>
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</table>

## 40—Potomac State College of West Virginia University

**Acct. No. 315**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$212,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$33,782.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$19,000.00</td>
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<td>4 Equipment</td>
<td>$11,400.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$276,182.00</strong></td>
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## 41—Marshall College

**Acct. No. 320**

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,250,660.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$122,911.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$42,750.00</td>
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<tr>
<td>4 Equipment</td>
<td>$47,500.00</td>
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<tr>
<td>5 Flood Wall Assessment</td>
<td>$3,200.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$1,467,021.00</strong></td>
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## 42—Fairmont State College

**Acct. No. 321**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$418,470.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$46,398.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$17,433.00</td>
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<td>4 Equipment</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$501,301.00</strong></td>
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</table>
### 43—Glenville State College

**Acct. No. 322**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$261,440.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$34,580.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$14,250.00</td>
</tr>
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<td>4 Equipment</td>
<td>$14,250.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$324,520.00</td>
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### 44—West Liberty State College

**Acct. No. 323**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$30,650.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$14,250.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$38,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$343,790.00</td>
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</table>

### 45—Shepherd College

**Acct. No. 324**

<table>
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<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$240,000.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$34,200.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$19,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$11,875.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$305,075.00</td>
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### 46—Concord College

**Acct. No. 325**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$385,380.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$44,080.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$18,525.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$20,900.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$468,885.00</td>
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</tbody>
</table>
### 47—West Virginia Institute of Technology

**Acct. No. 327**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$318,050.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$45,933.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$16,150.00</td>
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<td>4 Equipment</td>
<td>$56,050.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$436,183.00</strong></td>
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### 48—West Virginia State College

**Acct. No. 328**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$632,350.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$93,100.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
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<td>4 Equipment</td>
<td>$27,550.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$793,185.00</strong></td>
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### 49—Bluefield State College

**Acct. No. 329**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$269,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$39,853.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$13,300.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$12,825.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$334,978.00</strong></td>
</tr>
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</table>

### 50—West Virginia State College—4-H Camp for Colored Boys and Girls

**Acct. No. 330**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$11,950.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$4,370.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,613.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,995.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,928.00</strong></td>
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</tbody>
</table>
### 51—West Virginia Schools for the Deaf and Blind

**Acct. No. 333**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$311,637.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$121,600.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$14,250.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$14,878.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$462,365.00</strong></td>
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### 52—State FFA-FHA Camp and Conference Center

**Acct. No. 336**

<table>
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<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$9,500.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$1,425.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$950.00</td>
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<td>4 Equipment</td>
<td>$950.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$12,825.00</strong></td>
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### 53—Department of Archives and History

**Acct. No. 340**

<table>
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<th>Amount</th>
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<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$3,277.00</td>
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<td>3 Equipment</td>
<td>$4,380.00</td>
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<tr>
<td>4 <strong>Total</strong></td>
<td><strong>$25,097.00</strong></td>
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### 54—West Virginia Library Commission

**Acct. No. 350**

<table>
<thead>
<tr>
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<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$40,945.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$500.00</td>
</tr>
<tr>
<td>4 Books and Periodicals</td>
<td>$21,375.00</td>
</tr>
<tr>
<td>5 <strong>Total</strong></td>
<td><strong>$72,320.00</strong></td>
</tr>
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</table>
## CHARITIES AND CORRECTION

### 55—West Virginia Industrial School for Boys

**Acct. No. 370**

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$76,000.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$9,500.00</td>
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<tr>
<td>4 Equipment</td>
<td>$8,075.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$238,575.00</strong></td>
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### 56—West Virginia Industrial School for Colored Boys

**Acct. No. 371**

<table>
<thead>
<tr>
<th>Item</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$37,100.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$26,030.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$3,420.00</td>
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<td>4 Equipment</td>
<td>$3,800.00</td>
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<td><strong>Total</strong></td>
<td><strong>$70,350.00</strong></td>
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### 57—West Virginia Industrial Home for Girls

**Acct. No. 372**

<table>
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<tr>
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<tbody>
<tr>
<td>1 Personal Services</td>
<td>$74,700.00</td>
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<tr>
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<td>$54,321.00</td>
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<td>3 Repairs and Alterations</td>
<td>$6,175.00</td>
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<tr>
<td>4 Equipment</td>
<td>$5,225.00</td>
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<tr>
<td><strong>Total</strong></td>
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### 58—West Virginia Industrial Home for Colored Girls

**Acct. No. 373**

<table>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$9,310.00</td>
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<tr>
<td>2 Current Expenses</td>
<td>$7,553.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$1,900.00</td>
</tr>
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<td>4 Equipment</td>
<td>$2,755.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$21,518.00</strong></td>
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### Appropriations

#### 59—West Virginia State Prison for Women

**Acct. No. 374**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
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<tr>
<td>2 Current Expenses</td>
<td>$35,340.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$4,275.00</td>
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<td>4 Equipment</td>
<td>$2,280.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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#### 60—West Virginia Penitentiary

**Acct. No. 375**

<table>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$435,020.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$449,440.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$15,250.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$922,210.00</strong></td>
</tr>
</tbody>
</table>

#### 61—Medium Security Prison

**Acct. No. 376**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$155,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$150,052.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$12,255.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$11,448.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$328,755.00</strong></td>
</tr>
</tbody>
</table>

#### 62—West Virginia Children's Home

**Acct. No. 380**

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$17,575.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,470.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,995.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$51,040.00</strong></td>
</tr>
</tbody>
</table>
63—West Virginia Colored Children’s Home

Acct. No. 381

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$13,580.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$13,547.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,422.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$2,185.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$31,734.00</td>
</tr>
</tbody>
</table>

64—West Virginia Home for Aged and Infirm Colored Men and Women

Acct. No. 382

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$23,480.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$35,995.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$7,980.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,943.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$71,398.00</td>
</tr>
</tbody>
</table>

65—West Virginia Training School

Acct. No. 383

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$134,440.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$115,330.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$6,887.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,887.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$263,592.00</td>
</tr>
</tbody>
</table>

66—Andrew S. Rowan Memorial Home

Acct. No. 384

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$148,940.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$140,809.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$5,320.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$304,569.00</td>
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## Appropriations

### Health and Welfare

**67—State Health Department**

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>400</td>
<td>Personal Services</td>
<td>$395,366.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$80,000.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$6,500.00</td>
</tr>
<tr>
<td></td>
<td>Cancer Control and Treatment</td>
<td>$90,000.00</td>
</tr>
<tr>
<td></td>
<td>Tuberculosis Field Clinic and Nursing Service</td>
<td>$9,500.00</td>
</tr>
<tr>
<td></td>
<td>Out-Patient Pneumothorax Treatment</td>
<td>$23,000.00</td>
</tr>
<tr>
<td></td>
<td>Hospitalization of Needy Tubercular Children</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>Hospital Survey and Planning</td>
<td>$10,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$619,366.00</strong></td>
</tr>
</tbody>
</table>

**68—State Water Commission**

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>401</td>
<td>Personal Services</td>
<td>$36,380.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$10,402.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$950.00</td>
</tr>
<tr>
<td></td>
<td>For cooperation with the U. S. Geological Survey for a program of stream gauging</td>
<td>$14,488.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$62,220.00</strong></td>
</tr>
</tbody>
</table>

**69—Bureau of Negro Welfare and Statistics**

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>403</td>
<td>Personal Services</td>
<td>$7,680.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$2,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$9,680.00</strong></td>
</tr>
</tbody>
</table>

**70—West Virginia Department of Veterans Affairs**

<table>
<thead>
<tr>
<th>Account No.</th>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>404</td>
<td>Personal Services</td>
<td>$131,717.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$42,380.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$475.00</td>
</tr>
</tbody>
</table>
4 To provide Educational Opportunities for
5 Children of War Veterans as provided by
6 Chapter thirty-nine, Acts of the Legisla-
7 ture, 1943__________ 11,875.00

8 Total___________________________ $ 186,447.00

71—Department of Public Assistance

Acct. No. 405

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 807,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$ 222,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$ 7,000.00</td>
</tr>
<tr>
<td>4 Public Assistance Grants (Classified Aid)</td>
<td>$ 7,278,700.00</td>
</tr>
<tr>
<td>5 Aid to Crippled Children</td>
<td>$ 285,000.00</td>
</tr>
<tr>
<td>6 Medical Care for the Indigent</td>
<td>$ 213,685.00</td>
</tr>
<tr>
<td>7 Hospitalization for the Indigent</td>
<td>$ 436,315.00</td>
</tr>
<tr>
<td>8 Conservation of Vision and Prevention of Blindness</td>
<td>$ 33,250.00</td>
</tr>
<tr>
<td>10 Child Welfare Services</td>
<td>$ 71,250.00</td>
</tr>
<tr>
<td>11 General Relief</td>
<td>$ 300,000.00</td>
</tr>
<tr>
<td>12 Boarding Care</td>
<td>$ 350,000.00</td>
</tr>
<tr>
<td>13 Merit System</td>
<td>$ 11,400.00</td>
</tr>
<tr>
<td>14 Social Security Matching Funds</td>
<td>$ 20,000.00</td>
</tr>
</tbody>
</table>

15 Total_________________________________________________ $10,036,100.00

72—Department of Public Assistance—
Commodity Distribution

Acct. No. 406

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 90,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$ 50,000.00</td>
</tr>
</tbody>
</table>

3 Total_________________________________________________ $140,000.00

73—Weston State Hospital

Acct. No. 420

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 893,980.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$ 570,000.00</td>
</tr>
<tr>
<td>Item</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>23,750.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>19,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 1,506,730.00</strong></td>
</tr>
</tbody>
</table>

### 74—Spencer State Hospital

**Acct. No. 421**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 389,740.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>277,875.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>14,250.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>9,975.00</td>
</tr>
<tr>
<td>5 Water Supply</td>
<td>39,900.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 731,740.00</strong></td>
</tr>
</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund-General Revenue.

### 75—Huntington State Hospital

**Acct. No. 422**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 505,760.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>399,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>19,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>11,875.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 935,635.00</strong></td>
</tr>
</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund-General Revenue.

### 76—Lakin State Hospital

**Acct. No. 423**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 238,600.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>140,125.00</td>
</tr>
</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund-General Revenue.
## APPROPRIATIONS

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Repairs and Alterations</td>
<td>10,688.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>8,550.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>397,963.00</td>
</tr>
</tbody>
</table>

### 77—Barboursville State Hospital

#### Acct. No. 424

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$149,500.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$114,950.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$ 7,410.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$ 6,650.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$ 278,510.00</td>
</tr>
</tbody>
</table>

### 78—Fairmont Emergency Hospital

#### Acct. No. 425

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$ 98,720.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$ 66,452.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$ 6,650.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$ 5,225.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$ 177,047.00</td>
</tr>
</tbody>
</table>

### 79—Welch Emergency Hospital

#### Acct. No. 426

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$102,260.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$118,750.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$ 9,025.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$ 5,700.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$ 235,735.00</td>
</tr>
</tbody>
</table>

### 80—Hopemont Sanitarium

#### Acct. No. 430

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$424,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$351,870.00</td>
</tr>
</tbody>
</table>

### Appropriations

#### 81—Pinecrest Sanitarium
**Acct. No. 431**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$537,960.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$510,292.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$25,650.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$17,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$1,091,002.00</td>
</tr>
</tbody>
</table>

#### 82—Denmar Sanitarium
**Acct. No. 432**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$157,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$127,737.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$8,550.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,460.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$299,747.00</td>
</tr>
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</table>

#### 83—Berkeley Springs Sanitarium
**Acct. No. 436**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$24,320.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$6,887.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$1,900.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$475.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$33,582.00</td>
</tr>
</tbody>
</table>

#### 84—Non-State Institutions
**Acct. No. 437**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Morris Memorial Hospital</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>2 Marmet Hospital, Inc.</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$17,500.00</td>
</tr>
</tbody>
</table>
4 To be expended by the Department of Public Assistance to meet actual per capita costs for hospitalization of needy West Virginia patients at these institutions.

85—State Board of Education—Rehabilitation Division

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Services Provided</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>440</td>
<td>Vocational Rehabilitation Services</td>
<td>$423,500.00</td>
</tr>
<tr>
<td></td>
<td>To provide management and supervisory services for vending stand program for the blind</td>
<td>$7,420.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$430,920.00</td>
</tr>
</tbody>
</table>

BUSINESS AND INDUSTRIAL RELATIONS

86—Bureau of Labor and Department of Weights and Measures

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Services Provided</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>450</td>
<td>Personal Services</td>
<td>$161,500.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$44,370.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$207,870.00</td>
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</tbody>
</table>

87—Department of Mines

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Services Provided</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>460</td>
<td>Personal Services</td>
<td>$511,000.00</td>
</tr>
<tr>
<td></td>
<td>Current Expenses</td>
<td>$141,000.00</td>
</tr>
<tr>
<td></td>
<td>Equipment</td>
<td>$12,500.00</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>$664,500.00</td>
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</table>

88—Commission on Interstate Cooperation

<table>
<thead>
<tr>
<th>Acct. No.</th>
<th>Services Provided</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>472</td>
<td>Total</td>
<td>$8,500.00</td>
</tr>
</tbody>
</table>
|           | Out of the above appropriation the sum of $6,000.00 may be made available for West
Virginia’s membership in the Council of State Governments.

89—Interstate Commission on Potomac River Basin

<table>
<thead>
<tr>
<th>Acct. No. 473</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 West Virginia's contribution to Potomac River Basin Interstate Commission...........</td>
</tr>
</tbody>
</table>

90—Ohio River Valley Water Sanitation Commission

<table>
<thead>
<tr>
<th>Acct. No. 474</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 West Virginia's contribution to the Ohio River Valley Water Sanitation Commission</td>
</tr>
</tbody>
</table>

91—Department of Banking

<table>
<thead>
<tr>
<th>Acct. No. 480</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services ........................................</td>
</tr>
<tr>
<td>2 Current Expenses ........................................</td>
</tr>
<tr>
<td>3 Equipment ..................................................................</td>
</tr>
<tr>
<td>4 Total .........................................................................</td>
</tr>
</tbody>
</table>

92—West Virginia State Aeronautics Commission

<table>
<thead>
<tr>
<th>Acct. No. 485</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services ........................................</td>
</tr>
<tr>
<td>2 Current Expenses ........................................</td>
</tr>
<tr>
<td>3 Total .........................................................................</td>
</tr>
</tbody>
</table>

93—West Virginia Industrial and Publicity Commission

<table>
<thead>
<tr>
<th>Acct. No. 486</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services ........................................</td>
</tr>
<tr>
<td>2 Current Expenses ........................................</td>
</tr>
<tr>
<td>3 Equipment ..................................................................</td>
</tr>
<tr>
<td>4 Total .........................................................................</td>
</tr>
</tbody>
</table>
### 94—West Virginia Non-Intoxicating Beer Commissioner

**Acct. No. 490**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$66,250.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$38,296.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$454.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$105,000.00</strong></td>
</tr>
</tbody>
</table>

### 95—West Virginia Racing Commission

**Acct. No. 495**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$40,000.00</strong></td>
</tr>
</tbody>
</table>

### AGRICULTURE

#### 96—Department of Agriculture

**Acct. No. 510**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Commissioner</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$118,490.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$63,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>5 For the Eradication and Prevention of Livestock Diseases</td>
<td>$111,850.00</td>
</tr>
<tr>
<td>6 Aid to Dairy Development Program</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>8 Eradication and Control of Japanese beetle</td>
<td>$12,000.00</td>
</tr>
<tr>
<td>9 and other plant pests</td>
<td>$14,250.00</td>
</tr>
<tr>
<td>11 Eradication and Control of Oak Wilt</td>
<td>$23,750.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$398,590.00</strong></td>
</tr>
</tbody>
</table>

#### 97—Department of Agriculture—

**Soil Conservation Committee**

**Acct. No. 512**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To pay per diem and travel expenses of District Supervisors and Other General Expenses of the Soil Conservation Committee</td>
<td>$45,350.00</td>
</tr>
</tbody>
</table>
98—Department of Agriculture—Marketing and Research

Acct. No. 513

1 For cooperation with the Federal Government in a program of marketing and research $ 25,000.00
2 Any part or all of this appropriation may be transferred to Special Revenue Fund for the purpose of matching federal funds for the above named program.

99—Department of Agriculture—Agricultural Awards

Acct. No. 515

1 Incorporated County and District Fairs, 4-H Fairs and Exhibits and Vocational Agricultural Fairs and Exhibits $ 10,450.00
2 State Agricultural Fairs and Agricultural and Industrial Exhibits 22,325.00
3 West Virginia State Fair 19,000.00
4 Mountain State Forest Festival 8,550.00
5 Total $ 60,325.00
6 To be expended at the discretion of the Commissioner of Agriculture and in accordance with law.

CONSERVATION AND DEVELOPMENT

100—West Virginia Geological Survey

Acct. No. 520

1 Personal Services $ 67,000.00
2 Current Expenses 16,853.00
3 Equipment 2,850.00
4 Total $ 86,703.00
5 Of the above appropriation for Current Expenses the sum of $5,000.00 may be used to cooperate with the United States Geologic-
8 ical Survey in Ground Waters Resources Study.

101—Conservation Commission

<table>
<thead>
<tr>
<th>Acct. No. 521</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$266,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>3 Oak Wilt Control</td>
<td>$4,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$286,000.00</strong></td>
</tr>
</tbody>
</table>

Out of the above appropriation the sum of $80,000.00 under Personal Services and $16,000.00 Current Expenses shall be used to match federal funds under the Pittman-Robertson and Dingell-Johnson programs.

102—Conservation Commission—Division of State Parks

<table>
<thead>
<tr>
<th>Acct. No. 522</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$60,680.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$52,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$8,960.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$141,640.00</strong></td>
</tr>
</tbody>
</table>

Out of the above appropriation for current expenses the sum of $725.00 may be transferred to Special Revenue Acct. No. 8838 for reimbursement of an amount used for purchase of property in Harpers Ferry National Park.

103—Conservation Commission—Clarke-McNary

<table>
<thead>
<tr>
<th>Acct. No. 523</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For cooperation with the United States Department of Agriculture in Fire Prevention and Control</td>
<td>$75,000.00</td>
</tr>
</tbody>
</table>
104—Point Pleasant Battle Monument Commission
Acct. No. 561
1 For maintenance of Historical Monument...... $ 3,000.00

105—Rumseyan Society
Acct. No. 562
1 For maintenance of Historical Monument...... $ 350.00

106—Morgan Morgan Memorial
Acct. No. 563
1 For maintenance of Historical Monument...... $ 25.00

107—Grafton G.A.R. Post
Acct. No. 564
1 In aid of Memorial Day Patriotic Exercises...... $ 1,000.00
2 To be expended subject to the approval of
3 the board of public works upon presenta-
4 tion of satisfactory plans by the Grafton
5 G.A.R. Post, American Legion, Veterans
6 of Foreign Wars and Sons of Veterans.

PROTECTION
108—Department of Public Safety
Acct. No. 570
1 Personal Services..................................... $ 913,990.00
2 Current Expenses.................................... 564,473.00
3 Repairs and Alterations.............................. 14,500.00
4 Equipment............................................ 204,400.00

5 Total..................................................... $ 1,697,363.00

109—Adjutant General—State Militia
Acct. No. 580
1 Personal Services..................................... $ 50,000.00
2 Current Expenses..................................... 132,487.00
3 Repairs and Alterations ........................................... 4,750.00
4 Equipment .......................................................... 1,900.00
5 Compensation of Commanding Officers, Cler-
ical Allowances and Uniform Allowances .......... 52,497.00
6 Property Maintenance ............................................. 18,000.00
8 Total ................................................................. $259,634.00

110—Division of Civilian Defense

Acct. No. 581

1 Personal Services ................................................. $15,000.00
2 Current Expenses ................................................... 5,000.00
3 Equipment .......................................................... 3,000.00
4 Total ................................................................. $23,000.00

111—State Armory Board

Acct. No. 582

1 For insurance, maintenance, repair, and
2 equipment for state owned Armories .... $17,575.00

112—State Board of Education—Insurance

Acct. No. 584

1 Fire Insurance Premiums .......................................... $52,250.00
2 To pay insurance premiums on buildings at
3 state colleges and institutions under the su-
4 pervision of the State Board of Education.
5 The above appropriation is for premiums for
6 a three-year period.

113—West Virginia Board of Control—Insurance

Acct. No. 585

1 Fire Insurance Premiums .......................................... $109,250.00
2 To pay Insurance Premiums on buildings at
3 state institutions under the supervision of
4 the Board of Control.
5 The above appropriation is for premiums for
6 a three-year period.

114—State Board of Examiners of Accountants
Acct. No. 586
1 To pay the per diem of members and other
2 general expenses ........................................... $ 2,000.00
3 From Collections ......................................... 2,000.00

115—State Board of Examiners of Registered Nurses
Acct. No. 588
1 To pay the per diem of members and other
2 general expenses ........................................... $ 18,750.00
3 From Collections ......................................... 18,750.00

116—State Board of Dental Examiners
Acct. No. 589
1 To pay the per diem of members and other
2 general expenses ........................................... $ 1,500.00
3 From Collections ......................................... 1,500.00

117—State Board of Pharmacy
Acct. No. 590
1 To pay the per diem of members and other
2 general expenses ........................................... $ 12,000.00
3 From Collections ......................................... 12,000.00

118—State Board of Osteopathy
Acct. No. 591
1 To pay the per diem of members and other
2 general expenses ........................................... $ 1,500.00
3 From Collections ......................................... 1,500.00
119—State Board of Optometry
  Acct. No. 592
  1 To pay the per diem of members and other
  2  general expenses._____________________________ $  2,500.00
  3 From Collections_____________________________    2,500.00

120—State Board of Embalmers and Funeral Directors
  Acct. No. 593
  1 To pay the per diem of members and other
  2  general expenses_____________________________ $ 10,500.00
  3 From Collections_____________________________  10,500.00

121—State Board of Registration for Professional Engineers
  Acct. No. 594
  1 To pay the per diem of members and other
  2  general expenses_____________________________ $ 15,000.00
  3 From Collections_____________________________  15,000.00

122—State Board of Examiners for Architects
  Acct. No. 595
  1 To pay the per diem of members and other
  2  general expenses_____________________________ $  2,500.00
  3 From Collections_____________________________    2,500.00

123—State Board of Examiners for Veterinarians
  Acct. No. 596
  1 To pay the per diem of members and other
  2  general expenses_____________________________ $   500.00
  3 From Collections_____________________________    500.00

124—State Board of Law Examiners
  Acct. No. 597
  1 To pay the per diem of members and other
  2  general expenses_____________________________ $  2,400.00
125—Auditor’s Office—Social Security

Acct. No. 598

1 To match contributions of state employees for social security tax ..................................................$ 230,000.00
2 The above appropriation is intended to cover the state’s share of social security costs for those spending units operating from General Revenue Fund and General School Fund appropriations. The State Road Commission, Department of Motor Vehicles, Workmen’s Compensation Commission, Public Service Commission, and other departments operating from Special Revenue Funds and/or Federal Funds shall pay their proportionate share of the social security cost for their respective divisions.
3 Such payments may be made from the balances in the various Special Revenue Funds in excess of specific appropriations.

126—Board of Chiropractors

Acct. No. 599

1 To pay per diem of Members and other general expenses ..........................................................$ 1,000.00
2 From Collections .............................................................................................................................. 1,000.00

Sec. 2. Appropriations from Other Funds.—From the funds designated there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred fifty-six.

127—Department of Agriculture

Acct. No. 655

TO BE PAID FROM SPECIAL REVENUE FUNDS

1 Personal Services ..........................................................$ 127,480.00
2 Current Expenses ......................................................... 51,300.00
3 Equipment .................................................. 9,070.00

4 Total ................................................. $187,850.00

5 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the Department of Agriculture as provided by law. It is the intention that special funds in excess of the amounts hereby appropriated shall be made available by budget amendments upon request of the Commissioner of Agriculture.

128—State Committee of Barbers and Beauticians
Acct. No. 656

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ........................................... $18,960.00
2 Current Expenses ........................................... 6,800.00

3 Total ............................................... $25,760.00

4 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the State Committee of Barbers and Beauticians as provided by law.

129—Insurance Commissioner—Fire Marshal
Acct. No. 660

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services ........................................... $70,820.00
2 Current Expenses ........................................... 25,750.00
3 Equipment .................................................. 7,200.00
4 Building Repair and Maintenance .................. 7,500.00

5 Total ............................................... $111,270.00

6 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections of the special tax of one-half of one per cent of premium receipts of fire insurance companies as provided by law.
1. **Public Service Commission**

   **Acct. No. 661**

   **TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Commissioners</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$232,500.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$27,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$4,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$286,500.00</strong></td>
</tr>
</tbody>
</table>

   6. The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from public service corporations as provided by law.

   11. Out of the above appropriation $5,000.00 may be transferred annually to the State Water Commission for use in cooperation with the U. S. Geological Survey in a program of stream gauging.

131—**Public Service Commission—Motor Carrier Division**

   **Acct. No. 662**

   **TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$116,260.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$152,260.00</strong></td>
</tr>
</tbody>
</table>

   5. The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as authorized by law.
### 132—Conservation Commission

**Acct. No. 663**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$541,110.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$281,165.00</td>
</tr>
<tr>
<td>3</td>
<td>Repairs and Alterations</td>
<td>$20,372.00</td>
</tr>
<tr>
<td>4</td>
<td>Equipment</td>
<td>$23,503.00</td>
</tr>
<tr>
<td>5</td>
<td>Land Purchase</td>
<td>$22,850.00</td>
</tr>
<tr>
<td>6</td>
<td>National Forests</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>7</td>
<td>White Pine Blister Rust Control</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>8</td>
<td>Oak Wilt Control</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>9</td>
<td>For payment of bounties</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>10</td>
<td>For construction of ponds and small lakes</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>11</td>
<td>For restocking of game</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$990,000.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fees collected by the Conservation Commission. Expenditures shall be limited to the amounts appropriated except for Federal Funds received and Special Funds collected at State Parks. Special Funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Conservation Commission and approval of the Board of Public Works for any emergency which might arise in the operation of this Division during the fiscal year.

### 133—Insurance Commissioner

**Acct. No. 664**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$97,140.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$14,840.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total</strong></td>
<td><strong>$116,980.00</strong></td>
</tr>
</tbody>
</table>
5 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections by the Insurance Commissioner as provided by Enrolled House Bill No. 119.

134—West Virginia Liquor Control Commission

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salaries of Members</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Other Personal Services</td>
<td>$2,600,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Current Expenses</td>
<td>$700,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Repairs and Alterations</td>
<td>$19,900.00</td>
</tr>
<tr>
<td>5</td>
<td>Equipment</td>
<td>$17,600.00</td>
</tr>
<tr>
<td>6</td>
<td><strong>Total</strong></td>
<td><strong>$3,358,500.00</strong></td>
</tr>
</tbody>
</table>

7 The total amount of this appropriation shall be paid from the Special Revenue Fund out of liquor revenues.
8 The above appropriation includes the salaries of store personnel, store inspectors, store operating expenses and equipment, and equipment for administration offices.
9 There is hereby appropriated from liquor revenues, in addition to the above appropriation, the necessary amount for the purchase of liquor.

135—State Road Commission—General Administration and Engineering

TO BE PAID FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Personal Services</td>
<td>$353,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Current Expenses</td>
<td>$81,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Equipment</td>
<td>$16,500.00</td>
</tr>
<tr>
<td>4</td>
<td><strong>Total</strong></td>
<td><strong>$450,500.00</strong></td>
</tr>
</tbody>
</table>
In addition to the foregoing appropriations or claims, as authorized by this act or by law to be paid from the state road fund, the balance or residue of the annual receipts of the state road fund are hereby appropriated first for the payment of interest on and principal of outstanding road bonds, and thereafter for maintenance, construction and reconstruction of state roads, in accordance with the provisions of chapter seventeen, Code of West Virginia, 1931, as amended.

### 136—Department of Motor Vehicles

**Acct. No. 671**

<table>
<thead>
<tr>
<th>category</th>
<th>amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$500,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$10,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$710,000.00</strong></td>
</tr>
</tbody>
</table>

### 137—State Tax Commissioner—Gasoline Tax Division

**Acct. No. 672**

<table>
<thead>
<tr>
<th>category</th>
<th>amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$68,400.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$23,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,025.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$93,425.00</strong></td>
</tr>
</tbody>
</table>

### 138—Department of Public Safety—Inspection Division

**Acct. No. 673**

<table>
<thead>
<tr>
<th>category</th>
<th>amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$21,500.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$27,200.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$13,300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$62,000.00</strong></td>
</tr>
</tbody>
</table>
5 The above appropriation—Department of Public Safety—Inspection Division—shall be available from date of passage of this Act.

139—State Board of Education

Acct. No. 700

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$23,620.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>$31,620.00</td>
</tr>
</tbody>
</table>

140—State Board of Education—Vocational Division

Acct. No. 701

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$23,310.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Vocational Aid</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$330,810.00</td>
</tr>
</tbody>
</table>

141—Department of Education

Acct. No. 703

TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of State Superintendent</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$114,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$56,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>$178,750.00</td>
</tr>
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142—State Board of School Finance
Acct. No. 704
TO BE PAID FROM GENERAL SCHOOL FUND

1 Personal Services.........................................................$ 12,720.00
2 Current Expenses......................................................... 3,600.00
3 Total .............................................................................. $ 16,320.00

143—Department of Education—School Lunch Program
Acct. No. 705
TO BE PAID FROM GENERAL SCHOOL FUND

1 Personal Services......................................................... $ 43,500.00
2 Current Expenses........................................................... 10,400.00
3 Aid to Counties—Includes hot lunches and
canning for hot lunches...................................................... 125,000.00
4 Total .............................................................................. $ 178,900.00

144—Department of Education
Acct. No. 706
TO BE PAID FROM GENERAL SCHOOL FUND

1 Salaries of County Superintendents—Total.................................$ 64,000.00

145—Auditor’s Office—Land Department
Acct. No. 709
TO BE PAID FROM GENERAL SCHOOL FUND

1 Personal Services......................................................... $ 31,980.00
2 Current Expenses......................................................... 1,000.00
3 Equipment ..................................................................... 500.00
4 Total .............................................................................. $ 33,480.00

146—Workmen’s Compensation Commission
Acct. No. 900
TO BE PAID FROM WORKMEN’S COMPENSATION FUND

1 Personal Services......................................................... $ 512,260.00
2 Current Expenses......................................................... 233,650.00
3 Equipment ......................................................... 5,300.00

4 Total ................................................................ $ 751,210.00

5 There is hereby authorized to be paid out of
6 the above appropriation for Current Ex-
7 penses the amount necessary for the premi-
8 ums on bonds given by the State Treasurer
9 and bond custodian for the protection of
10 the Workmen's Compensation Fund.

Sec. 3. Awards for Claims Against the State.—From
2 the fund designated there is hereby appropriated for the
3 fiscal year 1956, for payment of claims against the state
4 the following amounts, as itemized.

Claims Versus State Road Commission
TO BE PAID FROM STATE ROAD FUND
1 Edmonds, Bobby Joe, infant, by Verba Ed-
2 monds, his mother and next friend .......... $ 1,500.00

Claims Versus Public Service Commission
TO BE PAID FROM GENERAL REVENUE FUND
1 Union Carbide and Carbon Corporation ... $ 508.55

Sec. 4. Reappropriations.—The date for expiring the
2 unexpended balances, if any, in items 2, 4, 5, 6, 8, 11, 13,
3 16, 17, 20, 23, 26, 28, 29, 30, 31, 35, 37, 38, 42, and 43, in the
4 appropriations made by and under authority of Section 5
5 of the 1953 Budget Act is extended to June 30, 1956, and
6 such items are hereby reappropriated from their respec-
7 tive dates of expiration to June 30, 1956. The Board of
8 Control may expend from item 31 hereby reappropriated
9 an amount not to exceed $10,000.00 for repairs to the
10 Superintendent's residence at Lakin State Hospital and
11 such authorization shall be available from date of passage
12 of this act. The Conservation Commission is hereby au-
13 thorized to expend from item 42, sub-section “h” hereby
14 reappropriated an amount not to exceed $40,000.00 for im-
15 provements at North Bend State Park in Ritchie County
16 and Cedar Creek State Park in Gilmer County.
Sec. 5. *Special Revenue Appropriation.*—There is hereby appropriated for expenditure during the fiscal year one thousand nine hundred fifty-six appropriations made by general law from special revenue which are not paid into the state fund as general revenue under the provisions of section two, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one: *Provided,* however, That none of the moneys so appropriated by this section shall be available for expenditure except in compliance with and in conformity to the provisions of articles two and three, of chapter twelve, code of West Virginia, and chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and unless the spending unit has filed with the state director of the budget and the state auditor prior to the beginning of each fiscal year:

(a) An estimate of the amount and sources of all revenues accruing to such fund;

(b) A detailed expenditure schedule showing for what purposes the fund is to be expended.

Sec. 6. *Specific Funds and Collection Accounts.*—A fund or collection account, which by law is dedicated to a specific use is hereby appropriated in sufficient amount to meet all lawful demands upon the fund or collection account, and shall be expended according to the provisions of article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one.

Sec. 7. *Appropriations for Refunding Erroneous Payments.*—Money that has been erroneously paid into the state treasury is hereby appropriated out of the fund into which it was paid for refund to the proper person. When the officer authorized by law to collect money for the state finds that a sum has been erroneously paid, he shall issue his requisition upon the auditor for the refunding of the proper amount. The auditor shall issue his warrant to the treasurer and the treasurer shall pay the warrant out of the fund into which the amount was originally paid.
Sec. 8. Sinking Fund Deficiencies.—There is hereby appropriated to the board of public works a sufficient amount to meet a deficiency that may arise in the funds of the state sinking fund commission because of the failure of any state agency for either general obligation or revenue bonds or any local taxing district for general obligation bonds to remit funds necessary for the payment of interest and sinking fund requirements. The board of public works is authorized to transfer from time to time such amounts to the state sinking fund commission as may be necessary for this purpose.

The state sinking fund commission shall reimburse the State of West Virginia through the board of public works from the first remittance collected from any state agency or local taxing district for which the board of public works advanced funds, with interest at the rate carried by the bonds for which the advance was made.

Sec. 9. Appropriations from Taxes and License Fees.—There is hereby appropriated from all chain store tax fees and general license taxes collected by the state tax commissioner, all necessary salaries and expenses, not to exceed twenty-five per cent of the gross collections authorized by law to be expended in the collection of such chain store tax fees and general license taxes. There is hereby appropriated from the cigarette tax for administration and enforcement of the law relating to said tax a sum not to exceed one and one-half per cent of the tax collected or stamps sold. There is hereby appropriated from the soft drink tax revenues for administration and enforcement of the law relating to said tax, a sum not to exceed two and one-half per cent of the total revenues collected. All such salaries and expenses, authorized by law as aforesaid, shall be paid by the tax commissioner through the state treasurer out of gross collections.

Sec. 10. Appropriations to Pay Premiums on Bonds of County Clerks.—There is hereby appropriated out of the general school fund, to be paid upon the requisition of the auditor, a sum sufficient to pay premiums on bonds of county clerks to protect funds belonging to the said general school fund, and out of the special revenue fund of the
7 conservation commission, to be paid upon the requisition
8 of the director, a sum sufficient to pay premiums on bonds
9 of county clerks to protect funds belonging to the said con-
10 servation commission.

Sec. 11. Appropriations to Pay Costs of Publication of
2 Delinquent Corporations.—There is hereby appropriated
3 out of the state fund, general revenue, out of funds not
4 otherwise appropriated to be paid upon requisition of the
5 auditor and/or the governor, as the case may be, a sum suf-
6 ficient to pay the cost of publication of delinquent corpora-
7 tions as provided by sections seventy-five and seventy-
8 seven of article twelve, chapter eleven, code of West Vir-
9 ginia.

Sec. 12. Appropriations for Local Governments.—There
2 is hereby appropriated for payment to counties, districts,
3 and municipal corporations such amounts as will be neces-
4 sary to pay taxes due county, district, and municipal corp-
5 orations and which have been paid into the treasury:
6 (a) For the redemption of lands;
7 (b) By public service corporations;
8 (c) For tax forfeitures.

Sec. 13. Total Appropriation.—Where only a total sum
2 is appropriated to a spending unit that total sum shall in-
3 clude personal services, current expenses, and capital out-
4 lay, except as otherwise provided in Title I, Section 3.

Sec. 14. General School Fund.—The balance of the pro-
2 ceeds of the general school fund remaining after the pay-
3 ment of the appropriations made by this act is appropriated
4 for expenditure in accordance with section six, article
5 nine, chapter eighteen of the code of West Virginia, one
6 thousand nine hundred thirty-one, as amended.

Title 3. Administration.

Section
1. Appropriations conditional.
2. Constitutionality.

Section 1. Appropriations Conditional.—The expendi-
2 tures of the appropriations made by this act, except those
3 appropriations made to the legislative and judicial branch-
4 es of the state government, are conditioned upon the com-
pliance by the spending unit with the requirements of
article five, chapter five, of the code of West Virginia, one
thousand nine hundred thirty-one, as amended by chapter
thirty-nine, acts of the Legislature, regular session, one
thousand nine hundred thirty-nine.

Sec. 2. Constitutionality.—If any part of this act is de-
cclared unconstitutional by a court of competent jurisdic-
tion, its decision shall not affect any portion of this act
which remains, but the remaining portions shall be in full
force and effect as if the portion declared unconstitutional
had never been a part of the act.

CHAPTER 11

(House Bill No. 231—By Mr. Loop)

AN ACT to amend and reenact section twelve, article three,
chapter twelve of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the ex-
piration of unexpended appropriations.

[Passed February 17, 1955; in effect from passage. Approved by the Governor.]

Article 3. Appropriations and Expenditures.

Section
12. Expiration of unexpended appropriations.

Be it enacted by the Legislature of West Virginia:

That section twelve, article three, chapter twelve of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 12. Expiration of Unexpended Appropriations.
2 —Every appropriation which is payable out of the general
3 revenue, or so much thereof as may remain undrawn at
4 the end of the year for which made, shall be deemed to
5 have expired at the end of the year for which it is made,
6 and no warrant shall thereafter be issued upon it: Pro-
vided, however, That warrants may be drawn during a period of thirty days after the end of the year for which the appropriation is made if the warrants are in payment of bills for such year and have been encumbered by the budget office prior to July first; but appropriations for buildings and land shall remain in effect, and shall not be deemed to have expired until the end of three years after the passage of the act by which such appropriations are made.

CHAPTER 12
(House Bill No. 47—By Mr. Maxwell and Mr. Watson)

AN ACT to authorize the state auditor to expend from collections of the land department operating fund, an amount not to exceed ten thousand dollars for the compiling, printing, distribution, and sale of a supplement to the official index of land grants, including maps of original boundary lines of counties and changes made therein from the origin of such counties to the present date, copies of all the acts creating counties and changes in the boundaries thereof, and other matter pertinent thereto.

[Passed March 5, 1955; in effect from passage. Approved by the Governor.]

Section 1. Supplement to official index to original land grants.

Be it enacted by the Legislature of West Virginia:

Section 1. Supplement to Official Index to Original Land Grants.—The state auditor is hereby authorized to expend from the operating fund of the land department of the state auditor's office, established by section seven, article four, chapter eleven-a of the code of West Virginia, a sum not to exceed ten thousand dollars, for the compiling, printing and distribution of a supplement to the official index to original land grants on file in his office. Such publication shall include, in addition to the land grants indexed therein, maps showing the original
Article 1. Authentication and Record of Writings.

Section 10-a. Verification in lieu of oath.

Be it enacted by the Legislature of West Virginia:

That article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new section, designated section ten-a, to read as follows:

Section 10-a. Verification in Lieu of Oath.—Any certificate, return, form, statement, or other document which is required by the state of West Virginia, or any office,
4 department or agency thereof, and which does not require
5 an acknowledgment under this article or other laws of
6 recordation of the state of West Virginia, may be verified
7 by written declaration that it is made under the penalties
8 of perjury and such declaration shall be in lieu of any
9 oath otherwise required.
10 Any person making any false statement in any certifi-
11 cate, return, statement, or other document verified by
12 such written declaration shall be subject to the same
13 penalties as would be applicable had the same been
14 verified by oath duly taken and acknowledged.

CHAPTER 14
(Senate Bill No. 184—By Mr. Martin and Mr. Moats)

AN ACT to amend and reenact section eleven, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to recordation of writings and plats and papers annexed, index and interlineations.

[Passed February 23, 1955; in effect from passage. Approved by the Governor.]

Article 1. Authentication and Record of Writings.
Section
11. Recordation of writings and plats and papers annexed; index; interlineations.

Be it enacted by the Legislature of West Virginia:
That section eleven, article one, chapter thirty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 11. Recordation of Writings and Plats and Papers Annexed; Index; Interlineations.—Every writing, except chattel deeds of trust, authorized by law to be recorded, when admitted to record, shall, with all certificates of acknowledgment, and all plats, schedules and other papers thereto annexed or thereon indorsed, be re-
corded by, or under the direction of, the clerk of the county court, in a well-bound book, to be carefully preserved; and there shall be an index to such book as well in the name of the grantee as of the grantor. After being so recorded, such writing may be delivered to the party entitled to claim under the same. If, except in those cases where such writing is recorded by photography or similar process producing exact facsimile copies, there appear upon such writing, or any paper or certificate annexed thereto, any interlineation, erasure or alteration, of which no memorandum is contained in the writing, paper or certificate, the clerk shall append to the record thereof a memorandum describing as accurately as may be such interlineation, erasure or alteration; and such memorandum shall be copied into every such writing, paper or certificate. Every such memorandum shall be prima facie evidence of what is therein stated: Provided, however, that the clerk of the county court may refuse to accept for recordation any instrument printed on both sides of the paper or printed in whole or part in smaller than ten point type with at least two points separating each line. Any failure of such instrument to be so accepted by the clerk of the county court shall not affect the validity thereof as to the parties thereto: Provided further, That any such instrument shall be accepted by the clerk for recording at one and one-half times the legal fee therefor.

The clerk of the county court may, at his discretion, either record chattel deeds of trust in a well-bound book or file the same. If the clerk elects to record chattel deeds of trust in a well-bound book, the index kept in his office shall give the names of the grantors, beneficiary of the lien, date and hour of recording, book and page number in which recorded, amount of principal sum, and brief description of property conveyed. If the clerk elects to file such chattel deeds of trust, the index shall be the same as provided for recorded chattel deeds of trust, except that the same shall indicate a filing number instead of a book and page number: Provided, That any such chattel deed of trust that has been recorded in a well-bound book shall be returned to the beneficiary named therein: Provided further, That any such chattel deed of
trust that is filed by the clerk shall be retained by said
clerk in a proper file kept in his office: Provided further,
That any chattel deed of trust may after the lapse of a
ten-year period from the last payment date provided
therein be removed from the files in the office of the
clerk of the county court and, at his discretion, be either
destroyed or returned to the beneficiary named therein.
Interlineations, erasures or alterations appearing in chat-
et deeds of trust or copies thereof shall be dealt with the
same as provided for other instruments covered by this
section.

CHAPTER 15
(House Bill No. 226—By Mr. Bowles)

AN ACT to amend article one, chapter twenty-five of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding thereto a new section, designated
section three-a, relating to trustee accounts and funds at
state institutions.

[Passed March 8, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 1. Organization; General Powers and Duties; Super-
vision of State Institutions.

Section 3-a. Trustee accounts and funds.

Be it enacted by the Legislature of West Virginia:
That article one, chapter twenty-five of the code of West
Virginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section, designated section
three-a, to read as follows:

Section 3-a. Trustee Accounts and Funds.—The board
of control is hereby authorized and empowered to estab-
lish at each institution under its jurisdiction, except the
West Virginia penitentiary at Moundsville, the medium
security prison at Huttonsville and the state prison for
women at Pence Springs, a “superintendent’s trustee fund.” The superintendent of each institution, when such is deemed necessary, shall receive and take charge of the money and valuables of all inmates in his institution and all money or valuables sent to such inmates or earned by such inmates as compensation for work performed while he is domiciled there. The superintendent shall credit such money and earnings to the inmate entitled thereto and shall keep an accurate account of all such money and valuables so received, which account shall be subject to examination by the state board of control. The superintendent shall deposit such moneys in one or more responsible banks in accounts to be designated “superintendent’s trustee fund.” The superintendent shall deliver to the inmate at the time he leaves the institution all valuables, moneys and earnings then credited to him, or in case of the death of such inmate before leaving the institution, the superintendent shall deliver such property to his personal representative: Provided, however, That in case a committee is appointed for such inmate while he is domiciled at the institution, the superintendent shall deliver to such committee, upon demand, all moneys and valuables belonging to the inmate which are in the custody of the superintendent.

CHAPTER 16

(House Bill No. 77—By Mr. Goshorn)

AN ACT to amend chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article four, relating to the powers and duties of the West Virginia board of control to establish, operate and maintain forestry camps to be operated in connection with the state penal system in order to provide appropriate facilities for the housing of youthful male offenders who are amenable to discipline other than in close confinement.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]
Article 4. Forestry Camps for Housing Youthful Male Law Offenders.

Section
1. Legislative purpose.
2. Establishment of forestry camps.
3. Powers of board of control in establishing forestry camps.
4. Superintendent; qualifications; pay; duties.
5. Employees; teachers; physical education director; probation officer; qualification and salaries.
6. Assignment of offenders to camp; period of camp confinement; return to court; sentence or probation; revocation of probation.
7. Physical and mental examination of offenders prior to transfer to board of control; persons not eligible for forestry camps.
8. Work and activities.
11. Escape; aiding escape; penalty.
12. Independent or cooperative establishment.

Be it enacted by the Legislature of West Virginia:
That chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article four, to read as follows:

Section 1. Legislative Purpose.—The purpose of this article is to provide appropriate facilities for the housing of youthful male offenders convicted of or pleading guilty to violation of law before courts with original jurisdiction or juvenile courts, who are amenable to discipline other than in close confinement; to secure a better classification, and segregation of such persons according to their capabilities, interests, and responsiveness to control and responsibility; to reduce the necessity of expanding the existing grounds and housing facilities for the confinement of such persons, and to give better opportunity to youthful offenders for reformation and encouragement of self-discipline.

Sec. 2. Establishment of Forestry Camps.—The West Virginia board of control is authorized to establish, operate and maintain forestry camps to be operated in connection with the state penal system as herein provided.

Sec. 3. Powers of Board of Control in Establishing Forestry Camps.—The West Virginia board of control is
hereby given authority to acquire land and other property
by purchase, grant, gift, or otherwise in connection with
the establishment of forestry camps, and to construct such
buildings, fences and other facilities, and to acquire such
personal property as is necessary for the maintenance and
operation of such camps; to direct all needed improve­
ments and repairs necessary for the proper upkeep of
such camps, and to provide for the necessary food, medical
treatment, and safekeeping of persons confined therein;
to employ personnel to operate the camps, and to provide
the necessary work and other programs for the offenders
assigned to the camps.

Sec. 4. Superintendent; Qualifications; Pay; Duties.—
Each forestry camp shall be under the direction of a camp
superintendent, who shall have the minimum qualifica­
tion of a college degree with a major in sociology or a
kindred field, and be trained and experienced in dealing
with youths. He shall be paid an annual salary to
be fixed by the board of control.

The camp superintendent shall provide a training pro­
gram which shall include four separate, yet well-integrat­
ed sections, embracing the following: (1) work programs;
(2) educational program; (3) recreational program, and
(4) individual and group counseling.

Sec. 5. Employees; Teachers; Physical Education Direc­
tor; Probation Officer; Qualification and Salaries.—In ad­
dition to the superintendents and other employees who
may be needed, the camp staff shall include a minimum of
one education instructor qualified to teach in the second­
ary schools of this state, one physical education director
qualified to teach in the secondary schools of this state,
one trained probation officer who has the minimum qual­
ification of a college degree with a major in sociology, or
a kindred field.

The annual salaries of the education instructor, the
physical director and the probation officer shall be fixed
by the board of control.

Sec. 6. Assignment of Offenders to Camp; Period of
Camp Confinement; Return to Court; Sentence or Pro­
Revocation of Probation.—The judge of any court with original criminal jurisdiction, or any juvenile court, may suspend the imposition of sentence of any male youth convicted of or pleading guilty to a criminal offense, other than a capital offense, who has attained his sixteenth birthday but has not reached his twenty-first birthday at the time of the commission of the crime, and commit him to the custody of the West Virginia board of control to be assigned to a forestry camp. The period of confinement in the forestry camp shall be for a period of one year, or longer if it is deemed advisable by the camp superintendent, but in any event such period of confinement shall not exceed two years. If, in the opinion of the superintendent, such male offender proves to be an unfit person to remain in such a camp, he shall be returned to the court which committed him to be dealt further with according to law. In such event, the court may place him on probation or sentence him for the crime for which he has been convicted.

In his discretion, the judge may allow the defendant credit on his sentence for time he has spent in the forestry camp. When, in the opinion of the superintendent, any boy has satisfactorily completed the camp training program and the term for which he was assigned has expired, such male offender shall be returned to the jurisdiction of the court which originally committed him. He shall be eligible for probation for the offense with which he is charged, and the judge of the court shall immediately place him on probation. In the event his probation is subsequently revoked by the judge, he shall be given the sentence he would have originally received had he not been committed to the camp and subsequently placed on probation. The court shall, however, give the defendant credit on his sentence for the time he spent in the camp.

Sec. 7. Physical and Mental Examination of Offenders Prior to Transfer to Board of Control; Persons not Eligible for Forestry Camps.—Before the judge of any court of original jurisdiction or juvenile court can transfer a youthful offender to the custody of the board of control to be assigned to a forestry camp, such offender shall be
given a complete medical examination by a doctor designated by the board of control, and the offender must be free of any communicable disease or other physical defects which would prohibit him from participating in the program of the forestry camp. In the event there is a question concerning the mental status of an offender, he shall be given an examination by a competent psychiatrist designated by the board of control to determine whether he is fit to participate in the program of the forestry camp.

Any offender who is found to have a communicable disease, is feeble minded, psychotic, mentally ill, or has a history of homosexual activities, or arsonist tendencies, shall not be eligible for assignment to a forestry camp.

Sec. 8. Work and Activities.—Offenders assigned to forestry camps may be required to labor on the buildings and grounds of the camp, in the making of forest roads, for fire prevention and fire fighting, on forestation and reforestation of public lands, on the making of fire trails and fire breaks, on fire suppression, on building or improving public parks or lands, or engage in any studies or activities prescribed or permitted by the camp superintendent, subject to the approval of the board of control.

Sec. 9. Wages.—The West Virginia board of control may provide for the payment of wages to the offenders assigned to said forestry camps for the work they perform, which amounts shall not exceed fifty cents for each day's work performed, the sums earned to be paid to the parents or dependents of the offender, or to the offender himself, in such manner and in such proportions as the superintendent of the camp directs.

Sec. 10. Peace Officers.—All officers and employees of a camp shall have the powers of peace officers so far as necessary to arrest camp inmates.

Sec. 11. Escape; Aiding Escape; Penalty.—Should any inmate of a forestry camp escape therefrom or from the custody of an officer or employee of the camp, he shall be guilty of a misdemeanor and on conviction shall be
punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Any person who knowingly permits or aids any inmate of such camp to escape therefrom, or conceals him with the intent of enabling him to elude pursuit, is guilty of a misdemeanor and punishable in a like manner.

Sec. 12. Independent or Cooperative Establishment.—
The West Virginia board of control may establish forestry camps independently or in cooperation with the conservation commission of West Virginia on such terms as may be agreed upon by the board of control and the director of conservation.

CHAPTER 17

(Com. Sub. for House Bill No. 352—Originating in the House Committee on Penal and Correctional Institutions)

AN ACT to amend and reenact section eight-a, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to manufacture of license plates.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 5. The Penitentiary.

Section 8-a. Manufacture of license plates.

Be it enacted by the Legislature of West Virginia:

That section eight-a, article five, chapter twenty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8-a. Manufacture of License Plates.—For the purpose of obtaining license plates to be used upon motor vehicles licensed for operation in this state and road signs or markers of any description for state roads, the West
Virginia state board of control is hereby authorized and empowered on behalf of the state, to establish and operate a plant for the manufacture of such license plates and road signs or markers at the West Virginia penitentiary, at Moundsville, West Virginia.

After this section shall take effect, it shall be unlawful for the state road commissioner to manufacture such license plates for motor vehicles or such road signs or markers of any description at any place and it shall be unlawful for said state road commissioner to obtain such license plates and such road signs or markers otherwise than as herein provided. The provisions of general law relating to the removal and impeachment of the said road commissioner and members of the board of control shall have application to them for their failure to comply with this act.

CHAPTER 18

(House Bill No. 291—By Mr. McLaughlin)

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve, relating to claims against the state.

Article 2. Claims Against the State.


Be it enacted by the Legislature of West Virginia:

That article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve, to read as follows:

Section 12. Process, Payment.—The attorney general shall have authority to subpoena witnesses to attend hear-
ings and place them under oath when testifying: Provided, however, That all the expenses involved in compelling a witness to attend a hearing shall be borne by the person or persons requesting that such witness be subpoenaed.

CHAPTER 19
(Senate Bill No. 302—By Mr. Smith)

AN ACT finding and declaring the claim of Bobby Joe Edmonds, an infant, against the state of West Virginia and its agency, the state road commission, to be a moral obligation of the state and directing the auditor to issue a warrant for the payment thereof.

[Passed March 11, 1955; in effect July 1, 1955. Approved by the Governor.]

Section 1. Finding and declaring the payment of the claim of Bobby Joe Edmonds against the state road commission to be the moral obligation of the state, and directing payment thereof.

Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring the Payment of the Claim of Bobby Joe Edmonds Against the State Road Commission to Be the Moral Obligation of the State, and Directing Payment Thereof.—The Legislature has considered the findings of fact and the recommendations reported to it by the attorney general of the state of West Virginia, concerning the claim of Bobby Joe Edmonds, an infant, for personal injuries occasioned by the said claimant on October twenty-third, one thousand nine hundred fifty-two, as a direct result of the negligence of employees of the state road commission in permitting gasoline to remain open and unguarded in an empty bucket on Fourth avenue, a public street in the city of Huntington, West Virginia, where children, including the claimant, were rightfully playing; and that this gasoline was ignited and caused severe burns to the right leg of the claimant, caus-
ing him permanent injuries and necessitating skin grafting, medical and hospital expense, and in respect to the said claim the Legislature declares it to be the moral obligation of the state to pay the said claim of Bobby Joe Edmonds in the amount of one thousand five hundred dollars and hereby directs the auditor to issue a warrant for the payment thereof.

CHAPTER 20

(House Bill No. 181—By Mr. Holderby and Mr. Tucker)

AN ACT authorizing the state tax commissioner to approve, and the state auditor to issue a warrant for the refunding of moneys paid as gasoline taxes to the state of West Virginia, during the period from September first, one thousand nine hundred forty-nine to October first, one thousand nine hundred fifty-two, by Ohio Valley Bus Company.

[Passed March 12, 1955; in effect ninety days from passage. Became a law without the approval of the Governor.]

Section

1. Tax commissioner authorized to refund and auditor empowered to repay certain gasoline taxes paid by Ohio Valley Bus Company.
2. Finding of moral obligation.

WHEREAS, Ohio Valley Bus Company, a corporation, has paid to the state of West Virginia taxes on gasoline used in the commonwealth of Kentucky during the period between September first, one thousand nine hundred forty-nine to October first, one thousand nine hundred fifty-two, in the amount of five thousand eight hundred ninety-three dollars and thirty cents; and

WHEREAS, Said sum of taxes was owed and properly paid by the said Ohio Valley Bus Company to the commonwealth of Kentucky as provided under the reciprocal gasoline tax laws of the states of Kentucky and West Virginia; and

WHEREAS, Ohio Valley Bus Company omitted to make application for the statutorily authorized refund of such taxes by
the state of West Virginia within the statutory time limit specified because of lack of knowledge of the same; and

WHEREAS, Ohio Valley Bus Company has submitted to the tax commissioner properly executed application for the authorized refund of such taxes now being withheld by West Virginia; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Tax Commissioner Authorized to Refund and Auditor Empowered to Repay Certain Gasoline Taxes Paid by Ohio Valley Bus Company.—The tax commissioner of West Virginia is authorized to approve and the state auditor of West Virginia is empowered to issue a warrant, payable out of any surplus in the general revenue, to Ohio Valley Bus Company, a corporation, of Huntington, West Virginia, for refund of taxes paid on gasoline used by said Ohio Valley Bus Company in the commonwealth of Kentucky, during the period between September first, one thousand nine hundred forty-nine and October first, one thousand nine hundred fifty-two, in the sum of five thousand eight hundred ninety-three dollars and thirty cents, which sum has been lawfully paid to the commonwealth of Kentucky under the reciprocal gasoline tax laws of the two states.

Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature, based upon its conclusion of fact, that this refund and reimbursement is necessary to discharge a moral obligation of the state of West Virginia.

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CHAPTER 21
(House Bill No. 62—By Mr. Loop)

AN ACT to make an appropriation out of the treasury, state fund general revenue, for the purpose of reimbursing Union Carbide and Carbon Corporation certain moneys belonging to said corporation.

[Passed February 18, 1955; in effect ninety days from passage. Approved by the Governor.]
Section
2. Finding of moral obligation.

WHEREAS, Prior to the enactment of chapter twelve of the acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-three, adopted February eighteenth, one thousand nine hundred fifty-three, there was in the expert engineer fund of the public service commission of West Virginia, the sum of five hundred eight dollars and fifty-five cents belonging to Union Carbide and Carbon Corporation and for which it had made repeated claim; and

WHEREAS, By inadvertence said sum of money was transferred to the state fund general revenue by chapter twelve of said acts of one thousand nine hundred fifty-three; and

WHEREAS, The attorney general of West Virginia by a letter dated November twenty-second, one thousand nine hundred fifty-four, addressed to the director of the budget, has determined that Union Carbide and Carbon Corporation is entitled to said money and that there exists a moral obligation against the state for the payment of the same, and such item has been included in section three of the budget bill (S. B. No. 1); therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Appropriation for Union Carbide and Carbon Corporation.—There is hereby appropriated from the state fund general revenue the sum of five hundred eight dollars and fifty-three cents to reimburse it for moneys belonging to it in the expert engineer fund of the public service commission and inadvertently transferred to the state fund general revenue.

Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature that this reimbursement is necessary to discharge a moral obligation of the state of West Virginia.
CHAPTER 22
(Senate Bill No. 289—By Mr. Stemple)

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, amending article three thereof, by adding thereto a new section, to be designated section twenty-one, relating to jury service for women.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]

Jury Service for Women Amendment.

Section
1. Submitting an amendment to the state constitution.
2. Amendment to be known as the "jury service for women amendment".
3. Form of ballot; election.
4. Certificates of election commissioners; canvass of vote; certifying result.
5. Proclamation of result of election by governor.
6. Publication of proposed amendment by governor.

Be it enacted by the Legislature of West Virginia:

Section 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 fifty-six, which proposed amendment is as follows:

That article three of the constitution of West Virginia be amended by adding thereto a new section to be designated section twenty-one, to read as follows:

Sec. 21. Regardless of sex, all persons, who are otherwise qualified, shall be eligible to serve as petit jurors, in both civil and criminal cases, as grand jurors and as coroner's jurors.

Sec. 2. Amendment to Be Known as the "Jury Service for Women Amendment".—For convenience in referring
to said proposed amendment, and in the preparation of
the form of the ballot hereinafter provided for, said pro-
posed amendment is hereby designated as the "Jury Serv-
ice for Women Amendment".

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 fifty-six, 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 at that election, the
following:

Ballot on "Jury Service for Women Amendment".

☐ For Jury Service for Women Amendment.
☐ Against Jury Service for Women 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
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 officer or board, as far as practi-
cable, and not inconsistent with anything herein con-
tained, shall apply to the election held under the provi-
sions of this act, except when it is herein otherwise
provided. 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 as-
certained, 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 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 Jury Service for Women Amendment ............... votes.

“Against ratification of Jury Service for Women 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 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 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 Jury Service for Women Amendment ............... votes.

“Against ratification of Jury Service for Women Amend-
CONSTITUTIONAL AMENDMENTS

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 hereinafter 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.

CHAPTER 23

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, to be know as the “Korean Veterans Bonus Amendment.”
Korean Veterans Bonus Amendment.

Section
1. Submitting "Korean veterans bonus amendment" to state constitution.
2. Amendment to be known as the "Korean veterans bonus amendment".
3. Form of ballot; election.
4. Certificates of election commissioners; canvass of vote; certifying result.
5. Proclamation of result of election by governor.
6. Publication of proposed amendment by governor.

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 submitted 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 refunding 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 provisions of paragraph (2) above shall not exceed the principal 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 enforce-
able 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 Vir­
ginia, 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 thou-
sand nine hundred fifty to their respective dates of ma­
turity or to the first date upon which said bonds are call-
able prior to maturity, the taxes and charges provided for
in said chapter six, one hundred eighty-four and one hun-
dred 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-
erans Bonus Amendment".—For convenience in refer-
ing to said proposed amendment, and in preparation of
the form of the ballot hereinafter provided for, said
proposed amendment is hereby designated as the "Korean
Veterans Bonus Amendment".

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 fifty-six, 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 at that election, the following:

Ballot on “Korean Veterans Bonus Amendment”.

☐ 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 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. 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 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 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 Amend-
ment ____________________________ 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.

CHAPTER 24
(Senate Bill No. 398—By Mr. Amos)

AN ACT to provide for the submission to the voters of the state of an amendment to the constitution of the state, amending section one, article ten thereof, relating to taxation and finance.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Taxation and Finance Amendment.
Section
1. Submitting “taxation and finance amendment” to the state constitution.
2. Amendment to be known as the “taxation and finance amendment”.
3. Form of ballot; election.
4. Certificates of election commissioners; canvass of vote; certifying result.
5. Proclamation of result of election by governor.
6. Publication of proposed amendment by governor.

Be it enacted by the Legislature of West Virginia:

Section 1. Submitting “Taxation and Finance Amendment” to the State Constitution.—That the question of 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:

PROPOSED AMENDMENT

Article 10. Taxation and Finance.

Section 1. Subject to the exceptions in this section contained, taxation shall be equal and uniform throughout the state, and all property, both real and personal, shall be taxed in proportion to its value to be ascertained as directed by law. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value; except that the aggregate of taxes assessed in any one year upon personal property employed exclusively in agriculture, including horticulture and grazing, products of agriculture as above defined, including live stock, while owned by the producer, and money, notes, bonds, bills and accounts receivable, stocks and other similar intangible personal property shall not exceed fifty cents on each one hundred dollars of value thereon and upon all property owned, used and occupied by the owner thereof exclusively for residential purposes and upon farms occupied and cultivated by their owners or bona fide tenants one dollar; and upon all other property situated outside of municipalities, one dollar and fifty cents; and upon all other such property situated within municipalities, two dollars; and the Legislature shall further provide by general law, for in-
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23 creasing the maximum rates, authorized to be fixed, by
24 the different levying bodies upon all classes of property,
25 by submitting the question to the voters of the taxing
26 units affected, but no increase shall be effective unless at
27 least sixty per cent of the qualified voters shall favor
28 such increase, and such increase shall not continue for a
29 longer period than three years at any one time, and shall
30 never exceed by more than fifty per cent the maximum
31 rate herein provided and prescribed by law, except that,
32 with respect to those levies allocated by law for the sup-
33 port of public schools, such increase may be so approved
34 for a period not to exceed five years and in an amount
35 not to exceed one hundred per cent of such school rates;
36 and the revenue derived from this source shall be apportioned
37 by the Legislature among the levying units of the
38 state in proportion to the levy laid in said units upon real
39 and other personal property; but property used for edu-
40 cational, literary, scientific, religious or charitable pur-
41 poses, all cemeteries, public property, the personal prop-
42 erty, including live stock, employed exclusively in agri-
43 culture as above defined and the products of agriculture
44 as so defined while owned by the producers may by law
45 be exempted from taxation; household goods to the value
46 of two hundred dollars shall be exempted from taxation.
47 The Legislature shall have authority to tax privileges,
48 franchises, and incomes of persons and corporations and
49 to classify and graduate the tax on all incomes according
50 to the amount thereof and to exempt from taxation, in-
51 comes below a minimum to be fixed from time to time,
52 and such revenues as may be derived from such tax may
53 be appropriated as the Legislature may provide. The rate
54 of the state tax upon property shall not exceed one cent
55 upon the hundred dollars valuation, except to pay the
56 principal and interest of bonded indebtedness of the state
57 now existing. The maximum rates hereinbefore provided
58 on the several classes of property may be used for cur-
59 rent expense purposes; levies required for the payment
60 of indebtedness contracted under section eight of this
61 article shall be laid separately and apart from, and in
62 addition to, those used for current expense purposes, but
63 in a similar manner.
Sec. 2. Amendment to Be Known as the “Taxation and Finance Amendment.”—For convenience in referring to said proposed amendment, and in preparation of the form of the ballot hereinafter provided for, said proposed amendment is hereby designated as the “Taxation and Finance Amendment.”

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 fifty-six, 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 at that election, the following:

Ballot on “Taxation and Finance Amendment.”

☐ For ratification of “Taxation and Finance Amendment.”

☐ Against ratification of “Taxation and Finance 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 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. 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 following effect:

“We, the undersigned, who act 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 Taxation and Finance Amendment
_________ votes.
"Against ratification of Taxation and Finance Amend-
ment ______ 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 can-
vassers 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 court-
house 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 rati-
fication 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 dis-
trict 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 Taxation and Finance Amendment ______ votes.

"Against ratification of Taxation and Finance 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.
CHAPTER 25

(House Bill No. 4—By Mr. Richardson, of Mercer)

AN ACT to amend and reenact section twelve, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relative to the amendment of corporate charters.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 12. Same; how made.

Be it enacted by the Legislature of West Virginia:

That section twelve, article one, chapter thirty-one of the code of West Virginia, one thousand nine hundred and thirty-one, as amended, be amended and reenacted to read as follows:

Section 12. Same; How Made.—Except as hereinafter in this section provided, a resolution or resolutions specifically stating the proposed amendment or amendments shall be adopted by a majority vote of all of the shares of capital stock of the company entitled to vote at a regular or special meeting of the stockholders, and notice of such meeting shall be given as provided by the by-laws of the corporation, or, in the absence of a provision in the by-laws for such notice, in the manner provided in this article. The notice to stockholders shall inform them of the amendments of the charter proposed to be made and that the stockholders at the meeting will vote upon the question or questions of making such amendments: Provided, however, That if the corporation have only one class of stock, and any such amendment would increase or decrease the amount of the authorized capital stock, or would increase or decrease the par value thereof, then the affirmative vote of two-thirds of all the stockholders shall be necessary to the adoption thereof: Provided further, That if the corporation have more than one class
of stock, and if any such proposed amendment would alter or change the preferences given to any one or more classes of stock, by the charter, or would increase or decrease the amount of the authorized stock of such class or classes of stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of stock affected by the amendment shall be entitled to vote as a class upon such amendment, whether by the terms of the charter such class be entitled to vote or not, and the affirmative vote of two-thirds in interest of each such class of stock affected by the amendment shall be necessary to the adoption thereof, in addition to the affirmative vote of a majority of every other class of stock entitled to vote thereon: Provided further, That the amount of the authorized stock of any such class or classes of stock if more than one class exists, or if only one class that class of stock, may be increased or decreased by the affirmative vote of the holders of a majority of the stock of the corporation entitled to vote, if so provided in the original charter or in any amendment thereto which created such stock, or class or classes of stock, or in any amendment thereto which was authorized by a resolution or resolutions adopted by the affirmative vote of the holders of two-thirds of such stock, or class or classes of stock: And provided further, That any amendment to the charter under a right reserved therein to make such amendment may be made in the manner specified in the charter and by a vote of the proportion of the shares of outstanding stock and of the class or classes of stock authorized to amend, as set out in the charter.

The president or a vice president of the corporation, under his signature and the seal of the corporation, shall certify the resolution or resolutions and the fact and the manner of the adoption of the same, and of the assenting of all stockholders, the consent of whom is required under this article to the making of such amendment, or amendments, to the secretary of state, who shall issue his certificate reciting such resolution, corporate action and facts certified in like manner and with like effect as an original
61 certificate of incorporation and transmit the same to the
62 corporation. Such certificate or a certified copy thereof
63 shall be recorded and received in evidence as provided
64 for the recordation and admission in evidence of an
65 original certificate of incorporation or a certified copy of
66 such original. Such certificate shall declare the changes
67 or amendments as in effect from the date thereof.

CHAPTER 26
(House Bill No. 3—By Mr. Richardson, of Mercer)

AN ACT to amend and reenact section seventy-nine, article
one, chapter thirty-one of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating to
the conditions for doing business in this state by foreign
corporations.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the
Governor.]

Section
79. Foreign corporations; conditions for doing business in this state.

Be it enacted by the Legislature of West Virginia:

That section seventy-nine, article one, chapter thirty-one of
the code of West Virginia, one thousand nine hundred thirty-
one, as amended, be amended and reenacted to read as follows:

Section 79. Foreign Corporations; Conditions for Doing
Business in this State.—Any corporation duly incorporated
by the laws of any other state or territory of the United
States, the District of Columbia, or of any foreign country,
may, unless it be otherwise expressly provided, hold
property and transact business in this state, upon com-
plying with the provisions of this section and not other-
wise. Such corporations so complying shall have the
rights, powers and privileges, and be subject to the same
regulations, restrictions and liabilities conferred and im-
posed on corporations chartered under the laws of this state. Every such corporation shall file with the secretary of state a copy of its articles of association or certificate of incorporation, with all amendments thereto, certified either by the secretary of state of the state of incorporation or the president or vice president of the corporation. The secretary of state shall thereupon issue to such corporation a certificate of the fact of its having done so, which certificate, together with a copy of its articles of association or certificate of incorporation and all amendments shall be recorded in the office of the clerk of the county court of the county, or one of the counties, in which its business is to be conducted.

Every railroad corporation now or hereafter engaged in business in this state under the provisions of this section, or under a charter granted by laws passed by the state of Virginia before the formation of this state, or of this state, is hereby declared to be, as to its works, property, operations, acts and business in this state, a domestic corporation, and shall be so held and treated in all suits and legal proceedings which may be commenced or carried on by or against any such railroad corporation, as well as in all other matters relating to corporations, except as to the right to sue in, or remove actions into, the courts of the United States, but such corporation shall not be required to file a copy of its charter or any writing with the secretary of state as provided in this section.

No corporation chartered under the laws of any other state or jurisdiction shall hold any property or transact any business or bring or maintain any action, suit or proceeding in this state without having complied with the requirements hereinbefore stated, and, in addition thereto, having filed in the office of the secretary of state a writing duly executed under its corporate seal, accepting the provisions of this section and agreeing to be governed thereby and by the laws of this state with respect to corporations chartered under the laws of this state for similar purposes; and its failure so to do may be pleaded in abatement of any action, suit or proceeding instituted by it; but nothing herein contained shall be construed to lessen the liability
of any corporation which may not have complied with
the requirements of this section upon any contract or for
any wrong. No such corporation shall hold any property
or transact any business, or bring or maintain any action,
suit or proceeding in this state, where the cause of action
arises out of the holding of property or doing business
therein, without first complying with the provisions here-
of. Every corporation which shall hold property or do
business in this state without having complied with the
provisions hereinabove stated shall be guilty of a mis-
demeanor, and, upon conviction thereof, shall be fined
not less than five hundred nor more than one thousand
dollars for each month its failure so to comply shall
continue, and prosecutions hereunder shall be in the
county in which the seat of government is.
A copy of every amendment, certified as hereinabove
provided, made to such articles of agreement or certificate
of incorporation and becoming effective subsequent to the
filing of such articles of association or certificate of incor-
poration in the office of the secretary of state of this state,
shall also be filed with the secretary of state of this state
who shall issue to such corporation a certificate showing
the filing of such amendment and collect a fee of five
dollars for such certificate. Such certificate together with
a copy of the amendment, shall be recorded in the office
of the clerk of the county court of the county, or one of
the counties, in which its business is to be conducted. A
failure to comply with the provisions of this paragraph
within six months from the date of such amendment shall
subject such corporation to a fine of not more than one
thousand dollars.

CHAPTER 27
(House Bill No. 373—By Mr. White)

AN ACT to amend and reenact section thirteen, article four-a,
chapter thirty-one of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to the
return of an item by a bank legally closed for business.

Section 13. Return of item by bank legally closed for business; when item preferred claim on assets of drawee or payor, or agent collecting bank failed or closed for business.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article four-a, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 13. Return of Item by Bank Legally Closed for Business; When Item Preferred Claim on Assets of Drawee or Payor, or Agent Collecting Bank Failed or Closed for Business.—First: When the drawee or payor, or any other agent collecting bank shall fail or be closed for business by the commissioner of banking or comptroller of the currency or by action of the board of directors or by other proper legal action, after an item shall be mailed or otherwise entrusted to it for collection or payment but before the actual collection or payment thereof, it shall be the duty of the receiver or other official in charge of its assets to return such item, if same is in his possession, to the forwarding or presenting bank with reasonable diligence;

Second: Except in cases where an item or items is treated as dishonored by nonpayment as provided in section eleven, when a drawee or payor bank has presented to it for payment an item or items drawn upon or payable by or at such bank and at the same time has on deposit to the credit of the maker or drawer an amount equal to such item or items and such drawee or payor shall fail or close for business as above, after having charged such item or items to the account of the maker or drawer thereof or otherwise discharged his liability thereon but without such item or items having been paid or settled for by the drawee or payor either in money or by an unconditional credit given on its books or on the books of any
other bank which has been requested or accepted so as to constitute such drawee or payor or other bank debtor therefor, the assets of such drawee or payor shall be impressed with a trust in favor of the owner or owners of such item or items for the amount thereof, or for the balance payable upon a number of items which have been exchanged, and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank;

Third: Where an agent collecting bank other than the drawee or payor shall fail or be closed for business as above, after having received in any form the proceeds of an item or items entrusted to it for collection, but without such item or items having been paid or remitted for by it either in money or by an unconditional credit given on its books or on the books of any other bank which has been requested or accepted so as to constitute such failed collecting or other bank debtor therefor, the assets of such agent collecting bank which has failed or been closed for business as above shall be impressed with a trust in favor of the owner or owners of such item or items for the amount of such proceeds and such owner or owners shall be entitled to a preferred claim upon such assets, irrespective of whether the fund representing such item or items can be traced and identified as part of such assets or has been intermingled with or converted into other assets of such failed bank.

CHAPTER 28

(House Bill No. 225—By Mr. Gentry)

AN ACT to amend and reenact section two, article five, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the corporate name or title of indemnity companies.
Article 5. Indemnity Companies.

Section 2. Corporate name or title.

Be it enacted by the Legislature of West Virginia:

That section two, article five, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Corporate Name or Title.—Every indemnity company shall have as a part of its corporate name or title, indicative of its business, one or more of the following words, namely, “indemnity company,” “surety company,” “security company,” “guaranty company,” “fidelity company,” “bonding company,” “casualty company,” “insurance company,” or “title insurance company.”

CHAPTER 29
(House Bill No. 36—By Mr. Scanes)

AN ACT to amend and reenact section six, article ten, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to credit unions.

[Passed March 9, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 10. Credit Unions.

Section 6. Supervision by and reports to commissioner of banking; examinations; revocation of certificate.

Be it enacted by the Legislature of West Virginia:

That section six, article ten, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 6. Supervision by and Reports to Commissioner of Banking; Examinations; Revocation of Certificate.—
Credit unions shall be under the supervision of the commissioner of banking. They shall report to him at least semiannually on or before the first day of January and the first day of July of each calendar year, on blanks supplied by the said commissioner for that purpose. Additional reports may be required by said commissioner.
Credit unions shall be examined annually by the commissioner of banking, except that, if a credit union has assets of less than twenty-five thousand dollars, he may accept the audit of a certified public accountant in place of such examination. For credit unions with assets under fifty thousand dollars, the examination fee shall be thirty-five dollars per day or twenty-five cents per one hundred dollars of assets whichever is the lesser but under no circumstances shall the fee be less than twenty dollars per examination.
For credit unions with assets of fifty thousand dollars and over, the examination fee shall be thirty-five dollars per day for one examiner, plus thirty-three dollars per day for each assistant examiner necessary to complete the examination, or twenty-five cents per one hundred dollars of assets whichever is the lesser.
For failure to file reports when due, unless excused for cause, the credit union shall pay to the treasurer of the state five dollars for each day of its delinquency. If the commissioner of banking determines that a credit union is violating any provision of this article, or is insolvent, said commissioner may serve notice on such credit union of his intention to revoke the certificate of approval. If, for a period of fifteen days after such notice, such violation continues, the commissioner of banking may revoke such certificate and take possession of the business and property of such credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if such report remains in arrears for more than fifteen days.
AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto three new sections, to be designated sections three-e, three-f, and three-g, relating to the power of county courts with respect to the acquisition, operation, and maintenance of trash and garbage disposal facilities and sewerage systems and sewage plants.

(Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.)


Section
3-e. Powers with respect to acquisition of land for, and operation of, public refuse dumps and sanitary land fills.
3-f. Powers with respect to establishment and operation of garbage and refuse collection and disposal service.
3-g. Powers with respect to acquisition, operation and maintenance of sewerage systems and sewage plants.

Be it enacted by the Legislature of West Virginia:
That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto three new sections, to be designated sections three-e, three-f, and three-g, all to read as follows:

Section 3-e. Powers with Respect to Acquisition of Land for, and Operation of, Public Refuse Dumps and Sanitary Land Fills.—In addition to all other powers and duties now conferred by law upon county courts, such courts are hereby empowered to acquire, by purchase, right of eminent domain, lease, gift, or otherwise, land for the establishment of public refuse dumps and sanitary land fills, and to operate and maintain such dumps and fills, and to pay for such land, and the operation and maintenance of such dumps and fills, in whole or part, either out of general funds in the county treasury, or out of spe-
12 cial funds to be derived from fees paid by users of such
13 facilities.

Sec. 3-f. Powers with Respect to Establishment and
2 Operation of Garbage and Refuse Collection and Disposal
3 Service.—In addition to all other powers and duties now
4 conferred by law upon county courts, such courts are
5 hereby empowered to establish, operate, and maintain,
6 either directly or by contract, garbage and refuse collec-
7 tion and disposal service, and to pay for the establishment,
8 operation, and maintenance thereof out of a special fund
9 to be derived from fees paid by the users of such collec-
10 tion and disposal service: Provided, however, That the
11 power and authority hereby conferred upon county courts
12 shall not be exercised in territory included within the
13 boundaries of any municipal corporation.

Sec. 3-g. Powers with Respect to Acquisition, Opera-
2 tion and Maintenance of Sewerage Systems and Sewage
3 Plants.—In addition to all other powers and duties now
4 conferred by law upon county courts, such courts are
5 hereby empowered to acquire, by purchase, right of emi-
6 nent domain, lease, gift, or otherwise, and to operate and
7 maintain, sewerage systems and sewage treatment plants,
8 and to pay the cost of operation and maintenance thereof
9 out of a special fund to be derived from sewerage service
10 fees paid by the users of such sewerage system or sewage
11 treatment plant: Provided, however, That the power and
12 authority hereby conferred on county courts shall not
13 extend into territory within the boundaries of any mu-
14 nicipal corporation, sanitary district or public service
15 district.

CHAPTER 31
(House Bill No. 490—By Mr. Booth and Mrs. Walker)

AN ACT to amend and reenact section five and sections five-
(one) through five-(fifty-four), inclusive, article one, chap-
ter seven of the code of West Virginia, one thousand nine
hundred thirty-one, as last amended, relating to compen-
sation of county commissioners for services other than services in court.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 5. Duties of county commissioners and payment for services other than services in court.

5-(1) to 5-(54). Salaries of county commissioners of the various counties of the state.

Be it enacted by the Legislature of West Virginia:

That section five and sections five-(one) through five-(fifty-four), inclusive, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 5. Duties of County Commissioners and Payment for Services Other than Services in Court.—It shall be the duty of the county commissioners of each county to visit each quarter and inspect institutions within their county for housing and caring for the poor, to inspect the jails, and to arrange for the feeding and care of the prisoners therein, and to investigate the conditions of the poor within their county, not housed within such institutions; to visit detention homes for children within their counties, if any, and to visit and inspect bridges and bridge approaches under their control; to provide for and have general supervision over the repair and maintenance of the county courthouse, jails, houses for the poor and other county property, so as to prevent the undue deterioration thereof; to supervise and control the maintenance and operation of airport or airports owned and/or operated by the county court; and to supervise and control the purchase, erection and maintenance of airport facilities; to supervise and control the purchase of furniture, fixtures and equipment, and janitors' and other supplies, for their county; to attend the annual meeting of county assessors, and such district meetings as may
be called by the state tax commissioner, on matters per-
taining to the work of the county assessors and county
courts as boards of review and equalization; to review
and equalize the assessments made by the assessor; to
inspect and review the lists of property both real and
personal, made up by the assessor and his deputies for
taxable purposes, and to point out to the assessor any
property, real or personal, which the said assessors of
their respective counties may have overlooked or omitted
to place on said tax lists; to call to the attention of the
assessor all real estate or personal property belonging
to churches, lodges, schools or other charitable institu-
tions which may have been overlooked or omitted by the
assessor or his deputies in making up his lists of property.
for entry on the land and personal property books; to
cooperate with the county public assistance council and
supervise the general management of the fiscal affairs
and business of each county; and as a further part of
their duties they shall be empowered to purchase, lease,
rent, control, supervise, inspect, maintain and erect pub-
lic parks, playgrounds, and recreational facilities, to
purchase, lease or rent equipment therefor, and to em-
ploy qualified recreational directors and personnel; to
construct new Four-H camps on county property; to oper-
ate stone quarries and sand deposits on county owned or
leased property; to construct buildings for or aid in con-
structing and/or equipping civilian defense buildings on
sites approved by state office of civilian defense; and to
operate dog pounds for county-municipalities.
Compensation shall be allowed and paid out of the
county treasury, in the same manner as salaries are paid,
to each county commissioner of each county (except as
otherwise provided by law for the county of Ohio), for
services performed for such county concerning the visit-
ing of the poor, inspection of jails, bridges and bridge
approaches, and for visiting detention homes for children;
and for providing for and supervising the repair and
maintenance of the county courthouse, jails, houses for
the poor, and other county property; for supervising
and controlling the maintenance and operation of air-
port or airports owned by and/or operated by the county
court, and supervising and controlling the purchase,
erception and maintenance of airport facilities; and for
supervising and controlling the purchase of furniture,
fixtures and equipment and janitors' and other supplies
of their county; and for attending the annual meeting of
assessors and such district meetings as may be called by
the state tax commissioner, on matters pertaining to the
work of assessors and county courts as boards of review
and equalization; for reviewing and equalizing the assess-
ments made by the assessors; for inspecting and review-
ing the lists of property, both real and personal, made up
by the assessor and his deputies for taxable purposes,
and for pointing out to the assessor any property, real
and personal, which the said assessors of their respective
counties may have overlooked or omitted to place on said
tax lists; for calling to the attention of the assessor all
real estate or personal property belonging to churches,
lodges, schools or other charitable institutions which may
have been overlooked or omitted by the assessor or his
deputies in making up his lists of property for entry on
the land and personal property books; and for duties of
the county commissioners in cooperating with the county
public assistance council, for purchasing, leasing, rent-
ing, controlling, supervising, inspecting, maintaining and
erecting public parks, playgrounds, and recreational fa-
cilities, and the purchasing, leasing, or renting the equip-
ment therefor, and employing qualified recreational di-
rectors and personnel therefor; for constructing new
Four-H camps on county property; operating stone quar-
rries and sand deposits on county owned or leased prop-
erty; constructing buildings for or aiding in construction
and/or equipping civilian defense buildings on sites ap-
proved by state office of civilian defense; operating dog
pounds for county-municipalities, and for supervising
the general management of the fiscal affairs and busi-
ness of each county, within their counties, and other
business by such commissioners, in addition to compen-
sation for services in court, the sums of money herein-
after provided in the following sections five-(one) to five-
(fifty-four), inclusive.
Sec. 5-(1). Compensation of County Commissioners—
Barbour County.—For the county of Barbour, seventy-
five dollars per month.

Sec. 5-(2). Berkeley County.—For the county of Berke-
y, the president of the court one hundred twenty-five
dollars and other members of the court one hundred
dollars per month.

Sec. 5-(3). Boone County.—For the county of Boone,
the president of the court one hundred fifteen dollars and
the other members of the court ninety dollars per month.

Sec. 5-(4). Braxton County.—For the county of Brax-
ton, sixty dollars per month.

Sec. 5-(5). Brooke County.—For the county of Brooke,
one hundred dollars per month.

Sec. 5-(6). Cabell County.—For the county of Cabell,
two hundred dollars per month.

Sec. 5-(7). Calhoun County.—For the county of Cal-
houn, fifty dollars per month.

Sec. 5-(8). Clay County.—For the county of Clay,
fourty-five dollars per month.

Sec. 5-(9). Doddridge County.—For the county of
Doddridge, fifty dollars per month.

Sec. 5-(10). Fayette County.—For the county of Fay-
ette, two hundred fifty dollars per month.

Sec. 5-(11). Gilmer County.—For the county of Gilmer,
fifty dollars per month.

Sec. 5-(12). Grant County.—For the county of Grant,
three-five dollars per month.

Sec. 5-(13). Greenbrier County.—For the county of
Greenbrier, seventy-five dollars per month.

Sec. 5-(14). Hampshire County.—For the county of
Hampshire, the president of the court seventy-five dollars
and the other members of the court fifty dollars per
month.
Sec. 5-(15). Hancock County.—For the county of Hancock, one hundred fifty dollars per month.

Sec. 5-(16). Hardy County.—For the county of Hardy, fifty dollars per month.

Sec. 5-(17). Harrison County.—For the county of Harrison, two hundred seventy-five dollars per month.

Sec. 5-(18). Jackson County.—For the county of Jackson, seventy-five dollars per month.

Sec. 5-(19). Jefferson County.—For the county of Jefferson, the president of the court one hundred twenty-five dollars and the other members of the court one hundred dollars per month.

Sec. 5-(20). Kanawha County.—For the county of Kanawha, four hundred seventy-five dollars per month.

Sec. 5-(21). Lewis County.—For the county of Lewis, one hundred dollars per month.

Sec. 5-(22). Lincoln County.—For the county of Lincoln, one hundred twenty-five dollars per month.

Sec. 5-(23). Logan County.—For the county of Logan, the president of the court, two hundred fifty dollars and the other members of the court two hundred twenty-five dollars per month.

Sec. 5-(24). Marion County.—For the county of Marion, three hundred fifty dollars per month.

Sec. 5-(25). Marshall County.—For the county of Marshall, one hundred dollars per month.

Sec. 5-(26). Mason County.—For the county of Mason, seventy-five dollars per month.

Sec. 5-(27). McDowell County.—For the county of McDowell, two hundred dollars per month.

Sec. 5-(28). Mercer County.—For the county of Mercer, the president of the court two hundred seventy-five dollars and the other members of the court two hundred twenty-five dollars per month.
Sec. 5-(29). **Mineral County.**—For the county of Mineral, the president of the court eighty-five dollars and the other members of the court seventy-five dollars per month.

Sec. 5-(30). **Mingo County.**—For the county of Mingo, one hundred seventy-five dollars per month.

Sec. 5-(31). **Morgan County.**—For the county of Morgan, fifty dollars per month.

Sec. 5-(32). **Monroe County.**—For the county of Monroe, fifty dollars per month.

Sec. 5-(33). **Monongalia County.**—For the county of Monongalia, two hundred dollars per month.

Sec. 5-(34). **Nicholas County.**—For the county of Nicholas, fifty dollars per month.

Sec. 5-(35). **Pendleton County.**—For the county of Pendleton, thirty dollars per month.

Sec. 5-(36). **Pleasants County.**—For the county of Pleasants, forty dollars per month.

Sec. 5-(37). **Pocahontas County.**—For the county of Pocahontas, twenty-five dollars per month.

Sec. 5-(38). **Preston County.**—For the county of Preston, the president of the county court sixty-five dollars, and other members of the court fifty dollars per month.

Sec. 5-(39). **Putnam County.**—For the county of Putnam, one hundred dollars per month.

Sec. 5-(40). **Raleigh County.**—For the county of Raleigh, the president of the county court two hundred dollars per month, and other members of the court one hundred ninety dollars per month.

Sec. 5-(41). **Randolph County.**—For the county of Randolph, one hundred dollars per month.

Sec. 5-(42). **Ritchie County.**—For the county of Ritchie, fifty dollars per month.

Sec. 5-(43). **Roane County.**—For the county of Roane, sixty-five dollars per month.
Sec. 5-(44). *Summers County.*—For the county of Summers, sixty dollars per month.

Sec. 5-(45). *Taylor County.*—For the county of Taylor, fifty-five dollars per month.

Sec. 5-(46). *Tucker County.*—For the county of Tucker, thirty-five dollars per month.

Sec. 5-(47). *Tyler County.*—For the county of Tyler, sixty-five dollars per month.

Sec. 5-(48). *Upshur County.*—For the county of Upshur, fifty dollars per month.

Sec. 5-(49). *Wayne County.*—For the county of Wayne, one hundred fifty dollars per month.

Sec. 5-(50). *Webster County.*—For the county of Webster, seventy-five dollars per month.

Sec. 5-(51). *Wetzel County.*—For the county of Wetzel, eighty dollars per month.

Sec. 5-(52). *Wirt County.*—For the county of Wirt, thirty dollars per month.

Sec. 5-(53). *Wood County.*—For the county of Wood, two hundred fifty dollars per month.

Sec. 5-(54). *Wyoming County.*—For the county of Wyoming, one hundred fifty dollars per month.

CHAPTER 32

(House Bill No. 460—By Mr. Fry)

AN ACT to amend and reenact section two, article four, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rewards and detection of crime.

[Passed March 12, 1955: in effect ninety days from passage. Approved by the Governor.]
Article 4. Prosecuting Attorney, Rewards and Legal Advice.

Section 2. Rewards and detection of crime; bounties.

Be it enacted by the Legislature of West Virginia:

That section two, article four, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Rewards and Detection of Crime; Bounties.—

2 The prosecuting attorney of any county, with the approval of the county court, or of the governor, or of the court of the county vested with authority to try criminal offenses, or of the judge thereof in vacation, may, within his discretion, offer rewards for the apprehension of persons charged with crime, or may expend money for the detection of crime. Any money expended under this section shall, when approved by the prosecuting attorney, be paid out of the county fund, in the same manner as other county expenses are paid. The county court may also offer reasonable bounties and rewards for the destruction of noxious animals, birds of prey, or weeds in the county, payable out of the county treasury: Provided, however, That nothing herein shall permit or give to the prosecuting attorney of any county, having a population according to the last official census of sixty thousand or less, the right to appoint a full-time investigator or detector of crime, or to expend any money for the investigation of any crime committed in his county beyond the actual expense of the investigation of said crime, except in the county of Wyoming, the prosecuting attorney with the consent of the circuit judge and the county court therein, may appoint an investigator of crime to be paid an annual salary of not less than one thousand two hundred dollars nor more than twenty-four hundred dollars, and actual expenses, the salary to be fixed within these limits by the county court; except further in the county of Wayne, the prosecuting attorney may appoint an investigator of crime to be paid an annual salary of not less than twenty-four hundred dollars
nor more than thirty-six hundred dollars, and actual expenses, the salary within these limits to be fixed by the county court; except further in the county of Lincoln, the prosecuting attorney may appoint an investigator of crime to be paid an annual salary of not less than one thousand two hundred dollars nor more than two thousand four hundred dollars, and actual expenses, the salary within these limits to be fixed by the prosecuting attorney; except further in the county of Mason, the prosecuting attorney with the consent of the county court or the circuit judge, may appoint an investigator of crime to be paid a salary of not less than one hundred dollars nor more than two thousand four hundred dollars, and actual expenses, the salary to be fixed within these limits by the county court.

CHAPTER 33
(House Bill No. 489—By Mr. Booth and Mrs. Walker)

AN ACT to amend and reenact section one, sections one-(one) through one-(fifty-five), inclusive; section two, sections two-(one) through two-(fifty-two), inclusive; section three, sections three-(one) through three-(fifty-two), inclusive; section four; section five, sections five-(one) through five-(fifty-five), inclusive, and section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salaries of certain county officers and assistants.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section
1. Salaries of sheriffs.
1-(1) to 1-(55). Salaries of sheriffs of the various counties of the state.
2. Salaries of county clerks.
2-(1) to 2-(52). Salaries of county clerks of the various counties of the state.
3-(1) to 3-(52). Salaries of circuit clerks of the various counties of the state.
4. Salaries of joint clerks of county and circuit courts.
5. Salaries of prosecuting attorneys.
5-(1) to 5-(55). Salaries of prosecuting attorneys of the various counties of the state.
6. Assistants, stenographers and clerks for prosecuting attorney; salaries; when court may appoint attorney to prosecute.

Be it enacted by the Legislature of West Virginia:

That section one, sections one-(one) through one-(fifty-five), inclusive; section two, sections two-(one) through two-(fifty-two), inclusive; section three, sections three-(one) through three-(fifty-two), inclusive; section four; section five, sections five-(one) through five-(fifty-five), inclusive, and section six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Salaries of Sheriffs.—The annual compensation of the sheriff of each county shall on and after January first, one thousand nine hundred fifty-seven, be in the amount set forth in sections one-(one) to one-(fifty-five), inclusive, of this article.

Sec. 1-(1). Barbour County.—For the county of Barbour, three thousand three hundred dollars.

Sec. 1-(2). Berkeley County.—For the county of Berkeley, four thousand eight hundred dollars.

Sec. 1-(3). Boone County.—For the county of Boone, four thousand eight hundred dollars.

Sec. 1-(4). Braxton County.—For the county of Braxton, four thousand dollars.

Sec. 1-(5). Brooke County.—For the county of Brooke, five thousand dollars.

Sec. 1-(6). Cabell County.—For the county of Cabell, seven thousand five hundred dollars.

Sec. 1-(7). Calhoun County.—For the county of Calhoun, three thousand dollars.

Sec. 1-(8). Clay County.—For the county of Clay, four thousand dollars.
Sec. 1-(9). Doddridge County.—For the county of Doddridge, two thousand eight hundred dollars.

Sec. 1-(10). Fayette County.—For the county of Fayette, seven thousand five hundred dollars.

Sec. 1-(11). Gilmer County.—For the county of Gilmer, two thousand seven hundred dollars.

Sec. 1-(12). Grant County.—For the county of Grant, three thousand dollars.

Sec. 1-(13). Greenbrier County.—For the county of Greenbrier, four thousand dollars.

Sec. 1-(14). Hampshire County.—For the county of Hampshire, three thousand three hundred dollars.

Sec. 1-(15). Hancock County.—For the county of Hancock, four thousand six hundred dollars.

Sec. 1-(16). Hardy County.—For the county of Hardy, two thousand five hundred dollars.

Sec. 1-(17). Harrison County.—For the county of Harrison, six thousand dollars.

Sec. 1-(18). Jackson County.—For the county of Jackson, three thousand two hundred dollars.

Sec. 1-(19). Jefferson County.—For the county of Jefferson, three thousand two hundred dollars.

Sec. 1-(20). Kanawha County.—For the county of Kanawha, nine thousand dollars.

Sec. 1-(21). Lewis County.—For the county of Lewis, three thousand three hundred dollars.

Sec. 1-(22). Logan County.—For the county of Logan, seven thousand five hundred dollars.

Sec. 1-(23). Lincoln County.—For the county of Lincoln, four thousand six hundred dollars.

Sec. 1-(24). Marion County.—For the county of Marion, seven thousand dollars.
Sec. 1-(25). Marshall County.—For the county of Marshall, four thousand dollars.

Sec. 1-(26). Mason County.—For the county of Mason, three thousand four hundred dollars.

Sec. 1-(27). Mercer County.—For the county of Mercer, six thousand five hundred dollars.

Sec. 1-(28). Mineral County.—For the county of Mineral, four thousand dollars.

Sec. 1-(29). Mingo County.—For the county of Mingo, six thousand dollars.

Sec. 1-(30). Monongalia County.—For the county of Monongalia, six thousand dollars.

Sec. 1-(31). Monroe County.—For the county of Monroe, two thousand four hundred dollars.

Sec. 1-(32). McDowell County.—For the county of McDowell, seven thousand dollars.

Sec. 1-(33). Morgan County.—For the county of Morgan, two thousand dollars.

Sec. 1-(34). Nicholas County.—For the county of Nicholas, three thousand six hundred dollars.

Sec. 1-(35). Ohio County.—For the county of Ohio, five thousand dollars.

Sec. 1-(36). Pendleton County.—For the county of Pendleton, two thousand three hundred dollars.

Sec. 1-(37). Pleasants County.—For the county of Pleasants, three thousand dollars.

Sec. 1-(38). Pocahontas County.—For the county of Pocahontas, three thousand dollars.

Sec. 1-(39). Preston County.—For the county of Preston, four thousand three hundred dollars.

Sec. 1-(40). Putnam County.—For the county of Putnam, three thousand dollars.
Sec. 1-(41). Raleigh County.—For the county of Raleigh, seven thousand five hundred dollars.

Sec. 1-(42). Randolph County.—For the county of Randolph, five thousand dollars.

Sec. 1-(43). Ritchie County.—For the county of Ritchie, three thousand dollars.

Sec. 1-(44). Roane County.—For the county of Roane, three thousand two hundred dollars.

Sec. 1-(45). Summers County.—For the county of Summers, three thousand four hundred dollars.

Sec. 1-(46). Taylor County.—For the county of Taylor, three thousand five hundred dollars.

Sec. 1-(47). Tucker County.—For the county of Tucker, three thousand two hundred dollars.

Sec. 1-(48). Tyler County.—For the county of Tyler, three thousand six hundred dollars.

Sec. 1-(49). Upshur County.—For the county of Upshur, three thousand dollars.

Sec. 1-(50). Wayne County.—For the county of Wayne, five thousand four hundred dollars.

Sec. 1-(51). Webster County.—For the county of Webster, three thousand six hundred dollars.

Sec. 1-(52). Wetzel County.—For the county of Wetzel, three thousand eight hundred dollars.

Sec. 1-(53). Wirt County.—For the county of Wirt, two thousand five hundred dollars.

Sec. 1-(54). Wood County.—For the county of Wood, five thousand four hundred dollars.

Sec. 1-(55). Wyoming County.—For the county of Wyoming, six thousand dollars.

Sec. 2. Salaries of County Clerks.—The annual compensation of the clerk of the county court of each county shall, on and after January one, one thousand nine hun-
dred fifty-seven, be in the amounts set forth in sections
two-(one) to two-(fifty-two), inclusive, of this article.

Sec. 2-(1). Barbour County.—For the county of Bar-
bour, two thousand two hundred dollars.

Sec. 2-(2). Berkeley County.—For the county of Berke-
ley, three thousand nine hundred dollars.

Sec. 2-(3). Boone County.—For the county of Boone,
four thousand three hundred dollars.

Sec. 2-(4). Braxton County.—For the county of Brax-
ton, four thousand dollars.

Sec. 2-(5). Brooke County.—For the county of Brooke,
four thousand dollars.

Sec. 2-(6). Cabell County.—For the county of Cabell,
seven thousand two hundred dollars.

Sec. 2-(7). Calhoun County.—For the county of Cal-
houn, two thousand eight hundred dollars.

Sec. 2-(8). Clay County.—For the county of Clay, three
thousand six hundred dollars.

Sec. 2-(9). Doddridge County.—For the county of Dod-
dridge, two thousand five hundred dollars.

Sec. 2-(10). Fayette County.—For the county of Fay-
ette, not less than four thousand two hundred dollars nor
more than four thousand eight hundred dollars, to be
fixed by the county court.

Sec. 2-(11). Gilmer County.—For the county of Gilmer,
two thousand four hundred dollars.

Sec. 2-(12). Greenbrier County.—For the county of
Greenbrier, four thousand dollars.

Sec. 2-(13). Hampshire County.—For the county of
Hampshire, not less than two thousand four hundred
dollars, nor more than three thousand three hundred
dollars.

Sec. 2-(14). Hancock County.—For the county of Han-
cock, four thousand four hundred dollars.
Sec. 2-(15). **Harrison County.**—For the county of Harrison, six thousand dollars.

Sec. 2-(16). **Jackson County.**—For the county of Jackson, three thousand dollars.

Sec. 2-(17). **Jefferson County.**—For the county of Jefferson, three thousand dollars.

Sec. 2-(18). **Kanawha County.**—For the county of Kanawha, nine thousand dollars.

Sec. 2-(19). **Lewis County.**—For the county of Lewis, two thousand eight hundred dollars.

Sec. 2-(20). **Lincoln County.**—For the county of Lincoln, four thousand two hundred dollars.

Sec. 2-(21). **Logan County.**—For the county of Logan, six thousand dollars.

Sec. 2-(22). **Marion County.**—For the county of Marion, five thousand six hundred dollars.

Sec. 2-(23). **Marshall County.**—For the county of Marshall, four thousand dollars.

Sec. 2-(24). **Mason County.**—For the county of Mason, three thousand four hundred dollars.

Sec. 2-(25). **McDowell County.**—For the county of McDowell, six thousand dollars.

Sec. 2-(26). **Mercer County.**—For the county of Mercer, six thousand dollars.

Sec. 2-(27). **Mineral County.**—For the county of Mineral, three thousand nine hundred dollars.

Sec. 2-(28). **Mingo County.**—For the county of Mingo, four thousand eight hundred dollars.

Sec. 2-(29). **Monongalia County.**—For the county of Monongalia, five thousand dollars.

Sec. 2-(30). **Monroe County.**—For the county of Monroe, two thousand four hundred dollars.
Sec. 2-(31). *Morgan County.*—For the county of Morgan, two thousand four hundred dollars.

Sec. 2-(32). *Nicholas County.*—For the county of Nicholas, three thousand fifty dollars.

Sec. 2-(33). *Ohio County.*—For the county of Ohio, seven thousand five hundred dollars.

Sec. 2-(34). *Pleasants County.*—For the county of Pleasants, three thousand dollars.

Sec. 2-(35). *Pocahontas County.*—For the county of Pocahontas, three thousand dollars.

Sec. 2-(36). *Preston County.*—For the county of Preston, four thousand dollars.

Sec. 2-(37). *Putnam County.*—For the county of Putnam, three thousand two hundred dollars.

Sec. 2-(38). *Raleigh County.*—For the county of Raleigh, six thousand dollars.

Sec. 2-(39). *Randolph County.*—For the county of Randolph, five thousand dollars.

Sec. 2-(40). *Ritchie County.*—For the county of Ritchie, three thousand dollars.

Sec. 2-(41). *Roane County.*—For the county of Roane, three thousand dollars.

Sec. 2-(42). *Summers County.*—For the county of Summers, two thousand seven hundred dollars.

Sec. 2-(43). *Taylor County.*—For the county of Taylor, three thousand two hundred dollars.

Sec. 2-(44). *Tucker County.*—For the county of Tucker, two thousand eight hundred dollars.

Sec. 2-(45). *Tyler County.*—For the county of Tyler, three thousand dollars.

Sec. 2-(46). *Upshur County.*—For the county of Upshur, two thousand eight hundred dollars.
Sec. 2-(47). **Wayne County.**—For the county of Wayne, four thousand eight hundred dollars.

Sec. 2-(48). **Webster County.**—For the county of Webster, three thousand dollars.

Sec. 2-(49). **Wetzel County.**—For the county of Wetzel, three thousand eight hundred dollars.

Sec. 2-(50). **Wirt County.**—For the county of Wirt, one thousand eight hundred dollars.

Sec. 2-(51). **Wood County.**—For the county of Wood, five thousand dollars.

Sec. 2-(52). **Wyoming County.**—For the county of Wyoming, five thousand four hundred dollars.

Sec. 3. **Salaries of Circuit Clerks.**—The annual compensation of the clerk of the circuit court (or clerk of the circuit and criminal or intermediate or other court of limited jurisdiction) in each county shall, on and after January one, one thousand nine hundred fifty-seven, be in the amounts set forth in sections three-(one) to three-(fifty-two), inclusive, of this article.

Sec. 3-(1). **Barbour County.**—For the county of Barbour, two thousand dollars.

Sec. 3-(2). **Berkeley County.**—For the county of Berkeley, three thousand six hundred dollars.

Sec. 3-(3). **Boone County.**—For the county of Boone, four thousand three hundred dollars.

Sec. 3-(4). **Braxton County.**—For the county of Braxton, four thousand dollars.

Sec. 3-(5). **Brooke County.**—For the county of Brooke, four thousand dollars.

Sec. 3-(6). **Cabell County.**—For the county of Cabell, seven thousand two hundred dollars.

Sec. 3-(7). **Calhoun County.**—For the county of Calhoun, two thousand four hundred dollars.
Sec. 3-(8). Clay County.—For the county of Clay, two thousand four hundred dollars.

Sec. 3-(9). Doddridge County. — For the county of Doddridge, two thousand five hundred dollars.

Sec. 3-(10). Fayette County.—For the county of Fayette, not less than four thousand two hundred dollars nor more than four thousand eight hundred dollars, to be fixed by the county court.

Sec. 3-(11). Gilmer County.—For the county of Gilmer, one thousand nine hundred twenty dollars.

Sec. 3-(12). Greenbrier County.—For the county of Greenbrier, three thousand three hundred dollars.

Sec. 3-(13). Hampshire County.—For the county of Hampshire, not less than one thousand eight hundred dollars nor more than three thousand dollars.

Sec. 3-(14). Hancock County.—For the county of Hancock, three thousand eight hundred dollars.

Sec. 3-(15). Harrison County.—For the county of Harrison, six thousand dollars.

Sec. 3-(16). Jackson County.—For the county of Jackson, two thousand seven hundred dollars.

Sec. 3-(17). Jefferson County.—For the county of Jefferson, three thousand dollars.

Sec. 3-(18). Kanawha County.—For the county of Kanawha, nine thousand dollars.

Sec. 3-(19). Lewis County.—For the county of Lewis, two thousand five hundred dollars.

Sec. 3-(20). Lincoln County.—For the county of Lincoln, three thousand eight hundred dollars.

Sec. 3-(21). Logan County.—For the county of Logan, six thousand dollars.

Sec. 3-(22). Marion County.—For the county of Marion, five thousand six hundred dollars.
Sec. 3-(23). Marshall County.—For the county of Marshall, three thousand four hundred dollars.

Sec. 3-(24). Mason County.—For the county of Mason, two thousand nine hundred dollars.

Sec. 3-(25). McDowell County.—For the county of McDowell, six thousand dollars.

Sec. 3-(26). Mercer County.—For the county of Mercer, six thousand dollars.

Sec. 3-(27). Mineral County.—For the county of Mineral, three thousand nine hundred dollars.

Sec. 3-(28). Mingo County.—For the county of Mingo, four thousand eight hundred dollars.

Sec. 3-(29). Monongalia County.—For the county of Monongalia, five thousand dollars.

Sec. 3-(30). Monroe County.—For the county of Monroe, one thousand eight hundred dollars.

Sec. 3-(31). Morgan County.—For the county of Morgan, one thousand four hundred dollars.

Sec. 3-(32). Nicholas County.—For the county of Nicholas, two thousand five hundred dollars.

Sec. 3-(33). Ohio County.—For the county of Ohio, seven thousand three hundred dollars.

Sec. 3-(34). Pleasants County.—For the county of Pleasants, two thousand four hundred dollars.

Sec. 3-(35). Pocahontas County. — For the county of Pocahontas, two thousand five hundred dollars.

Sec. 3-(36). Preston County.—For the county of Preston, three thousand four hundred dollars.

Sec. 3-(37). Putnam County.—For the county of Putnam, three thousand dollars.

Sec. 3-(38). Raleigh County.—For the county of Raleigh, five thousand four hundred dollars.
Sec. 3-(39). Randolph County.—For the county of Randolph, five thousand dollars.

Sec. 3-(40). Ritchie County.—For the county of Ritchie, two thousand eight hundred dollars.

Sec. 3-(41). Roane County.—For the county of Roane, two thousand six hundred dollars.

Sec. 3-(42). Summers County.—For the county of Summers, two thousand seven hundred dollars.

Sec. 3-(43). Taylor County.—For the county of Taylor, three thousand two hundred dollars.

Sec. 3-(44). Tucker County.—For the county of Tucker, two thousand eight hundred dollars.

Sec. 3-(45). Tyler County.—For the county of Tyler, two thousand seven hundred dollars.

Sec. 3-(46). Upshur County.—For the county of Upshur, two thousand eight hundred dollars.

Sec. 3-(47). Wayne County.—For the county of Wayne, four thousand four hundred dollars.

Sec. 3-(48). Webster County.—For the county of Webster, two thousand seven hundred dollars.

Sec. 3-(49). Wetzel County.—For the county of Wetzel, three thousand four hundred dollars.

Sec. 3-(50). Wirt County.—For the county of Wirt, one thousand two hundred dollars.

Sec. 3-(51). Wood County.—For the county of Wood, five thousand dollars.

Sec. 3-(52). Wyoming County.—For the county of Wyoming, four thousand eight hundred dollars.

Sec. 4. Salaries of Joint Clerks of County and Circuit Courts.—The annual compensation of the clerks of the courts in the counties where both the office of the clerk of the county court and the clerk of the circuit court are held by the same person shall be as follows: Hardy county, three thousand three hundred dollars; Grant
county, three thousand three hundred dollars; Pendleton county, three thousand two hundred dollars.

Sec. 5. Salaries of Prosecuting Attorneys.—The annual compensation of the prosecuting attorney in each county, including the compensation provided by law for his services as attorney for boards of education and other administrative boards and officers in the county, shall, on and after July one, one thousand nine hundred fifty-seven, be in the amounts set forth in sections five-(one) to five-(fifty-five), inclusive, of this article.

Sec. 5-(1). Barbour County.—For the county of Barbour, two thousand seven hundred dollars.

Sec. 5-(2). Berkeley County.—For the county of Berkeley, three thousand six hundred dollars.

Sec. 5-(3). Boone County.—For the county of Boone, four thousand three hundred dollars.

Sec. 5-(4). Braxton County.—For the county of Braxton, two thousand four hundred dollars.

Sec. 5-(5). Brooke County.—For the county of Brooke, four thousand dollars.

Sec. 5-(6). Cabell County.—For the county of Cabell, seven thousand dollars.

Sec. 5-(7). Calhoun County.—For the county of Calhoun, one thousand eight hundred dollars.

Sec. 5-(8). Clay County.—For the county of Clay, two thousand dollars.

Sec. 5-(9). Doddridge County.—For the county of Doddridge, one thousand eight hundred dollars.

Sec. 5-(10). Fayette County.—For the county of Fayette, five thousand four hundred dollars.

Sec. 5-(11). Gilmer County.—For the county of Gilmer, one thousand nine hundred twenty dollars.

Sec. 5-(12). Grant County.—For the county of Grant, one thousand two hundred dollars.
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Sec. 5-(13). Greenbrier County.—For the county of Greenbrier, three thousand dollars.

Sec. 5-(14). Hampshire County.—For the county of Hampshire, two thousand two hundred dollars.

Sec. 5-(15). Hancock County.—For the county of Hancock, three thousand eight hundred dollars.

Sec. 5-(16). Hardy County.—For the county of Hardy, one thousand six hundred dollars.

Sec. 5-(17). Harrison County.—For the county of Harrison, six thousand dollars.

Sec. 5-(18). Jackson County.—For the county of Jackson, two thousand dollars.

Sec. 5-(19). Jefferson County.—For the county of Jefferson, three thousand six hundred dollars.

Sec. 5-(20). Kanawha County.—For the county of Kanawha, ten thousand dollars.

Sec. 5-(21). Lewis County.—For the county of Lewis, not less than two thousand dollars nor more than two thousand four hundred dollars.

Sec. 5-(22). Lincoln County.—For the county of Lincoln, three thousand six hundred dollars.

Sec. 5-(23). Logan County.—For the county of Logan, six thousand dollars.

Sec. 5-(24). Marion County.—For the county of Marion, six thousand dollars.

Sec. 5-(25). Marshall County.—For the county of Marshall, three thousand eight hundred dollars.

Sec. 5-(26). Mason County.—For the county of Mason, two thousand six hundred dollars.

Sec. 5-(27). McDowell County.—For the county of McDowell, six thousand five hundred dollars.

Sec. 5-(28). Mercer County.—For the county of Mercer, six thousand dollars.
Sec. 5-(29). Mineral County.—For the county of Mineral, three thousand dollars.

Sec. 5-(30). Mingo County.—For the county of Mingo, four thousand eight hundred dollars.

Sec. 5-(31). Monongalia County.—For the county of Monongalia, five thousand five hundred dollars.

Sec. 5-(32). Monroe County.—For the county of Monroe, one thousand two hundred dollars.

Sec. 5-(33). Morgan County.—For the county of Morgan, one thousand four hundred dollars.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, three thousand three hundred dollars.

Sec. 5-(35). Ohio County.—For the county of Ohio, seven thousand five hundred dollars.

Sec. 5-(36). Pendleton County.—For the county of Pendleton, one thousand two hundred dollars.

Sec. 5-(37). Pleasants County.—For the county of Pleasants, one thousand eight hundred dollars.

Sec. 5-(38). Pocahontas County.—For the county of Pocahontas, two thousand dollars.

Sec. 5-(39). Preston County.—For the county of Preston, four thousand dollars.

Sec. 5-(40). Putnam County.—For the county of Putnam, three thousand dollars.

Sec. 5-(41). Raleigh County.—For the county of Raleigh, six thousand dollars.

Sec. 5-(42). Randolph County.—For the county of Randolph, five thousand dollars.

Sec. 5-(43). Ritchie County.—For the county of Ritchie, one thousand eight hundred dollars.

Sec. 5-(44). Roane County.—For the county of Roane, two thousand dollars.

Sec. 5-(45). Summers County.—For the county of Summers, two thousand four hundred dollars.
Sec. 5-(46). Taylor County.—For the county of Taylor, two thousand two hundred dollars.

Sec. 5-(47). Tucker County.—For the county of Tucker, two thousand eight hundred dollars.

Sec. 5-(48). Tyler County.—For the county of Tyler, two thousand dollars.

Sec. 5-(49). Upshur County.—For the county of Upshur, two thousand four hundred dollars.

Sec. 5-(50). Wayne County.—For the county of Wayne, four thousand five hundred dollars.

Sec. 5-(51). Webster County.—For the county of Webster, two thousand seven hundred dollars.

Sec. 5-(52). Wetzel County.—For the county of Wetzel, three thousand dollars.

Sec. 5-(53). Wirt County.—For the county of Wirt, one thousand two hundred dollars.

Sec. 5-(54). Wood County.—For the county of Wood, five thousand dollars.

Sec. 5-(55). Wyoming County.—For the county of Wyoming, not less than three thousand, nor more than five thousand four hundred dollars.

Sec. 6. Assistants, Stenographers and Clerks for Prosecuting Attorney; Salaries; When Court May Appoint Attorney to Prosecute.—Any prosecuting attorney may, with the assent of the county court of his county, entered of record, except as hereinafter provided, appoint one (and Ohio county three and Fayette, Harrison, Kanawha, Raleigh, Cabell and McDowell counties two each) practicing attorney to assist him in the discharge of his official duties for and during his term of office, and such assistant shall take the same oath and may perform the same duties as his principal; and he may be removed from office as such at any time by his principal; and further he may be removed from his office as such assistant by the circuit court of the county in which he is appointed,
for any cause for which his principal might be removed. The compensation of such assistant shall be paid by the principal, except in the counties of Barbour, Berkeley, Boone, Brooke, Cabell, Calhoun, Clay, Fayette, Harrison, Hancock, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Montagnia, Nicholas, Ohio, Putnam, Raleigh, Randolph, Summers, Taylor, Upshur, Wayne, Webster, Wetzel, Wood and Wyoming, and in the said counties the county court thereof shall allow annually to such assistants such compensation to be paid out of the county treasury as is deemed reasonable by the court, except that in Hancock county the salary of such assistant shall not be less than one thousand eight hundred dollars nor more than two thousand four hundred dollars; in Ohio county for the first assistant four thousand dollars, for the second assistant three thousand five hundred dollars and for the third assistant three thousand dollars; in Kanawha county for the two assistants, each, not more than seven thousand six hundred dollars and not less than six thousand dollars; in Cabell county for the two assistants, each five thousand five hundred dollars; in McDowell county, not less than three thousand dollars nor more than four thousand eight hundred dollars for each assistant; in Marion county, not less than four thousand two hundred nor more than four thousand eight hundred dollars; in Raleigh county, four thousand five hundred dollars; in Mingo county, not to exceed four thousand dollars; in Harrison county, for the first assistant four thousand five hundred dollars and for the second assistant four thousand dollars; in Mercer county, five thousand dollars; in Summers county, not less than one thousand nor more than two thousand dollars; in Wood county, two thousand five hundred dollars; in Logan county, four thousand five hundred dollars; in Fayette county for the first assistant not less than three thousand six hundred nor more than four thousand five hundred dollars, and for the second assistant not to exceed two thousand eight hundred dollars; in Boone county, not less than two thousand dollars nor more than three thousand dollars; in Wyoming county, not less than one
thousand five hundred nor more than two thousand seven
hundred dollars; in Barbour county one thousand dollars;
in Monongalia county, four thousand dollars; in Wayne
county three thousand six hundred dollars; in Lincoln
county, not to exceed one thousand eight hundred dollars;
in Berkeley county, not to exceed two thousand dollars;
in Lewis, Marshall, Mineral, Nicholas and Upshur coun-
ties, not to exceed twelve hundred dollars, and in Ran-
dolph county, not to exceed two thousand seven hundred
dollars; in Webster and Wetzel counties, not less than
six hundred nor more than nine hundred dollars; in Put-
nam county, not to exceed two thousand dollars; and
Calhoun county, three hundred dollars. In each case such
compensation shall include the compensation provided by
law for such assistant's services as attorney for boards
of education, and other administrative boards and officers
of the county.

In any case in which it would, in the opinion of the
court, be improper for the prosecuting attorney and his
assistant (if he has one), to act, or if the prosecuting
attorney and his assistant be unable to act, such court
shall appoint some competent practicing attorney to
prosecute such cases; and upon the performance of the
service for which he was appointed, the court shall certify
that fact, with its opinion of what would be a reasonable
allowance to such attorney for the service rendered, to
the county court of the county, and such sum, when
allowed by the county court, shall be paid out of the
county treasury: Provided, That nothing in this section
shall be construed to prohibit the employment by any
person of a competent attorney or attorneys to assist in
the prosecution of any person or corporation charged with
crime.

In each of the counties herein named, except Harrison,
Cabell, Wayne and Fayette and including Greenbrier,
Hampshire, Pocahontas, Putnam, Ritchie and Upshur, the
prosecuting attorney may employ a stenographer for his
office at a salary, payable out of the county treasury, of
not less than nine hundred nor more than two thousand
dollars per annum; except, the annual salary of such
stenographer in Greenbrier county shall not exceed two
thousand three hundred and forty dollars; except, the
annual salary of such stenographer in Pocahontas county
shall not exceed one thousand two hundred dollars; in
Putnam county shall not exceed two thousand dollars; in
Calhoun and Upshur counties, shall not exceed nine hun-
dred dollars; in Hampshire county shall not be less than
one thousand two hundred nor more than two thousand
dollars; in Ritchie county shall not be less than one thou-
sand dollars nor more than twelve hundred dollars; in
Lewis county, shall not be less than six hundred dollars,
or exceed one thousand five hundred dollars; in Berkeley
county, shall be not less than eight hundred dollars nor
more than two thousand dollars in the discretion of the
county court; in Monongalia county, shall be not less
than two thousand four hundred dollars nor more than
three thousand six hundred dollars; in Boone county,
shall be two thousand four hundred dollars; and in Brax-
ton county, shall be fourteen hundred dollars; in Taylor
county, shall not be less than one thousand two hundred
dollars nor more than two thousand dollars; in Webster
county, shall be nine hundred dollars; in Gilmer county,
shall not exceed nine hundred dollars: Provided, That in
each of the last two named counties the prosecuting at-
torney may not employ a stenographer except with the
consent of the county court entered of record.

In the county of Jefferson the prosecuting attorney may
employ a stenographer for his office at a salary of not more
than one thousand five hundred dollars per annum, pay-
able out of the county treasury to be fixed by the said
prosecuting attorney of said county of Jefferson.

In the county of Harrison, the prosecuting attorney may
employ two stenographers for his office at a salary for
each stenographer of not less than nine hundred nor
more than two thousand four hundred dollars per annum,
payable out of the county treasury.

In the county of Cabell the prosecuting attorney may
employ two stenographers for his office, each at a salary
of not more than three thousand six hundred dollars per
year, payable out of the county treasury.
In the county of Clay, the prosecuting attorney may employ a clerk or stenographer for his office at a salary of one thousand two hundred dollars per annum, payable out of the county treasury; except, that in lieu of the appointment of such clerk or stenographer, the prosecuting attorney may employ a practicing attorney of said county as his assistant at a salary of not less than one thousand nor more than one thousand five hundred dollars per annum, payable out of the county treasury.

In the counties of Mingo and Preston, the prosecuting attorney may employ one stenographer for his office at a salary not to exceed three thousand six hundred dollars per annum for the county of Mingo and two thousand two hundred eighty dollars per annum for the county of Preston, payable out of the county treasury.

In the county of Jackson, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed nine hundred dollars per annum, payable out of the county treasury.

In the county of Mercer, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed the sum of three thousand dollars per annum, payable out of the county treasury.

In the county of Hardy, the prosecuting attorney may employ one stenographer or clerk for his office at a salary not to exceed one thousand twenty dollars per annum, to be fixed by the prosecuting attorney, payable out of the county treasury, as salaries of county officials are paid.

In the county of Grant, the prosecuting attorney may employ one stenographer or clerk for his office at a salary not to exceed one thousand two hundred dollars per annum, payable out of the county treasury as salaries of county officials are paid. In the county of Pendleton, the prosecuting attorney may employ one stenographer or clerk for his office at a salary not to exceed one thousand eighty dollars per annum, payable out of the county treasury as salaries of county officials are paid.

In the county of Wyoming, the prosecuting attorney may employ one stenographer at a salary to be fixed by the
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175 county court and payable out of the treasury of said county, and in the counties of Mason and Roane the prosecuting attorney may employ one stenographer at a salary of not less than eleven hundred dollars nor more than fifteen hundred dollars per annum, payable out of the treasury of said county.

181 In the county of Kanawha, the prosecuting attorney may employ two stenographers, each at a salary of three thousand six hundred dollars per annum, payable out of the treasury of said county.

185 In the county of Hancock, the prosecuting attorney may employ one stenographer at a salary of not more than two thousand four hundred dollars per annum, payable out of the treasury of said county.

189 In the county of Wayne, the prosecuting attorney may employ one stenographer at a salary of not less than twenty-seven hundred dollars nor more than three thousand dollars per annum, to be fixed by the county court and payable out of the treasury of the county.

193 In the county of Randolph, the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars per annum and not more than two thousand four hundred dollars per annum, to be fixed by the county court and payable out of the treasury of said county.

197 In the county of Fayette, the prosecuting attorney may employ one stenographer at a salary to be fixed by the county court and payable out of the treasury of said county.

201 In the county of McDowell, the prosecuting attorney may employ one stenographer at a salary of not less than one thousand five hundred dollars nor more than three thousand dollars per year, to be fixed by the county court and payable out of the treasury of such county.

205 The prosecuting attorney may employ a clerk or a stenographer for his office in the counties of Tyler, Wetzel and Marshall at an annual salary not to exceed the following: In the county of Tyler, one thousand dollars; in the county of Wetzel, twenty-four hundred dollars; in the county of Marshall, not less than two thousand dollars.
nor more than twenty-four hundred dollars, payable out of the treasury of the respective counties.

In the county of Lincoln, the prosecuting attorney may employ one stenographer or clerk for his office at a salary of not to exceed the sum of two thousand two hundred dollars per annum, payable out of the county treasury.

In the county of Logan, the prosecuting attorney may employ one stenographer for his office at a salary of not to exceed the sum of three thousand three hundred dollars per annum, payable out of the county treasury. In the county of Marion, the prosecuting attorney may employ one stenographer at a salary not to exceed two thousand eight hundred dollars per annum, payable out of the county treasury.

In the county of Raleigh the prosecuting attorney may employ one stenographer at a salary not to exceed three thousand dollars per annum, payable out of the county treasury.

In the county of Ohio, the prosecuting attorney may employ one stenographer for his office at a salary not to exceed two thousand seven hundred dollars per annum, payable out of the county treasury.

In the county of Barbour, the prosecuting attorney may employ a stenographer for his office at a salary of not less than one thousand two hundred nor more than one thousand eight hundred dollars per annum, to be fixed by the county court of said county, payable out of the county treasury.

In the county of Doddridge the prosecuting attorney may employ a stenographer for his office at a salary not to exceed nine hundred dollars per annum, to be fixed by the county court of said county, payable out of the county treasury.

In the county of Taylor, the prosecuting attorney may employ a stenographer for his office at a salary of not less than one thousand two hundred nor more than two thousand dollars per annum, to be fixed by the county court of said county, payable out of the county treasury.

In the county of Monroe, the prosecuting attorney may employ a stenographer for his office at a salary not to
255 exceed six hundred dollars per annum, payable out of
256 the county treasury.
257 In the county of Pleasants, the prosecuting attorney
258 may employ a stenographer for his office at a salary not
259 to exceed five hundred dollars per annum, to be fixed
260 by the county court of said county, payable out of the
261 county treasury.
262 In the county of Brooke, the prosecuting attorney may
263 employ a stenographer for his office at a salary not to
264 exceed two thousand five hundred dollars per annum, to
265 be fixed by the county court of said county, payable out
266 of the county treasury.

CHAPTER 34
(House Bill No. 11—By Mr. Beneke)

AN ACT to amend and reenact section eight, article seven,
chapter seven of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the comp­
ensation of the sheriff, clerk of the county court, clerk of
the circuit court (criminal, common pleas or intermediate
courts), and prosecuting attorney, and the compensation
of their deputies, assistants and other employees, duly ap­
pointed or employed.

[Passed February 22, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries.
Section
8. Payment of salaries monthly or semi-monthly; prerequisites.

Be it enacted by the Legislature of West Virginia:
That section eight, article seven, chapter seven of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 8. Payment of Salaries Monthly or Semi-
2 Monthly; Prerequisites.—The compensation of the sheriff,
3 clerk of the county court, clerk of the circuit court (crim-
inal, common pleas or intermediate courts), and prosecut-
ing attorney, and the compensation of their deputies,
assistants and other employees, duly appointed or em-
ployed, after being so fixed, shall be paid monthly or
semi-monthly at the option of the county court, in the man-
ner provided by law to those entitled to the same out of
the county fund. The county court, or other tribunal in
lieu thereof, after the filing of the statement provided for
by the preceding section, showing the names of the depu-
ties, assistants and other employees, the time for which
employed and their compensation, may, by order of re-
cord, authorize and direct orders or drafts on the trea-
surer, payable out of the general county fund, to be drawn
in favor of the officer, his deputy, assistant, or employee
named in such statement, in payment of the monthly sal-
ary to which such officer is entitled, and when such order
has been entered of record, the president and clerk of the
county court, or other tribunal in lieu thereof, shall be
authorized to sign such orders and drafts, for the purposes
aforesaid: Provided, however, That no orders shall be is-
sued to the officer or deputy, assistant or other employees
until the officer has filed a detailed monthly statement
with the county treasurer and has filed with the county
clerk a duplicate copy thereof, together with a receipt
from the county treasurer, showing that he has paid into
the county treasury all fees, costs, percentages, commis-
sions, allowances, compensation, income and all other
perquisites of whatever kind that have been collected
during such month, as shown by such statement.

CHAPTER 35
(House Bill No. 496—By Mr. Booth and Mrs. Walker)

AN ACT to amend and reenact section five and sections five-
(one) through section five-five (fifty-six), inclusive, article
two, chapter eleven of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to salaries of assessors.
Article 2. Assessors.

Section
5. Annual salary of assessors.
5-(1) to 5-(55). Salaries of assessors in the various counties of the state.
5-(56). Additional compensation; salaries paid out of county fund.

Be it enacted by the Legislature of West Virginia:

That section five and sections five-(one) through section five-(fifty-six), inclusive, article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. **Annual Salary of Assessors.**—The annual salary of the assessor in each county shall, on and after January one, one thousand nine hundred fifty-seven, be in the amounts set forth in sections five-(one) to five-(fifty-five), inclusive, of this article.

Sec. 5-(1). **Barbour County.**—For the county of Barbour, two thousand four hundred dollars.

Sec. 5-(2). **Berkeley County.**—For the county of Berkeley, three thousand six hundred dollars.

Sec. 5-(3). **Boone County.**—For the county of Boone, four thousand three hundred dollars.

Sec. 5-(4). **Braxton County.**—For the county of Braxton, three thousand dollars.

Sec. 5-(5). **Brooke County.**—For the county of Brooke, four thousand two hundred dollars.

Sec. 5-(6). **Cabell County.**—For the county of Cabell, five thousand dollars.

Sec. 5-(7). **Calhoun County.**—For the county of Calhoun, two thousand five hundred dollars.

Sec. 5-(8). **Clay County.**—For the county of Clay, two thousand seven hundred dollars.
Sec. 5-(9). **Doddridge County.**—For the county of Doddridge, two thousand five hundred dollars.

Sec. 5-(10). **Fayette County.**—For the county of Fayette, not less than four thousand two hundred dollars nor more than four thousand eight hundred dollars, to be fixed by the county court.

Sec. 5-(11). **Gilmer County.**—For the county of Gilmer, two thousand one hundred dollars.

Sec. 5-(12). **Grant County.**—For the county of Grant, two thousand two hundred dollars.

Sec. 5-(13). **Greenbrier County.**—For the county of Greenbrier, four thousand dollars.

Sec. 5-(14). **Hampshire County.**—For the county of Hampshire, two thousand four hundred dollars.

Sec. 5-(15). **Hancock County.**—For the county of Hancock, four thousand dollars.

Sec. 5-(16). **Hardy County.**—For the county of Hardy, two thousand five hundred dollars.

Sec. 5-(17). **Harrison County.**—For the county of Harrison, six thousand dollars.

Sec. 5-(18). **Jackson County.**—For the county of Jackson, two thousand four hundred dollars.

Sec. 5-(19). **Jefferson County.**—For the county of Jefferson, three thousand dollars.

Sec. 5-(20). **Kanawha County.**—For the county of Kanawha, seven thousand five hundred dollars.

Sec. 5-(21). **Lewis County.**—For the county of Lewis, two thousand six hundred dollars.

Sec. 5-(22). **Lincoln County.**—For the county of Lincoln, three thousand two hundred dollars.

Sec. 5-(23). **Logan County.**—For the county of Logan, five thousand five hundred dollars.

Sec. 5-(24). **Marion County.**—For the county of Marion, five thousand two hundred dollars.
Sec. 5-(25). Marshall County.—For the county of Marshall, three thousand six hundred dollars.

Sec. 5-(26). Mason County.—For the county of Mason, three thousand dollars.

Sec. 5-(27). McDowell County.—For the county of McDowell, four thousand eight hundred dollars.

Sec. 5-(28). Mercer County.—For the county of Mercer, five thousand dollars.

Sec. 5-(29). Mineral County.—For the county of Mineral, three thousand six hundred dollars.

Sec. 5-(30). Mingo County.—For the county of Mingo, four thousand eight hundred dollars.

Sec. 5-(31). Monongalia County.—For the county of Monongalia, four thousand dollars.

Sec. 5-(32). Monroe County.—For the county of Monroe, one thousand eight hundred dollars.

Sec. 5-(33). Morgan County.—For the county of Morgan, two thousand dollars.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, two thousand eight hundred dollars.

Sec. 5-(35). Ohio County.—For the county of Ohio, four thousand two hundred dollars.

Sec. 5-(36). Pendleton County.—For the county of Pendleton, two thousand dollars.

Sec. 5-(37). Pleasants County.—For the county of Pleasants, two thousand four hundred dollars.

Sec. 5-(38). Pocahontas County.—For the county of Pocahontas, two thousand four hundred dollars.

Sec. 5-(39). Preston County.—For the county of Preston, three thousand six hundred dollars.

Sec. 5-(40). Putnam County.—For the county of Putnam, three thousand dollars.
Sec. 5-(41). Raleigh County.—For the county of Raleigh, five thousand five hundred dollars.

Sec. 5-(42). Randolph County.—For the county of Randolph, four thousand eight hundred dollars.

Sec. 5-(43). Ritchie County.—For the county of Ritchie, two thousand eight hundred dollars.

Sec. 5-(44). Roane County.—For the county of Roane, two thousand six hundred dollars.

Sec. 5-(45). Summers County.—For the county of Summers, two thousand two hundred dollars.

Sec. 5-(46). Taylor County.—For the county of Taylor, three thousand two hundred dollars.

Sec. 5-(47). Tucker County.—For the county of Tucker, two thousand eight hundred dollars.

Sec. 5-(48). Tyler County.—For the county of Tyler, three thousand dollars.

Sec. 5-(49). Upshur County.—For the county of Upshur, two thousand two hundred dollars.

Sec. 5-(50). Wayne County. — For the county of Wayne, four thousand five hundred dollars.

Sec. 5-(51). Webster County.—For the county of Webster, two thousand three hundred dollars.

Sec. 5-(52). Wetzel County.—For the county of Wetzel, two thousand eight hundred dollars.

Sec. 5-(53). Wirt County.—For the county of Wirt, one thousand eight hundred dollars.

Sec. 5-(54). Wood County.—For the county of Wood, five thousand dollars.

Sec. 5-(55). Wyoming County.—For the county of Wyoming, four thousand five hundred dollars.

Sec. 5-(56). Additional Compensation; Salaries Paid Out of County Fund.—In addition to the above salary each assessor shall receive a commission of ten per cent on all
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4 state school, road and municipal capitation taxes collected by him. The salaries of assessors and their deputies, assistants and employees shall be paid out of the county fund at the time and in the manner now provided by law for paying other county officers.

CHAPTER 36

(House Bill No. 81—By Mr. Francis)

AN ACT to amend article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding a new section thereto, to be designated section ten, relating to the expenses of assessors.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Assessors.

Section 10. Expenses of assessors.

Be it enacted by the Legislature of West Virginia:

That article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding a new section thereto, to be designated section ten, to read as follows:

Section 10. Expenses of Assessors.—The county court of each county may allow the assessor or any deputy assessor when engaged in the assessment of property for the purpose of taxation, an amount not exceeding seven cents per mile for each mile the assessor or deputy assessor is required to drive his personally owned car. Every assessor shall file monthly, under oath, a full and accurate account of all his actual and necessary mileage mentioned in this section, supported by verified accounts for his deputies before payment thereof shall be allowed by the county court.
CHAPTER 37
(House Bill No. 202—By Mr. Richardson, of Mercer)

AN ACT to amend and reenact section one-i, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the terms of the circuit court of the ninth circuit.

[Passed March 3, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Circuit Courts; Circuit, Criminal and Intermediate Judges.

Section 1-i. Ninth circuit.

Be it enacted by the Legislature of West Virginia:
That section one-i, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1-i. Ninth Circuit.—For the county of Mercer, on the second Monday in February, May, August, and November.

CHAPTER 38
(Senate Bill No. 330—By Mr. Jackson, of Lincoln)

AN ACT to amend and reenact section one-y, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the terms of court of the twenty-fifth judicial circuit.

[Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Circuit Courts; Circuit, Criminal and Intermediate Judges.

Section 1-y. Twenty-fifth circuit.
Be it enacted by the Legislature of West Virginia:

That section one-y, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1-y. Twenty-fifth Circuit.—For the county of Boone, on the third Monday in January and the fourth Monday in April and August.
For the county of Lincoln, on the second Monday in March, June and November.

CHAPTER 39
(House Bill No. 179—By Mr. Seibert and Mr. Davis)

AN ACT to amend article nine, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six-a, relating to eligibility for and payment of retirement benefits to judges over sixty-five years of age.

[Passed February 18, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 9. Retirement System for Judges of Courts of Record.

Section
6-a. Eligibility benefits; service and retirement of judges over sixty-five years of age.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, to be designated section six-a, to read as follows:

Section 6-a. Eligibility Benefits; Service and Retirement of Judges over Sixty-five Years of Age.—Any judge of a court of record of this state, who shall have served for a period of not less than eight full years after attaining the age of sixty-five years and who shall have made payments into the judges' retirement fund as provided in this article
for each month during which he served as such judge following the effective date of this section, shall be subject to all the applicable terms and provisions of this article, not inconsistent with the provisions hereof, and shall receive retirement benefits in an amount equal to one-half the salary received by him during his last year of service as such judge, payable in monthly installments. If such judge shall become incapacitated to perform his said duties before the expiration of his said term and after serving for six years thereof, and upon the acceptance of his resignation as in this article provided, he shall be paid the annual retirement benefits as herein provided so long as he shall live. The provisions of this section shall prevail over any language to the contrary in this article contained.

CHAPTER 40
(House Bill No. 346—By Mr. Fumich)

AN ACT to amend and reenact section two-a, article six, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to recognizances in criminal cases.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Recognizances in Criminal Cases.

Section 2-a. Cash deposits as recognizance without surety.

Be it enacted by the Legislature of West Virginia:

That section two-a, article six, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2-a. Cash Deposits as Recognizance without Surety.—Whenever a person arrested on a criminal charge has been admitted to bail by a court or an officer authorized by law so to do, for his appearance before any court,
judge or justice, he may, instead of entering into a recognizance with surety as required by law, give his personal recognizance and deposit, or cause to be deposited for him, in cash, the amount of bail he is required to furnish, with the clerk of the circuit court of the county, or with the clerk of any other court in which he was admitted to bail, and the clerk with whom such deposit is made shall give him a certificate thereof, and upon delivering said certificate to the court or officer admitting him to bail, he shall be ordered to be released: Provided, however, That in the event the court before which he is to appear be the mayor's court, or the police court of any municipality of this state, then in such event, the deposit in cash of the amount of bail he is required to furnish may be deposited with the mayor, chief of police, desk sergeant, acting desk sergeant, town sergeant, clerk or deputy clerk of the police court, or of the mayor's court, town recorder, or such other person as may be designated by the governing body of such municipality by proper ordinance. A proper certificate or receipt shall be furnished as evidence of such deposit, and upon delivery of such certificate or receipt to the court or officer admitting him to bail, he shall be ordered to be released. Any such officer of any such municipality authorized to receive any such deposit, in lieu of a recognizance with surety, shall at the time of receiving such deposit, advise the defendant of the place, day and hour of his trial, and such certificate or receipt shall likewise contain information of the place, day and hour of the trial of such defendant.

If there be no default in the observance of the conditions of the recognizance, then, upon the termination of the proceedings, the money so deposited, shall, by order of the trial court or justice, be refunded to the defendant, or upon his order; but if there be any such default, the same action shall be taken, and the same proceedings had, with like rules governing, so far as applicable, as if the recognizance had been with surety instead of with cash deposit aforesaid, and the clerk having the money shall dispose of the same, if there be a judgment of forfeiture, in the same manner as other money received on account of forfeited recognizances is required to be disposed of.
The defendant may surrender himself at any time before default in the same manner as sureties may surrender their principal, and the money so deposited shall thereupon, by order of the court or officer to which or to whom such surrender was made, be returned to the defendant or on his order.

This act shall be deemed as authority authorizing municipalities of this state and the courts thereof to accept cash deposits in lieu of a recognizance with surety and shall be construed to authorize and empower any municipal officer, agent or official herein mentioned or as may be designated by the governing body of any municipality to receive cash deposit in lieu of a recognizance with surety, and to authorize the proper official of any municipality to receive the proceeds of any such cash deposit after the same has been forfeited as herein provided and apply the same to any proper municipal purpose as directed by the governing body thereof.

CHAPTER 41

(House Bill No. 41—By Mr. White)

AN ACT to amend and reenact section ten, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to violation of probation; revocation and arrest.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section
10. Violation of probation; revocation and arrest.

Be it enacted by the Legislature of West Virginia:

That section ten, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 10. Violation of Probation; Revocation and Arrest.—If at any time during the period of probation there shall be reasonable cause to believe that the probationer has violated any of the conditions of his probation, the probation officer may arrest him with or without an order or warrant, or the court which placed him on probation, or the judge thereof in vacation, may issue an order for his arrest, whereupon he shall be brought before the court, or the judge thereof in vacation, for a prompt and summary hearing. If it shall then appear to the satisfaction of the court or judge that any condition of probation has been violated, the court or judge may revoke the suspension of imposition or execution of sentence, impose sentence if none has been imposed, and order that sentence be executed. In computing the period for which the offender is to be imprisoned, the time between his release on probation and his arrest shall not be taken to be any part of the term of his sentence. If, despite a violation of the conditions of probation, the court or judge shall be of the opinion that the interests of justice do not require that the probationer serve his sentence, the court or judge may, except when the violation was the commission of a felony, again release him on probation.

CHAPTER 42

(Com. Sub. for Senate Bill No. 395—Originating in the Senate Committee on the Judiciary)

AN ACT to amend and reenact sections twelve and thirteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to repeal section sixteen of said article of said chapter; and to amend article twelve of said chapter by adding thereto a new section, to be designated section thirteen-a, all relating to the improvement and clarification of the procedure of probation and parole.

[Passed March 12, 1965; in effect ninety days from passage. Approved by the Governor.]

Section
12. Board of probation and parole.
13. Powers and duties of the board; eligibility; notice.
13-a. Eligibility date for parole.

Be it enacted by the Legislature of West Virginia:

That sections twelve and thirteen, article twelve, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that section sixteen of said article of said chapter be repealed, and that article twelve of said chapter be amended by adding thereto a new section, to be designated section thirteen-a, all to read as follows:

Section 12. Board of Probation and Parole.—There shall be a state board of probation and parole, known as the "West Virginia Board of Probation and Parole." The board shall consist of three members, not more than two of whom shall at any one time belong to the same political party. The board shall be appointed by the governor by and with the advice and consent of the senate. Each member of the board shall have had experience in the fields of social science or administration of penal institutions and shall be familiar with the principles, practices and problems thereof and shall be otherwise competent to perform the duties of his office. The members shall be appointed for overlapping terms of six years, except that the original appointments shall be for terms of two, four and six years, respectively, such appointments to be made beginning on the first day of July, one thousand nine hundred fifty-three. Any member shall be eligible for reappointment. The members shall receive an annual salary, to be fixed by the governor, not to exceed seventy-two hundred dollars and necessary expenses incurred in the discharge of their official duties. The members of the board shall devote their full time and attention to their duties as members thereof.

Sec. 13. Powers and Duties of the Board; Eligibility; Notice.—The board of probation and parole, whenever it shall be of the opinion that the best interests of the
state and of the prisoner will be subserved thereby, and
subject to the limitations hereinafter provided, shall have
authority to release any such prisoner on parole for such
terms and upon such conditions as are provided by this
article. Any prisoner of a penitentiary of this state, to
be eligible for parole,

(1) Shall have served the minimum term of his indeterminate sentence, or shall have served one-third of his definite term sentence, as the case may be;
(2) Shall not be under punishment or in solitary confinement for any infraction of prison rules;
(3) Shall have maintained a record of good conduct in prison for a period of at least three months immediately preceding the date of his release on parole;
(4) Shall have satisfied the board that, if released on parole, he will conduct himself in a lawful manner and that his release is not incompatible with the best interests and welfare of society generally.

Except in the case of one serving a life sentence, no person who has been previously twice convicted of felony may be released on parole until he has served the minimum term provided by law for the crime for which he was convicted. No person sentenced for life may be paroled until he has served ten years, and no person sentenced for life who has been previously twice convicted of felony may be paroled until he has served fifteen years.

In the case of a person sentenced to any penal institution of this state, it shall be the duty of the board, as soon as such person becomes eligible, to consider the advisability of his or her release on parole. If, upon such consideration, parole be denied, the board shall at least once a year reconsider and review the case of every prisoner so eligible, which reconsideration and review shall be by the entire board. If parole be denied, the prisoner shall be promptly notified.

In the case of any person sentenced to or confined under sentence in any city or county jail in this state, the board shall act only upon written application for parole. If such jail prisoner be under sentence on a felony conviction, the provisions hereof relating to penitentiary prisoners shall apply to and control his release on parole. If such
person be serving time on a misdemeanor conviction, he shall be eligible for parole consideration, upon receipt of his written parole application and after time for probation release by the sentencing court or judge has expired. The board shall, with the approval of the governor, adopt rules and regulations governing the procedure in the granting of parole. No provision of this article and none of the rules and regulations adopted hereunder are intended or shall be construed to contravene, limit or otherwise interfere with or affect the authority of the governor to grant pardons and reprieves, commute sentences, remit fines or otherwise exercise his constitutional powers of executive clemency.

The board shall have general supervisory control over all court or county probation officers. It shall be charged with the duty of supervising all probationers and parolees whose supervision may have been undertaken by this state by reason of any interstate compact entered into pursuant to the uniform act for out-of-state parolee supervision.

When considering a penitentiary prisoner for release on parole, the board of parole shall have before it an authentic copy of or report on the prisoner's current criminal record as provided through the department of public safety of West Virginia, the United States department of justice or other reliable criminal information sources and written reports of the warden or superintendent of the penitentiary, as the case may be, to which such prisoner is sentenced,

(1) On the prisoner's conduct record while in prison, including a detailed statement showing any and all infractions of prison rules by the prisoner and the nature and extent of discipline and punishment administered therefor;
(2) On improvement or other changes noted in the prisoner's mental and moral condition while in prison, including a statement expressive of the prisoner's current attitude toward society in general, toward the judge who sentenced him, toward the prosecuting attorney who prosecuted him, toward the policeman or other officer who
arrested him and toward the crime for which he is under sentence and his previous criminal record;
(3) On the prisoner's industrial record while in prison, showing the nature of his prison work or occupation and the average number of hours per day he has been employed in prison industry and recommending the nature and kinds of employment which he is best fitted to perform and in which he is most likely to succeed when he leaves prison;
(4) On physical, mental and psychiatric examinations of the prisoner conducted, insofar as practicable, within the two months next preceding parole consideration by the board.

The board may waive the requirement of any such report when not available or not applicable as to any prisoner considered for parole but, in every such case, shall enter in the record thereof its reason for such waiver.

Before releasing any penitentiary prisoner on parole, the board of parole shall arrange for him to appear in person before the board and the board may examine and interrogate him on any matters pertaining to his parole, including reports before the board made pursuant to the provisions hereof. The board shall reach its own written conclusions as to the desirability of releasing such prisoner on parole. The warden or superintendent shall furnish all necessary assistance and cooperate to the fullest extent with the board of parole. All information, records and reports received by the board shall be kept on permanent file.

The board and its designated agents shall at all times have access to inmates imprisoned in any penal or correctional institutions of this state or in any city or county jail in this state, and shall have power to obtain any information or aid necessary to the performance of their duties from other departments and agencies of the state or from any political subdivision thereof.

The board shall, if so requested by the governor, investigate and consider all applications for pardon, reprieve or commutation, and shall make recommendation thereon to the governor.
Sec. 13-a. Eligibility Date for Parole.—When the prisoner has received an indeterminate sentence, the minimum sentence shall be considered as an eligibility date for parole consideration, but does not confer in the prisoner the right to be released as of that date.

CHAPTER 43
(House Bill No. 132—By Mr. Maxwell)

AN ACT to amend and reenact section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to curative provisions respecting deeds and other writings and the recordation thereof.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 2. Validation of instruments, acknowledgments and records.

Be it enacted by the Legislature of West Virginia:

That section two, article eleven, chapter thirty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Validation of Instruments, Acknowledgements and Records.—No deed or other writing conveying or purporting to convey or release or assign real estate, or any interest therein, or to create any power of attorney relating to real estate or any interest therein, heretofore made or executed and delivered by any person or persons whomsoever, or by a husband and wife to a bona fide purchaser for good and valuable consideration, and acknowledged by him or them before an officer duly authorized by law to take such acknowledgments, if such deed, writing or power of attorney was made, executed,
acknowledged and delivered prior to the day this act takes effect, shall be deemed, held or adjudged invalid, or defective, or insufficient in law or in equity, by reason of any informality or omission in setting forth the particulars of the acknowledgment made before such officer aforesaid in the certification thereof, or in stating the official character of such officer, or the place of taking the acknowledgment, or by reason of the fact that the wife executed such instrument prior to the execution thereof by the husband, or by reason of the fact that the parties making or executing the instrument or writing, or any of them omitted to seal the same, or by reason of the fact that the official taking the acknowledgment omitted his official seal, or by reason of the failure to set forth the date of the deed or other writing or the date of the acknowledgment in the certification thereof, or by reason of the failure to set forth correctly the date of the deed or other writing or the date of the acknowledgment in the certification thereof; and if a period of ten years has elapsed from the date of recordation of any deed or other writing, and if said deed or other writing has an acknowledgment considered defective for any reason, then every such deed or other writing shall be as good, valid and effectual in law as if the law with respect to acknowledgments and seals, in force at the date of such acknowledgment had been fully complied with; and the record of the same duly made in the proper office for recording deeds in the state of West Virginia, or in the state of Virginia before formation of West Virginia, and exemplifications of the same duly certified, shall be legal evidence in all cases in which the original would be competent evidence: Provided, however, That this section shall not apply to suits now pending and undetermined insofar as it amends laws existing at the time such pending suits were instituted, nor to any suit that may be brought within one year after the day this act takes effect, insofar as it amends laws existing at the time this act takes effect; nor shall this section apply to any deed or other writing which has heretofore been declared or held invalid by any court of competent jurisdiction.
CHAPTER 44

(Com. Sub. for House Bill No. 251—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section fourteen, article two, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the disposition by the director of purchases of commodities.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Sales, Purchases or Contracts.

Section 14. Disposition by director of commodities; application of proceeds from sale.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article two, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 14. Disposition by Director of Commodities; Application of Proceeds From Sale.—The director shall have the exclusive power and authority to make disposition of commodities or expendable commodities now owned or in the future acquired by the state, when any such commodities are or shall have become obsolete, unusable or are not being used, or need to be replaced, and are so reported in writing by the department owning or having custody or control thereof as available for the director's disposition.

It shall be the duty of the director to determine what commodities or expendable commodities should be disposed of and he shall make such disposition in the manner which in his opinion will be most advantageous to the state, either by transferring the particular commodities or expendable commodities between departments, by
trading in such commodities as a part payment on the
purchase of new commodities, or by sale thereof to the
highest bidder by means of public auctions or sealed bids
after having first advertised the time, terms and place
of such sale once a week for two successive weeks in some
newspaper published or having general circulation in the
county wherein the sale is to be conducted. The director
shall have the authority to sell to the highest bidder or
to any one or more of the highest bidders if there be more
than one, or if in his opinion the best interest of the state
will be served, to reject all bids. Upon the transfer of
commodities or expendable commodities between depart-
ments, the director shall set the price to be paid by the
receiving department with due consideration to current
market prices. The proceeds of such sales or transfers
shall be deposited in the state treasury to the credit on
a pro rata basis of the fund or funds out of which the
purchase of the particular commodities or expendable
commodities was made.

This section shall not apply to the sale of farm and dairy
products, livestock, and products or merchandise of in-
stitutional industries or state proprietary enterprises.

CHAPTER 45

(House Bill No. 236—By Mr. Loop)

AN ACT to amend and reenact section one, article four, chapter
eighteen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to the election
and term of county superintendents.

[Passed February 22, 1955; In effect ninety days from passage. Approved by the
Governor.]

Article 4. County Superintendent of Schools.

Section
1. Election and term.
Be it enacted by the Legislature of West Virginia:

That section one, article four, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Election and Term.—The superintendent shall be elected by the board to serve for a term of not less than one, nor more than four years. At the expiration of the term or terms for which he shall have been elected, each superintendent shall be eligible for reelection for additional terms of not less than one, nor more than four years: Provided, however, That at the expiration of his term or terms of service he shall be given the status of teacher in the system unless dismissed for statutory reasons. Such election shall be held on the first Monday in June, and the person so elected shall take office on the first day of July following. A superintendent who fills a vacancy caused by an incomplete term shall be appointed to serve until the following first day of July. The president of the board, immediately upon the election of the superintendent, shall certify the election to the state superintendent of schools. The superintendent in office on the effective date of this act shall continue in office until the expiration of his term.

CHAPTER 46

(House Bill No. 287—By Mr. McCormick and Mr. Stevens)

AN ACT to amend and reenact section thirty-five, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to deductions from salaries of county board employees for group insurance premiums.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 5. District Board of Education.

Section

35. Group insurance.
Be it enacted by the Legislature of West Virginia:

That section thirty-five, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 35. Group Insurance.—Whenever a majority of the fulltime instructional and administrative employees of a county board of education, or a majority of the full-time non-teaching employees of said board shall indicate in writing to the board of education that it has subscribed to an automobile, a life, health and accident, hospitalization or surgery insurance, or death benefit plan on a group basis, and such majority has selected a licensed insurance agent or a company duly licensed to do business in this state to write or provide for any one or more of such group insurance, or death benefit coverages, the board may make proper periodical premium deductions from the regular salary of any such employee as specified in a written assignment furnished it by each such employee subscribing thereto, and pay the aggregate of such salary deductions over to the insurance company or companies or voluntary association so selected.

For the purpose of this act when an employee shall have attained the age of eighteen years, the said employee may be eligible to participate in the defined group plans.

CHAPTER 47

(Com. Sub. for House Bill No. 262—Originating in the House Committee on Education)

AN ACT to amend and reenact section forty-two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to supplementation of retirement incomes.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Teachers.

Section 42. Teachers’ retirement fund.
Be it enacted by the Legislature of West Virginia:

That section forty-two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 42. Teachers' Retirement Fund.—Boards of education of districts and independent school districts shall have authority to establish and maintain a teachers' retirement fund for both teachers and non-teaching employees of their districts. The administration of such funds shall be in accordance with the rules and regulations of the state board of education relating thereto. Any boards of education which provide such retirement funds shall have authority to maintain the teachers' retirement fund for teachers out of the school current expense fund in accordance with said rules and regulations, and any boards of education which provide such retirement fund for non-teaching employees shall have authority to maintain the same out of the operating or maintenance fund in accordance with said rules and regulations.

CHAPTER 48

(House Bill No. 48—By Mr. McCormick and Mr. Loop)

AN ACT to amend and reenact sections thirteen, fourteen, eighteen and twenty-three, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state teachers' retirement system.

[Passed March 12, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 7-a. State Teachers' Retirement System.

Section
13. Membership in system; payments for membership rights.
14. Contributions by members.
18. Funds created; uses and purposes.
23. Withdrawal and death benefits.
Be it enacted by the Legislature of West Virginia:

That sections thirteen, fourteen, eighteen and twenty-three, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 13. Membership in System; Payments for Membership Rights.—The membership of the retirement system shall consist of the following:

(a) All persons, except new entrants, employed as teachers at the time they become eligible for membership who, within a year after becoming eligible for membership, notify the retirement board in writing of their decision to become members. Any such persons who fail to notify the board shall automatically be constituted members one year after they become eligible, unless the retirement board receives written notice from them declining membership in the system.

(b) New entrants, whose membership in the system shall be compulsory upon employment as teachers. The membership of any person in the retirement system shall cease:

(1) Upon the withdrawal of his accumulated contributions after the cessation of teaching service, or (2) upon retirement, or (3) at death, or (4) if service amounts to less than five years in any period of ten consecutive years. For the sole purpose of preventing loss of membership under subsection four, a deposit by the member to his individual account in the teachers accumulation fund of an amount equalling his last annual contribution shall be deemed the equivalent of one year of service.

Any former member of the retirement system who has withdrawn his accumulated contributions but subsequently reenters the retirement system shall be permitted to repay to the retirement fund the amount withdrawn, plus payment for absence as provided herein, and shall be accorded all the rights to prior service and experience as he held at the time of withdrawal of such accumulated contributions.
Any person in subsection (a) of this section who elects to become a member after having declined to accept membership, shall be permitted to enter the retirement system, but shall be accorded only the rights of a new entrant, unless he deposits in the reserve fund twenty-five dollars for each year of his prior service. After making such a deposit, he shall be deemed a present teacher, and may elect to contribute retroactively to retirement account for those years, if any, during which he served as a teacher but elected not to contribute. No member shall be eligible for prior service credit unless he is eligible for prior service pension, as prescribed by section twenty-two of this article; however, a new entrant who becomes a present teacher as provided in this paragraph shall be deemed eligible for prior service pension upon retirement.

Sec. 14. Contributions by Members.—At the end of each month, every member of the retirement system shall contribute six per cent of his monthly earnable compensation to the retirement board, but in no case shall such contributions by any member exceed one hundred eighty-four dollars in any fiscal year. Such contributions shall be deemed to include the annual supplementary fee of the contributor, determined as hereinafter provided, which fee shall be used to help finance the additional retirement benefit provided for in subsection (e), section twenty-six of this article. Annually, the contributions of each member, minus his supplementary fee, shall be credited to his account in the teachers accumulation fund. The contributions shall be deducted from the salaries of the members as herein prescribed, and every member shall be deemed to have given his consent to such deductions. No deductions, however, shall be made from the earnable compensation of any teacher who retired because of age or service, and then resumed service as a teacher.

The retirement board shall each year determine to the nearest dollar the amount of the supplementary fee to be paid by each member, so that the sum of such fees paid by all members shall be sufficient to defray one-half of the cost of the retirement benefit provided for in subsec-
tion (e), section twenty-six of this article. The amount so fixed shall not exceed twenty dollars, nor shall it in any case exceed one per cent of the annual earnable compensation of the member. All supplementary fees shall be deposited in the benefit fund.

The aggregate of employer contributions, due and payable under this article, shall equal annually the total deductions from the earnable compensation of members required by this section. All employer contributions shall be credited to the employer's accumulation fund, from which fund an amount equalling annually the supplementary fees of members, shall be transferred to the benefit fund.

Payment by an employer to a member of the sum specified in the employment contract minus the amount of the employee's contributions shall be deemed to be a full discharge of the employer's contractual obligations as to earnable compensation.

Each contributor shall file with the retirement board or with the employer to be forwarded to the retirement board an enrollment form showing his date of birth and other data needed by the retirement board. Upon notice from the retirement board to the employer that a contributor has failed to file such form as prescribed, the employer shall withhold the salary of the contributor until the needed form is filed with the retirement board.

Sec. 18. Funds Created; Uses and Purposes.—The funds created are the teachers accumulation fund, the employers accumulation fund, the benefit fund, the reserve fund, and the expense fund. Each fund shall constitute a separate trust.

(a) The teachers accumulation fund shall be the fund in which the contributions of members shall be accumulated. The accumulated contributions of a member returned to him upon his withdrawal, or paid to his estate or designated beneficiary in the event of death, shall be paid from the teachers accumulation fund. Any accumulated contributions forfeited by failure to claim such contributions shall be transferred from the teachers accumulation fund to the reserve fund.
Any member or any employer is hereby authorized and shall be permitted to deposit in the teachers accumulation fund for the account of any member any amounts in multiples of fifty dollars.

(b) Contributions of employers, equalling annually the members contributions, shall be accumulated in the employers accumulation fund through state appropriations. Upon the retirement of a member, the employers contributions shall be transferred from the employers accumulation fund to the benefit fund.

(c) The benefit fund shall be the fund from which annuities shall be paid. Upon the retirement of a member, his accumulated contributions shall be transferred from the teachers accumulation fund to the benefit fund; the accumulated employers contribution shall be transferred from the employers accumulation fund to the benefit fund; and annually a sum for prior service pension and disability credits, if needed, shall be transferred from the reserve fund to the benefit fund.

(d) The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into possession of the retirement system in this manner or which may be transferred from the teachers accumulation fund by reason of the lack of a claimant or because of a surplus in any of the funds; or any other moneys the disposition of which is not otherwise provided for shall be credited to the reserve fund. The retirement board shall allow interest on the contributions in the teachers accumulation fund. Such interest shall be paid from the reserve fund and credited to the teachers accumulation fund. Any deficit occurring in any fund which would not be automatically covered by the payments to that fund as otherwise provided by this article shall be met by transfers from the reserve fund to such fund. In the reserve fund shall be accumulated moneys from retirement board appropriations to pay the accrued liabilities of the system, caused by the granting of prior service and disability pensions. Costs associated with board investments such as
premiums, accrued interest, and commissions, shall be paid from the reserve fund.

(e) The expense fund shall be the fund from which shall be paid the expense incurred in the administration of the retirement system. The retirement board is here-with authorized to pay, from the expense fund, mem-
bership fees in such voluntary organizations as the Na-
tional Council on Teacher Retirement, anything in this code to the contrary notwithstanding. Interest earned on loans to members shall be deposited in the expense fund.

The retirement board is herewith given sole authority to direct and approve the making of any and all fund transfers as provided herein, anything in this code to the contrary notwithstanding.

Sec. 23. Withdrawal and Death Benefits.—Benefits upon withdrawal from service prior to retirement under the provisions of this article shall be as follows:

(a) A contributor who withdraws from service as a teacher for any cause other than death or retirement shall, on demand, be paid his accumulated contributions plus refund interest up to but not including the date of his last contribution, if he is then no longer under contract, verbal or otherwise, to serve as a teacher; however, if such member has withdrawn from membership in the past, then he will not be eligible for withdrawal again until six months after last quitting service; or

(b) If such contributor has completed twenty years of total service he may elect to receive at retirement age an annuity which shall be computed as provided in this article. The contributor must notify the retirement board in writing concerning such election.

Benefits upon the death of a contributor prior to re-
tirement under the provisions of this article shall be as follows:

(1) If the contributor was at least fifty years old, and if his total service as a teacher was at least twenty-five years at the time of his death, then the surviving spouse
of the deceased shall be deemed eligible for an annuity which shall be computed as though the deceased were actually a retired teacher at the time of death, and had selected a survivorship option which pays such spouse the same monthly amount which would have been received by the deceased; or

(2) If the facts do not permit payment under the preceding paragraph (1), then the following sum shall be paid to the refund beneficiary of the contributor: his accumulated contributions with refund interest up to the year of his death plus one-half of the amount of his accumulated contributions. The latter sum shall emanate from the employers accumulation fund.

CHAPTER 49
(Senate Bill No. 121—By Mr. Amos)

AN ACT to amend article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section thirteen-b, relating to the eligibility of certain employees of the board of governors of West Virginia University for membership in the state teachers' retirement system, and providing for payment of their contributions for membership in the federal civil service retirement system.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7-a. State Teachers' Retirement System.

Section 13-b. Eligibility for membership of certain agricultural extension employees of West Virginia university; payment of their contributions to federal civil service retirement system.

Be it enacted by the Legislature of West Virginia:

That article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
be amended by adding thereto a new section, to be designated section thirteen-b, to read as follows:

Section 13-b. Eligibility for Membership of Certain Agricultural Extension Employees of West Virginia University; Payment of Their Contributions to Federal Civil Service Retirement System.—Notwithstanding any other provision of this article to the contrary, any present member of the retirement system who as an employee of the board of governors in the agricultural extension division of West Virginia University holds a federal appointment, making him eligible for membership in the federal civil service retirement system, shall have an option to terminate his membership in the state teachers' retirement system at any time within twelve months after the effective date hereof, or to continue his membership if he so desires. If he elects to terminate his membership, he shall be entitled to withdrawal benefits similar to those that are provided in section twenty-three of this article for members who withdraw from service prior to retirement, and he shall be required to join the federal civil service retirement system. Any future employee in the agricultural extension division who is eligible for membership in the federal civil service retirement system shall be required to join that system, and shall be ineligible for membership in the state teachers' retirement system.

The board of governors shall have the authority and shall be required to withhold from each salary payment due any employee in the agricultural extension division, who is a member of the federal civil service retirement system, the amount of the contribution he is required to make to the federal treasury for such membership. Upon proper requisition of the board, the auditor shall periodically issue a warrant payable to the treasurer of the United States for the total membership contributions so withheld from the salaries of all employees in the agricultural extension division.
CHAPTER 50
(House Bill No. 6—By Mr. Schupbach)

AN ACT to amend and reenact section three, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to collection and disbursement of school money by sheriff, the signing of orders for the payment of money issued by the boards of education, providing a penalty for the forgery of signatures to orders for the payment of money, and continuing certain high schools.

[Passed February 9, 1955; in effect from passage. Approved by the Governor.]

Article 9. School Finances.

Section
3. Collection and disbursement of school money by sheriff; signing of orders for payment of money issued by boards of education; forgery of signatures; penalty; continuance of certain high schools.

Be it enacted by the Legislature of West Virginia:

That section three, article nine, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Collection and Disbursement of School Money by Sheriff; Signing of Orders for Payment of Money Issued by Boards of Education; Forgery of Signatures; Penalty; Continuance of Certain High Schools.

The sheriff shall receive, collect and disburse all levies and other school money for the district. He shall keep accounts of the money belonging to the several funds and shall credit and charge every amount to the fund to which it belongs. The sheriff shall pay money only upon the order of the board. The order shall specify the amount to be paid, the purpose for which it is paid, and the fund to which it shall be charged. The order shall be signed by the president and shall be countersigned by the secretary:

Provided, however, That such signatures and the signa-
ture of the sheriff authorizing the payment of such orders
by a county depository may be made by means of such
mechanical or electrical device as the board may select.
Such mechanical or electrical device for the making of
the signatures of the president and secretary shall be
safely kept in the office of the secretary of the board so
that no one shall have access thereto except the president
and secretary of the board and such of their respective
employees as may be authorized to have access thereto.
Such mechanical or electrical device for the making of the
signature of the sheriff shall be safely kept in the office of
the sheriff so that no one shall have access thereto except
the sheriff and such of his deputies as may be authorized
to have access thereto. If any person shall sign the names
of the president or secretary of the board of education,
without having authority so to do, by the use of any
mechanical or electrical device, or otherwise, or use the
facsimile of the signature of either of them on any order,
he shall be guilty of forgery; and if any person shall utter
or attempt to employ as true such forged order, knowing
the same to be forged, he shall, in either event, be guilty
of a felony and, upon conviction, shall be confined in the
penitentiary not less than two nor more than ten years.
Any high school which has been established and main-
tained for teacher training and other educational purposes
by any board or boards of education in connection with
state institutions of higher learning, shall be continued
and maintained in the manner provided by the act author-
izing such school; except, that the advisory authority
formerly vested in the district board or boards of educa-
tion is hereby transferred to the county board of educa-
tion; and the levy for the support of such school, formerly
laid by the district board or boards of education, shall be
laid on all the assessed property of the county, by the
county board of education. All expenditures from such
fund shall be paid on requisition issued by the county
board.
CHAPTER 51
(Senate Bill No. 124—By Mr. Amos)

AN ACT to amend article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section four-a, relating to the authority of the board of governors of West Virginia University to contract respecting physical facilities for the schools of medicine, dentistry, and nursing.

(Passed March 5, 1955; in effect from passage. Approved by the Governor.)

Article 11. West Virginia University.
Section
4-a. Contract authority for medical, dental and nursing school facilities.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, to be designated section four-a, to read as follows:

Section 4-a. Contract Authority for Medical, Dental and Nursing School Facilities.—Notwithstanding other provisions of this code to the contrary, the board of governors of West Virginia University is hereby authorized to contract for the planning, design, and construction of buildings and other physical facilities which are in its judgment suitable for the schools of medicine, dentistry and nursing, including the purchase and installation of necessary equipment, the making of sewer, water, gas, electrical and other connections, and the construction of such roadways, sidewalks, landscaping and approaches as may be required, although the total amount of such contracts may be in excess of appropriations available for the purpose at the time such contracts are made.

There is hereby authorized to be appropriated for application to or discharge of any agreement which may
be entered into under the authorization herein granted
such sums as are or may become available out of the
special medical school fund, otherwise provided by law,
and funds specially received for the purpose of assisting
such construction under the terms of any present or
future federal law, or through gift, devise, bequest, or
otherwise. Nothing herein contained shall be construed
to authorize or permit the board of governors of West
Virginia University, or any person purporting to act for
it, to create any obligation or to incur any liability other
than such obligations and liabilities as are dischargeable
solely from appropriations regularly made pursuant to
law.

CHAPTER 52
(House Bill No. 162—By Mr. Bowles)

AN ACT to amend and reenact sections twelve to eighteen,
inclusive, article eleven, chapter eighteen of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, relating to the composition, powers and duties
of the state anatomical board, and to the duties and
liabilities of persons having charge or control of unclaimed
dead human bodies, making the violation of any provision
hereof a misdemeanor, and prescribing penalties therefor.

[Passed February 22, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 11. West Virginia University.

Section
12. Anatomical board; composition; powers; duties.
13. Dead bodies subject to requisition of anatomical board; autopsies
thereon.
14. Requisition for dead bodies.
15. Transportation of dead bodies.
16. Expense of delivery.
17. Bond of anatomical board.
18. Offenses relating to anatomical board; liability and penalties.
Be it enacted by the Legislature of West Virginia:

That sections twelve to eighteen, inclusive, article eleven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 12. Anatomical Board; Composition; Powers; Duties.—The dean of the school of medicine, the dean of the school of dentistry, and the professor of anatomy in the school of medicine are hereby constituted a board, to be known as the “West Virginia Anatomical Board”, for the purpose of making requisition for, receiving, and making disposition of the dead human bodies mentioned in the following section, for the scientific uses and purposes of the West Virginia University schools of medicine, dentistry and nursing. The board shall have full power to establish rules and regulations for its own government, and for the requisition, use, disposition, and control of such bodies as may come under its authority pursuant to this article. The board shall have authority to appoint such officers, employees, and agents as may be necessary to carry out the purposes for which the board is organized. It shall keep a full and complete record of its transactions, showing among other things, every dead human body received pursuant to this article, giving name, sex, age, date of death, place from which received, when and from whom received, which record shall be open at all times to the inspection of the attorney general and any prosecuting attorney in the state.

Sec. 13. Dead Bodies Subject to Requisition of Anatomical Board; Autopsies Thereon.—All dead human bodies which may come under the charge or control of any mortician, any officer or agent of the department of public assistance or of any county court or municipality, or any superintendent, officer or agent having the supervision of any prison, morgue, hospital, or other public institution in this state, and which may be required to be buried at public expense, shall be subject to the requisition of the anatomical board as provided in the following section. But no such body shall be delivered to the board if any
person related to the deceased by blood or marriage shall
make a statement in writing to that effect, and shall claim
such body for burial, or shall make affidavit that he is
unable to bear the expense of burial and desires that the
deceased be buried at public expense. Such statement
and affidavit may be filed by any such relative with the
person having charge and control of the body of the per-
son so claimed, either before or after the death of such
person.

No autopsy shall be performed on any unclaimed body
without the written permission of the anatomical board,
except upon the proper order of a duly authorized law
enforcement officer.

Sec. 14. Requisition for Dead Bodies.—It shall be the
duty of any person who has charge or control of any
unclaimed body, subject to requisition by the anatomical
board, to give notice to the board of that fact by telephone
or telegraph within twenty-four hours after such body
comes under his control. Thereafter he shall hold the
body subject to the order of the anatomical board for at
least twenty-four hours after the sending of such notice.
If the anatomical board makes requisition for the body
within the twenty-four hour period, it shall be delivered
to the board or its authorized agent for transportation to
West Virginia University.

Sec. 15. Transportation of Dead Bodies.—The anatomical
board shall make suitable arrangements for the trans-
portation to West Virginia University of any body for
which it may make requisition as aforesaid.

Sec. 16. Expense of Delivery.—All expenses incurred in
connection with the preservation, delivery and transpor-
tation of any such body delivered to the anatomical board
shall be paid by West Virginia University.

Sec. 17. Bond of Anatomical Board.—No dead body
shall be received by the anatomical board until a bond
shall have been given by the members thereof, or by the
university on their behalf, with security approved by the
clerk of the circuit court of Monongalia county in a
6 penalty of one thousand dollars, conditioned that all
7 bodies which the board shall receive shall be used only
8 for the promotion of medical science in the schools of
9 medicine, dentistry, and nursing of West Virginia Uni-
10 versity. Such bond shall be filed with and recorded by the
11 clerk of the circuit court of Monongalia county.

Sec. 18. Offenses Relating to Anatomical Board; Liabili-
2 ty and Penalties.—Any person who shall neglect, refuse,
3 or fail to perform any duty required of him by the sec-
4 tions of this article relating to the anatomical board shall
5 be guilty of a misdemeanor, and upon conviction thereof,
6 shall be punished by a fine of not more than one hundred
7 dollars or by imprisonment in the county jail for not more
8 than ten days, or by both such fine and imprisonment. Any
9 person who fails to give the required notice that he has
10 charge of an unclaimed body, subject to requisition by the
11 anatomical board, shall also be personally liable for all
12 burial expenses, if such body was buried at public ex-
13 pense, to the public agency that paid for the burial.

CHAPTER 53

(Senate Bill No. 389—By Mr. Jackson, of Logan, by request)

AN ACT to repeal article eighteen, chapter eighteen of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, relating to the West Virginia School for the
Colored Deaf and Blind.

[Passed March 12, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 18. West Virginia School for the Colored Deaf and
Blind.

Section
1. Abolishing West Virginia school for the colored deaf and blind.

Be it enacted by the Legislature of West Virginia:

Section 1. Abolishing West Virginia School for the
2 Colored Deaf and Blind.—That article eighteen, chapter
3 eighteen of the code of West Virginia, one thousand nine
4 hundred thirty-one, as amended, be repealed.
CHAPTER 54

(Senate Bill No. 118—By Mr. Amos)

AN ACT to amend and reenact section one, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the imposition and collection of enrollment and other fees at state educational institutions.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 1-a. Fees and Other Money Collected at State Institutions.

Section

1. Enrollment and other fees at educational institutions; refund of fees.

Be it enacted by the Legislature of West Virginia:

That section one, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Enrollment and Other Fees at Educational Institutions; Refund of Fees.—The governing boards of state educational institutions shall fix enrollment, tuition, registration, and other fees for each semester or school term for the different classes or categories of students enrolling at the state educational institutions, and may include among such fees any one or more of the following: (1) Health service fees; (2) infirmary fees, and (3) student activities, recreational, athletic and extracurricular fees. All fees collected under (1), (2) and (3), shall be paid into special funds and shall be used only for the purposes for which the fees are collected: Provided, however, That the maximum fees to be collected under this section for resident students shall not exceed one hundred fifty dollars per semester; and for nonresident students,
three hundred fifty dollars per semester. The schedule of
fees, and any changes therein, shall be entered in the
minutes of the meetings of the governing board, and the
governing board shall file with the state auditor and state
budget director a certified copy of such schedule and
changes.

In addition to the fees mentioned in the preceding para-
graph, but subject to all requirements and within the
limits fixed thereby, the governing board of any state
educational institution may impose and collect a student
union building fee. All such building fees collected at the
institution shall be paid into a special fund and shall be
used only for the eventual construction and operation of
a student union building or for the renovation of an
existing structure for use as a student union building.
Until such time as the special fund, together with any
other moneys available for the purpose, may be large
enough to defray the cost of providing a student union
building, all moneys in the fund may be invested in any
such bonds or other securities as are now or may here-
after be authorized as proper investments for state funds.
Refund, as an erroneous payment, may be made of any
such fees, upon the voluntary or involuntary withdrawal
from classes of any student, until eight weeks of the
school semester or term have expired, but no refund may
be made thereafter.

CHAPTER 55

(Senate Bill No. 117—By Mr. Amos)

AN ACT to amend and reenact section four, article one-a, chap-
ter twenty-five of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the col-
lection and expenditure of fees derived from the operation
of dormitories, faculty homes, dining halls, and cafeterias
at state educational institutions.

[Passed February 16, 1955; in effect from passage. Approved by the Governor.]
Article 1-a. Fees and Other Money Collected at State Institutions.

Section 4. Fees from operation of dormitories, faculty homes, dining halls, and cafeterias; expenditure of receipts directed and restricted.

Be it enacted by the Legislature of West Virginia:

That section four, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Fees from Operation of Dormitories, Faculty Homes, Dining Halls, and Cafeterias; Expenditure of Receipts Directed and Restricted.—The governing board of each state educational institution shall fix the fees to be charged students and faculty members for rooms, board and meals at the dormitories, faculty homes, dining halls, and cafeterias operated by the board at the institution. Such fees shall be commensurate with the complete cost of such services.

All fees collected for such services shall be used first to pay the operating and maintenance costs of the dormitories, faculty homes, dining halls, and cafeterias and to meet interest, principal, and sinking fund requirements due on any outstanding revenue bonds for which such receipts may have been pledged as security. Any such receipts not needed for these purposes may be expended by the governing board to defray the costs in whole or in part for the construction of any such facility.

CHAPTER 56

(Senate Bill No. 120—By Mr. Amos)

AN ACT to amend and reenact section five, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sale of books, stationery, and other school supplies at state educational institutions and to the expenditure of receipts derived from such sales.
Article 1-a. Fees and Other Money Collected at State Institutions.

Section 5. Sale of books, stationery, and other school supplies; expenditure of receipts directed and restricted.

Be it enacted by the Legislature of West Virginia:

That section five, article one-a, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Sale of Books, Stationery, and Other School Supplies; Expenditure of Receipts Directed and Restricted.—The governing board of each state educational institution shall fix the prices of books, stationery, and other school supplies offered for sale by any book store now or hereafter established and operated by the board at the institution. The sale of such products shall be restricted to the students and faculty members of the institution. Prices charged by the book store shall be commensurate with the complete cost to the state in offering such products for sale.

Money derived from the sale of books, stationery, and other school supplies shall be used first to replenish the stock of goods and to pay the costs of operating and maintaining the store. From any balance in the book store fund not needed for these purposes, the board of governors of West Virginia university shall have authority to expend a sum not to exceed two hundred thousand dollars for the construction of a building to house the university book store.

CHAPTER 57

(House Bill No. 193—By Mr. Dean and Mr. Gilmore)

AN ACT to amend and reenact chapter ninety-two, acts of the Legislature, regular session, one thousand nine hundred fifty-three, authorizing county boards of education to
qualify during the next fiscal year for state aid for repair and construction of public schools.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Section
1. County boards of education authorized to qualify for school building funds during next fiscal year.

Be it enacted by the Legislature of West Virginia:

That chapter ninety-two, acts of the Legislature, regular session, one thousand nine hundred fifty-three, be amended and reenacted to read as follows:

Section 1. County Boards of Education Authorized to Qualify for School Building Funds During Next Fiscal Year.—Any county board of education that failed to qualify for a full share of state aid for the repair and construction of public school buildings, allocated to it from the funds appropriated by item fifty-three, section five, title two of the one thousand nine hundred forty-nine budget act, may qualify at any time during the next fiscal year for all or any part of such allocation that may be reappropriated by the fifty-second Legislature. Eligibility therefor may be established by any of the methods prescribed in section two, article nine-c, chapter eighteen of the code, or by proof that the total assessed valuations in the county have been increased as much as fifty per cent between the years one thousand nine hundred forty and one thousand nine hundred fifty-seven.

CHAPTER 58
(House Bill No. 39—By Mrs. Walker)

AN ACT relating to the disposition of balances remaining in funds realized from the Veterans Federal Training Fund in West Virginia Institute of Technology, Montgomery, West Virginia.

[Passed February 21, 1955; in effect from passage. Approved by the Governor.]
West Virginia Institute of Technology.

Section

1. Application of the net proceeds from the veterans federal training fund at West Virginia Institute of Technology, Montgomery, West Virginia.
2. Duration of the act.

Be it enacted by the Legislature of West Virginia:

Section 1. Application of the Net Proceeds from the Veterans Federal Training Fund at West Virginia Institute of Technology, Montgomery, West Virginia.—The entire net proceeds derived from the Veterans Federal Training Fund at West Virginia Institute of Technology shall be expended by the said West Virginia Institute of Technology upon the approval of the West Virginia State Board of Education, for the renovation and repair of the buildings and grounds of said institution; for the replacement of furniture and equipment of said institution, and for the restoration of property damaged by the said Veterans Federal Training Program in said institution. Any unexpended funds heretofore paid and reported to the state or otherwise, for this institution, shall be placed and kept in a special fund to the credit of this institution, and shall be expended by the West Virginia State Board of Education for the above-mentioned institution for the purposes herein enumerated.

Sec. 2. Duration of the Act.—The provisions of this act shall be operative and in full force and effect until January first, one thousand nine hundred fifty-six.

CHAPTER 59

(House Bill No. 321—By Mr. Richardson, of Mercer)

AN ACT to authorize Concord college to expend from the special improvement fund, established by chapter fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-five, the sum of four hundred dollars for the purpose of miscellaneous repairs and alterations on the campus of Concord college.
Concord College.

Section
1. Expenditure for miscellaneous repairs and alterations.

Be it enacted by the Legislature of West Virginia:

Section 1. Expenditure for Miscellaneous Repairs and Alterations.—Concord college is hereby authorized to expend from the special improvement fund, established by chapter fifty-one, acts of the Legislature, regular session, one thousand nine hundred thirty-five, the sum of four hundred dollars for the purpose of miscellaneous repairs and alterations on the campus of Concord college: Provided, however, That this authorization shall expire June thirtieth, one thousand nine hundred fifty-five.

CHAPTER 60

(House Bill No. 446—By Mr. McCormick)

AN ACT to amend and reenact section six, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to election of judges of circuit courts and courts of limited jurisdiction.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 1. General Elections; Officers to Be Chosen; Precincts.

Section
6. Judges of circuit courts and courts of limited jurisdiction; county and district officers.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 6. Judges of Circuit Courts and Courts of Limited Jurisdiction; County and District Officers.—There shall be elected, at the general election to be held in the year nineteen hundred and thirty-six, and in every eighth year thereafter, one judge of the circuit court of every judicial circuit, except the first circuit, and of the first circuit two judges of said court; and at the general election to be held in the year nineteen hundred and thirty-two, and in every fourth year thereafter, a sheriff, prosecuting attorney, surveyor of lands, and the number of assessors prescribed by law for the county, and the number of justices of the peace and constables in each magisterial district in the county to which the district is entitled by law, the number of justices and constables to be prescribed from time to time by the county court; and at such election, and in every second year thereafter, a commissioner of the county court for each county; and at such election, and in every sixth year thereafter, a clerk of the county court and a clerk of the circuit court, for each county; and at each general election next preceding the expiration of the term of any judge of any common pleas, criminal or other inferior court, a judge of such court; each for the term next ensuing after the date of the election.

CHAPTER 61

(House Bill No. 13—By Mr. Curtis and Mr. King)

AN ACT to amend and reenact section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to nomination of candidates for offices.

[Passed March 9, 1955; in effect ninety days from passage. Became a law without the approval of the Governor.]


Section 5. Nomination of candidates for offices.
Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Nomination of Candidates for Offices.—At each primary election, the candidate or candidates of each political party for all offices to be filled at the ensuing general election by the voters of the entire state, of each congressional district, of each state senatorial district, of each judicial circuit of West Virginia, of each county, and of each magisterial district, in the state, shall be nominated by the voters of the different political parties, except that candidates for membership on any county board of education shall be nominated on a non-partisan ballot, and that no presidential elector shall be nominated at a primary election. Section twenty-seven of this article is hereby repealed and superseded by this enactment insofar as said section heretofore relates to the nomination of candidates for the office of judge of courts of record of West Virginia. In any primary election, the person receiving the highest number of votes of each political party in all cases wherein one person only is to be elected, and the persons receiving the highest number of votes, to the number to be elected, in all cases in which two or more persons are to be elected to the same office, in and throughout the political division in which the person is a candidate, and voted for as such, shall be nominated as the party candidate, or candidates, for the office, or offices, for which they are voted for at the primary election: Provided, however, That with respect to nominations of commissioners of county courts no two of such commissioners shall be nominated as the party candidates from the same magisterial district where more than one such commissioner is to be so nominated at any primary election, and if two or more persons residing in the same district shall in any case receive the greater number of votes cast at such primary election, then only the one of such persons receiving the highest number shall be declared nominated as the candidate of his party, and the person living in another district who
shall receive the next highest number of votes shall be declared nominated as the candidate of his party, and so on to the next highest in another district; and in no event shall any such candidate be nominated from the same magisterial district wherein an already elected or otherwise qualified member of such county court resides and who will continue to hold office after the beginning of the term for which such nomination is made.

No provision of this section shall be construed to amend, modify or repeal any of the provisions of section five-a and five-b of this article, relating to the election of members of county boards of education.

CHAPTER 62

(House Bill No. 22—By Mr. Bowles and Mr. Underwood)

AN ACT to amend and reenact section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of commissioners and clerks for primary elections.

(Passed February 22, 1955; in effect ninety days from passage. Approved by the Governor.)

Section
15. Commissioners and clerks for primary.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article four, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 15. Commissioners and Clerks for Primary.—
2 The county court of every county shall hold a regular or special session at the courthouse of the county on the fifth Tuesday preceding the day on which any primary election is to be held, and shall appoint for each precinct
in the county three commissioners of election and two
poll clerks, who shall be legal voters in the magisterial
district in which such precinct is located. Such commis-
sioners and poll clerks shall be persons of good standing
and character and not addicted to drunkenness. They
shall be selected from the two political parties which, at
the last preceding general election, cast the highest and
next highest number of votes in the county in which the
election is to be held, and not more than two of such com-
missioners or one clerk shall belong to the same political
party: Provided, however, That for every precinct in
which there are three hundred but not more than four
hundred registered voters, there may be two boards of
election officers, and for all precincts in which there are
more than four hundred registered voters, there shall be
two boards of election officers, and where two boards are
used, each board shall consist of three election commis-
sioners and two poll clerks, one of which boards shall be
designated the “receiving board” and the other the “count-
ing board,” and not more than two commissioners and
one poll clerk of each board shall be appointed from the
same political party. If, at any time prior to or during
such session, the county executive committee of either
political party from which such commissioners of election
and poll clerks are to be selected or appointed, as herein
provided, shall present to such court a writing signed by
them, or by the chairman or secretary of such committee
on their behalf, requesting the appointment of a qualified
voter of their political party, for commissioner and/or poll
clerk, who is otherwise qualified to act as such under the
provisions of this chapter, it shall be the duty of the
county court to appoint the person so named in such writ-
ing as such commissioner and/or poll clerk. No person
shall be eligible to appointment as commissioner or poll
clerk, or in any way to act as such, who has anything of
value bet or wagered on the result of such primary elec-
tion, or has received a promise, agreement or understand-
ing that he is to receive appointment as deputy by any
candidate to be voted for at such primary election, or has
any agreement, understanding or arrangement that he
shall receive any sum of money or any portion of the
salary, fees or emoluments of any office, for which any
candidate is to be voted for at such primary election,
should such candidate be nominated at such primary
election and elected to such office at the ensuing general
election, or who is a candidate to be voted for at such
primary election.

The county court shall by mail notify all commissioners
and poll clerks of their appointment, and include with
such notice an appropriate form for each person so ap-
pointed to return indicating whether or not he will serve
as such commissioner or poll clerk. It shall be the duty
of all persons so appointed to immediately return said
form to the county court. In the event any of the persons
so appointed refuse to serve as such commissioners or
poll clerks, the county court shall immediately notify the
chairman of the county executive committee of the politi-
cal party from which such commissioners and poll clerks
are to be selected. If the chairman of the political com-
mittee so notified promptly recommends persons to be
appointed to replace those declining to serve, it shall be
the duty of the county court to appoint the persons so
recommended. When no such recommendations are made
the county court shall proceed to fill the vacancies.

If any of the commissioners of election and poll clerks
of the receiving board so selected shall fail to appear at
the hour appointed for the opening of the polls, the re-
mainder of the commissioners of such board may select
a commissioner and poll clerk, if necessary, who shall be
of the same political party as the absent commissioner or
poll clerk; but if the qualified voters of the party of such
absent commissioner or poll clerk, present at the opening
of the polls, shall nominate a voter, having the qualifica-
tions to act under the provisions of this section, for com-
missioner or poll clerk, or both if necessary, such nominee
or nominees shall be appointed. If none of the commis-
sioners of election or poll clerks of such board appear
at the hour appointed for opening the polls, the qualified
voters present, being at least ten in number, shall elect
three commissioners of election and two poll clerks for
such board to act in their stead, by a viva voce vote; not
more than two of such commissioners and one poll clerk
88 for such board shall belong to or be elected by the voters
89 of the same political party. A vacancy or vacancies on
90 the counting board shall be filled in the manner herein
91 provided for filling a vacancy or vacancies on the receiv­
92 ing board, except that such vacancy or vacancies shall be
93 determined and filled as of the hour appointed in this
94 chapter for the counting board to attend at the polls. A
95 list of all commissioners and poll clerks appointed by the
96 county court, as herein provided, shall be published in
97 two newspapers of general circulation in the county, of
98 opposite politics, if such there be, for at least two weeks
99 prior to such primary election.

CHAPTER 63

(House Bill No. 46—By Mr. Bowles and Mr. Underwood)

AN ACT to amend and reenact section four, article five, chapter
three of the code of West Virginia, one thousand nine hun­
dred thirty-one, as amended, relating to the election of
presidential electors.

(Passed February 7, 1955; in effect ninety days from passage. Approved by the
Governor.)

Article 5. Conducting Election; Ascertaining and Certifying
the Result.

Section
4. Form and arrangement of ballots.

Be it enacted by the Legislature of West Virginia:

That section four, article five, chapter three of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 4. Form and Arrangement of Ballots.—All bal­
lots prepared under the provisions of this article shall be
printed in black ink on number two white book paper
sufficiently thick so that the printing cannot be distin­
guished from the back, and shall contain the names of
every candidate whose nomination for any office to be
voted for at the election has been certified and filed ac-
cording to law, and no others, except that if it shall appear
to the satisfaction of the ballot commissioners that a per-
son has been legally nominated as a candidate for an
office and is lawfully entitled to have his name upon the
ballot and no certificate of the nomination has been re-
ceived by the clerk of the circuit court, they shall print
the name of such candidate upon the ballot in its proper
place.

The tickets, except the heading, which shall be in dis-
play type, shall be printed in eight point type; the name
or designation of the office and the residence of the can-
didate in lower case letters, and the name of the candidate
in capital letters. The name and residence of the candi-
date may be printed in the same line. The name of each
candidate shall be printed in a space defined by ruled
lines, and with a blank square on its left inclosed by
heavy dark lines. If, upon any ticket, there be no candi-
date or candidates for a designated office, a blank space
equal to the space that would be occupied by such name
or names, if they were printed thereon, with the blank
space herein provided for, shall be left. The heading of
each party ticket, including the name of the party and
the device or emblem above and the large circle between
the device or emblem and such name, shall be separated
from the rest of the ticket by heavy lines, and the circle
above the name of the party in which the voter is to place
the cross mark, if he desires to vote the straight ticket,
shall be defined by heavier lines than the lines defining
the blank spaces before the names of candidates, and such
circle shall be surrounded by the following words printed
in heavy face six point type: “For a straight ticket mark
within this circle.” Each party ticket shall be separated
from other party tickets and bordered on either side by a
heavy border, or a broad solid line, at least one sixteenth
of an inch wide, and the edges of the ballot on either side
trimmed off to within one-half inch of the border or solid
line described.
The names of the candidates shall be arranged on the ballot in tickets or lists, in separate columns under the respective party or political or other designation certified, each column or ticket containing the names of candidates nominated by the same political party and no others. In elections for presidential electors, the names of candidates for electors of any political party or group of petitioners, shall not be placed on the ballot, but shall, after nomination, be filed with the secretary of state. In place of their names, there shall be printed first on the ballots the names of the candidates for president and vice president, respectively, of each such party or group of petitioners, and they shall be arranged under the title of the office. Before the names of such candidates for president and vice president of each party, or group, a single square shall be printed, in front of a brace, in which the voter shall place the cross mark for the candidate of his choice for such offices. A vote for any of such candidates shall be a vote for the electors of the party by which such candidates were named, and whose names have been filed with the secretary of state.

The names of the candidates on each ticket shall be arranged in groups, with a heading over each group printed in heavy faced eight point type to indicate the political divisions in which such group is to be voted for. The arrangement of the ballot shall conform as nearly as practicable to the plan here given:

The tickets of the several political parties shall be printed on the ballot in parallel columns, each ticket in a separate column headed by the chosen device, and the tickets in such order on the ballot and the names of the office in such order on the ticket as the secretary of state shall direct, preference, however, being given to the political party which cast the highest number of votes for the head of the ticket at the last preceding presidential election, and so on. No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected.

The ballot shall be so printed as to give each voter a clear opportunity to designate by a cross mark in a large,
AN ACT to amend and reenact section seven, article six-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the preparation, printing and delivery of absent voters' ballots.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6-a. Absentee Voting by Service Men and Women.

Section 7. Preparation, printing and delivery of absent voters' ballots.

Be it enacted by the Legislature of West Virginia:

That section seven, article six-a, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 7. Preparation, Printing and Delivery of Absent Voters' Ballots.—Upon receipt by the circuit clerk of the list of candidates certified by the secretary of state as provided in sections three and six of this article, the ballot commissioners shall immediately proceed with the preparation of a sample official ballot for each political
party, shall estimate and determine the number of absent voters' ballots of each kind which will be required, and shall print and deliver such ballots to the clerk of the circuit court as soon as possible, but not later than the twelfth Saturday preceding the day fixed for the primary election. Between the twenty-fifth day of July and the tenth day of August, both inclusive, for the general election to be held in the year one thousand nine hundred fifty-six and each fourth year thereafter and between the eighth and twenty-fifth days of August, both inclusive, for the general election to be held in the year one thousand nine hundred fifty-eight and each fourth year thereafter, the ballot commissioners shall prepare, print and deliver to the clerk of the circuit court such absent voters' ballots as will, in their opinion, be required for such elections, but, in presidential election years, regardless of the time limits herein fixed, no such ballots shall be printed, until the circuit clerk shall have received from the secretary of state the names of the respective candidates of each party, entitled to a place on said ballot, of its candidates for president and vice president of the United States. The names of such presidential and vice presidential candidates shall be printed on said ballots in accordance with the provisions of section four, article five of this chapter, notwithstanding any other provision of law.

In order to lessen the burden of the armed forces in respect to the transportation and distribution of absentee ballots, such ballots may be printed on lightweight paper, if it is available, to the end that the total weight of the ballot and the two envelopes provided for in section twelve of this article shall not exceed eight-tenths of an ounce, if possible, and such ballots shall be valid without regard to other provisions of law respecting weight and quality of paper.

If, after the ballots are printed but before they are distributed as provided in the following sections, any change in the names printed thereon should become necessary, the ballot commissioners shall make the necessary changes by the use of stickers or by the printing of additional ballots.
Except as otherwise specified in this section, preparation, printing and delivery of absent voters' ballots shall be governed by the provisions of section nine, article four, section three, article five, and section fifteen, article six, of chapter three of the code.

CHAPTER 65

(House Bill No. 26—By Mr. Bowles and Mr. Underwood)

AN ACT to amend and reenact section eight, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filling vacancies in the offices of county commissioner, clerk of the county court, justice and constable.

[Passed February 3, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 10. Filling Vacancies.

Section 8. County commissioners; clerk of county court; justice; constable.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. County Commissioners; Clerk of County Court; Justice; Constable.—Any vacancy in the office of county court commissioner, clerk of county court, justice or constable, shall be filled by the county court of the county, unless the number of vacancies in a county court deprive that body of a quorum, in which case the governor of the state shall fill any vacancy in such county court necessary to create a quorum thereof, until the next general election, at which election every such vacancy shall be filled by election for the unexpired term: Provided, however, That in the case of a vacancy in the
office of the county court commissioner in any county in
the state, if the remaining members of such county court
fail, refuse or neglect to fill such vacancy within sixty
days from the time it occurs, then the governor of the
state shall appoint some qualified citizen of said county
belonging to the same political party as the vacating
member to serve as county court commissioner until the
next general election. Notice of such election shall be
given by order of the county court, and published as
prescribed in the next preceding section; except that such
notice in case of an election to fill a vacancy in the office
of justice of the peace or constable, instead of being
published in a newspaper, may, in the discretion of such
court, be posted at the front door of the courthouse of
the county, and at each voting place in the district
wherein such vacancy occurs. Nominations of candidates
to fill any vacancy in the office of county commissioner,
clerk of the county court, justice or constable shall be
made in the manner prescribed for making nominations
to fill a vacancy in the office of the clerk of the circuit
court.

CHAPTER 66
(House Bill No. 447—By Mr. McCormick)

AN ACT to repeal section nine, article ten, chapter three of the
code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to filling vacancies in the office of
county superintendent of schools, school commissioner and
president of district board of education.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 10. Filling Vacancies.

Section
1. Repeal of statute.
Be it enacted by the Legislature of West Virginia:

Section 1. Repeal of Statute.—Section nine, article ten, chapter three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, is hereby repealed.

CHAPTER 67
(Senate Bill No. 314—By Mr. Martin)

AN ACT to amend article two, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to summary proceedings for sale or lease of real or personal property subject to future interests.

[Passed March 12, 1955; In effect from passage. Approved by the Governor.]

Article 2. Disposition of Estates Subject to Future Interests.
Section 12-a. Summary proceedings for sale or lease; petition.

Be it enacted by the Legislature of West Virginia:

That article two, chapter thirty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, to be designated section twelve-a, to read as follows:

Section 12-a. Summary Proceedings for Sale or Lease; Petition.—In addition to the proceedings authorized by the first section of this article, any person having any interest mentioned in section two of this article in the personal property, land, timber, oil, gas, coal or other minerals sought to be sold, leased or otherwise conveyed, may apply by petition, in a summary way, to the circuit court, or to the judge thereof in vacation, or to any court of concurrent jurisdiction with the circuit court, or to...
the judge thereof in vacation, of the county in which the estate proposed to be sold, leased or otherwise conveyed, or some part thereof, may be. Such petition shall describe the property sought to be sold, leased or otherwise conveyed with reasonable certainty and shall set forth the names of all persons interested in such property, together with their respective interests or estates, either vested, contingent or executory, so far as is known by the plaintiff. Such petition shall also set forth the facts which, in the opinion of the plaintiff, would justify the sale, lease or other conveyance of such property. The petition shall be verified by the oath of the plaintiff or one of the plaintiffs, and all persons interested shall be made defendants, and ten days' notice shall be given to such defendants before such petition can be heard: Provided, however, That in the case of nonresident defendants and/or unknown or unascertainable parties an order of publication may be entered, on proper affidavit as in any other chancery proceeding, requiring publication of such notice once each week for two successive weeks in a newspaper published and of general circulation in the county in which the property or the greater part of the property concerned is situate as to any nonresident defendants and/or any unknown or unascertainable parties who may have or claim any interest or estate in such property. Such published notice, with the certificate of publication, when filed with the record in said proceedings, shall be and constitute valid and sufficient notice herein. All other provisions of this article not inconsistent herewith shall apply to and implement the procedures provided in this section.

CHAPTER 68

(Senate Bill No. 130—By Mr. Jackson, of Logan)

AN ACT to amend and reenact section two, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, relating to fees and allowances.
Article 1. Fees and Allowances.

Section 2. Fees to be charged by secretary of state.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 2. Fees to Be Charged by Secretary of State.

2 -The secretary of state shall charge for services rendered in his office the following fees to be paid by the person to whom the service is rendered at the same time it is done:

For each certificate of incorporation or copy thereof, including certificates issued on new agreements, or authorizing a foreign corporation to do business within this state $10.00

For each certified copy of certificate of incorporation, not to exceed ten pages 10.00

If such copy contains in excess of ten pages, for each additional page .20

For filing and recording a trade-mark 5.00

For each certificate of change of name, of increase or decrease of authorized capital stock, of change of principal office, or of amendment to certificate of incorporation 5.00

For recording a power of attorney and certificate thereof 3.00

For any other certificate, whether required by law or made at the request of any person 5.00

The foregoing fees shall include the tax on the great seal or the less seal impressed on any such document, as well as the filing, recording and indexing of the same.

For indorsing and filing reports of corporations, and all other papers, which shall include the in-
dexing of the same, for each report or paper filed .............................................. 1.00
For any search, not less than ................................................................. 1.00
For searches of more than one hour, for each hour
or fraction thereof consumed in making such search .......................................... 1.00
The cost of the search shall be in addition to the
cost of any certificate issued pursuant thereto or based thereon.
For entering statement of satisfaction of conditional sale contract ............................. .50
For recording any paper for which no specific fee is prescribed ................................... 1.00
Or at the rate, for each one hundred words recorded, of ...................................... .20
For issuing commission to a notary public, or to a commissioner of deeds, which shall include the
tax on the state seal thereon and other charges ........................................... 5.00
For a testimonial ......................................................................................... 1.50
For a copy of any paper, if one sheet ............................................................. 1.00
For each sheet of copy after the first ............................................................. .75
For issuing a commission to a commissioner in any other state .................................... 5.00
For making out a requisition for a fugitive from justice demanded of the executive authority of another state ........................................................................ 2.00
For issuing a warrant for the arrest of a fugitive from justice demanded by the executive authority of another state ............................................................... 2.00
When the work or service is performed for the benefit of any corporation which is exempted from the payment of license tax on its charter, one-half only of the foregoing rates shall be charged.
For any other work or service not herein enumerated, such fee as may be elsewhere prescribed.
AN ACT to amend and reenact section thirty-four, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to charges for publications.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 1. Fees and Allowances.

Section 34. Charges for publication; general provisions relating to publication.

Be it enacted by the Legislature of West Virginia:

That section thirty-four, article one, chapter fifty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, and reenacted to read as follows:

Section 34. Charges for Publication; General Provisions Relating to Publication.—The price for publishing all advertisements and publications required to be made by law, or by the order of a court in any cause or proceeding therein, or by any provision of a deed of trust, or where any publication is made pursuant to law, shall not exceed two and three-fourths cents for each word for the first insertion, and one and one-half cents a word for each subsequent insertion required to be made: Provided, That for a notice to take depositions, notice to creditors, notice of receiving bids on public contracts, notice of the dissolution of a corporation, and an order of publication, published less than four insertions, the rate shall be not more than seven and one-half cents for each word for whatever number of insertions, less than four, that may be required to be made.

Notwithstanding the above paragraph, however, in those cases where a statute specifically provides for a different charge for publication (as in section two, article three,
chapter eleven-a of this code as amended), the price for publishing such advertisements or other publications shall be forty cents per item for each insertion in each newspaper.

In computing the number of words in a legal advertisement, not set solid, the basis shall be upon the size of type in which legal advertising is usually set by the newspaper making the publication, and shall be computed at the legal rate as though the matter was solid type, that is to say, on the basis of eighty-four words to the column inch in six point type, and fifty-four words to the column inch in eight point type, and any other size type in proportion.

If no newspaper in the county in which such publication should be made will insert the same for the times required, or for the price aforesaid, then the notice or advertisement may be published in a newspaper of general circulation in such county published in another county. If the publication is to be made in any case or proceeding in court, the court shall designate the newspaper in such other county and if the publication is not to be made in a case or proceeding in court, the newspaper shall be selected by the person at whose instance it is to be made, or his agent; and when the notice published in an advertisement of a sale of property, the notice shall be posted, by the person or persons whose duty it is to place the advertisement for publication, at the front door of the courthouse of the county in which the sale is to be made at least three weeks prior to the time fixed for making the sale, and copies of such notice shall be posted in at least four other public places in such county at the same time.

In case of any publication made by the order of a court, in any case or proceeding therein, or by any provision of a deed of trust, the price paid shall be taxed in the bill of costs, and the newspaper making any such publications herein last mentioned, and in all other cases wherein legal publications are made as herein provided if required by the party or parties placing any such advertisement, shall make and furnish, under oath, a certificate of publication of each advertisement so published, showing the number
61 of times it was inserted in such newspaper, the dates of
62 the first and last insertions thereof, and the amount of
63 costs for such publication, as required by this section.
64 Any posting of any such advertisement at the front door
65 of the court house, when so required, shall be done by
66 the publisher of the newspaper in which the publication
67 was published, and in such cases the certificate of publi-
68 cation herein provided for shall state that the advertise-
69 ment was posted at the front door of the courthouse. In
70 cases where any such notices are not published by a
71 newspaper, the certificates and affidavits herein provided
72 for shall be made by the party who would place the ad-
73 vertising with the newspaper had it been published by
74 such newspaper.
75 All advertisements required to be made by the state
76 of West Virginia, or any county, district, school district,
77 city, town or village, or any political subdivision thereof
78 or levying body, shall be published in a daily, tri-weekly,
79 semi-weekly, or weekly newspaper or newspapers, as the
80 case may be, of general circulation in the county wherein
81 the publication is to be made, and representing one or
82 both of the two major political parties in such county,
83 and which shall have been published continuously at
84 least once a week for a period of one year at the time of
85 placing such legal advertising, and at a plant located in
86 this state and capable of printing and publishing a weekly
87 newspaper of general circulation and owned by the owner
88 of such newspaper, except and unless there be no news-
89 paper in that county affiliated with one of the two politi-
90 cal parties: Provided, That where any such newspaper
91 succeeds to the field of a former established newspaper, it
92 shall be eligible to publish such legal advertising from its
93 inception.
94 Any citizen, taxpayer, or the owner or publisher of any
95 newspaper entitled by law to have any publication made
96 in his newspaper, which any county court or tribunal
97 created in lieu thereof, board of education, council of a
98 municipal corporation, or public officer, shall fail or re-
99 fuse to make, may have a writ of mandamus to compel
100 the making of such publication: Provided, That the news-
In no case involving the publication of paid advertise­
ments for candidates for political office shall the rate
charged by any publisher be more than the average rate
received by him from private patrons for similar adver­
tising composed of reading matter or photographs and re­
quiring the same amount of space.

CHAPTER 70

(Senate Bill No. 235—By Mr. Chenoweth, by request)

AN ACT to amend and reenact section nine, article three, chap­
ter twenty of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to transportation
of birds, animals, fish, amphibians and reptiles.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 3. General Provisions Respecting Game, Birds, Fish
and Frogs.

Section

9. Transportation of birds, animals, fish, amphibians and reptiles.

Be it enacted by the Legislature of West Virginia:

That section nine, article three, chapter twenty of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 9. Transportation of Birds, Animals, Fish,
Amphibians and Reptiles.—No person shall at any time
transport or kill or have in his possession with the inten­
tion of transporting beyond the limits of the state, any
elk, deer, raccoon (except the pelt thereof), quail, wood­
cock, pheasant, ruffed grouse, wild turkey, squirrel, wild
duck or wild goose, or any part thereof, or any game,
birds, fish or frogs killed, caught or captured within this
Provided, however, (1) That a nonresident license may take with him personally, when leaving the state, any game animals, game birds, fish or frogs, that he has lawfully taken or killed, not exceeding, during the season, the number that any person may lawfully take or kill in any two days; (2) that game birds and game animals raised for commercial purposes may be transported out of the state as authorized under permit issued by the director under section twelve-a of this article; (3) that wild birds, wild animals, fish or frogs lawfully taken under scientific collecting permit issued by the director as authorized under section seven-a of this article may be transported out of the state; and (4) that game, food and bait fish, or the eggs thereof propagated as authorized under a license issued by the director under section nine, article six of this chapter, may be transported out of the state.

It shall be unlawful to bring into the state of West Virginia any game, wild bird, wild animal, amphibian, fish or reptile unlawfully taken or possessed in any other state of the United States of America.

No person, corporation or association shall import or transport into the state of West Virginia, or receive shipment in the state from without the state, any live specimen of the following species: wolf, coyote, European hare or variety thereof, such as the San Juan rabbit, bowfin (Amia Calva) or carp (Cyprinus spp.), without first having obtained from the director a free permit authorizing such importation. Should the director find that the importation of any other type or species of live game, live wild animal, live wild bird, live amphibian, live reptile or live fish, including minnows to be used for bait, may constitute a menace to either the economy or health of the state or its natural resources, he may, by formal order, include the names of such other species as he finds advisable to the above list. The director shall give notice of the order by publication once each week for two successive weeks in two newspapers of general circulation throughout the state.

Federal regulations shall govern the transportation of all migratory birds.
CHAPTER 71
(Senate Bill No. 200—By Mr. Chenoweth)

AN ACT to repeal section three, article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the hunting of wood ducks.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 5. Birds and Fowls.

Section 1. Repeal of statute.

Be it enacted by the Legislature of West Virginia:

Section 1. Repeal of Statute.—That section three, article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be and the same is, hereby repealed.

CHAPTER 72
(Senate Bill No. 201—By Mr. Chenoweth)

AN ACT to amend and reenact section one, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to game fish.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Fish and Other Aquatic Life.

Section 1. Game fish defined; open seasons for fishing; creel limits; special regulations.

Be it enacted by the Legislature of West Virginia:

That section one, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 1. Game Fish Defined; Open Seasons for Fishing; Creel Limits; Special Regulations.—For the purpose of this chapter the following are game fish: Brook trout, brown trout, rainbow trout, Kokanee salmon, large-mouth bass, small-mouth bass, Kentucky or spotted bass, pickerel, muskellunge, walleyed pike or pike-perch, rock bass, white bass, white and black crappie and blue-gill sun-fish and other bream.

The director, for the purpose of protecting and conserving the fish and other aquatic animal life of the state, as provided by section eight, article three of this chapter, may establish open and closed seasons and creel limits on any or all fish, and regulate the taking and use of all other aquatic life. But water dogs and big salamander shall not be protected at any time.

The director may prescribe and enforce special regulations to apply to a stream or any part thereof, that he places under observation for scientific purposes. Regulations may include the filling out and filing of special reports by persons fishing in the stream.

CHAPTER 73

(House Bill No. 339—By Mr. Goshorn and Mr. Chilton)

AN ACT to amend and reenact section five, article six, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the killing or catching of fish, or the attempt to do so.

[Passed March 3, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Fish and Other Aquatic Life.

Section 5. Unlawful devices and methods of fishing.

Be it enacted by the Legislature of West Virginia: That section five, article six, chapter twenty of the code of
West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Unlawful Devices and Methods of Fishing.—No person shall kill, catch, or attempt to kill or catch any fish at any time by:

1. The use of seines, nets or traps, or devices of like nature without the written consent of the director. A person may use a seine not more than six feet in length, nor more than four feet in depth for securing minnows for angling, other than game fish or protected nongame fish; except any person may use a minnow trap, for the purpose of securing bait, provided the opening is not larger than one inch in diameter. A dip net so used shall not exceed thirty-six square feet in over all area, and its mesh shall not be smaller than one-quarter inch;

2. Draining water out of any pool, pond, or stream with intent to take or injure fish, except from privately owned farm ponds;

3. The use of dynamite, or any like explosive or explosive mixture;

4. The use of poisonous drug or substance;

5. The use of electricity or lime;

6. The use of firearms;

7. Gigging, spearing, gaffing, snaring or grappling, except the director may permit gigging, snaring or bow and arrow hunting of nongame fish other than during the months of May and June under such regulations as he may promulgate; however, the snaring of any species of suckers, carp, fallfish and creek chubs through the ice shall at all time be lawful;

8. Any other means other than by rod, line and hooks, with natural or artificial lures;

A person shall not sell or purchase a seine more than six feet in length without the prior written permission of the director.

The provisions of this section shall not prevent the director from using such methods of catching fish as he shall find necessary and proper for the purpose of propagation, protection, or scientific investigation.
AN ACT to amend article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section one-b, relating to exemption of licenses to fish for totally blind residents.

Section 1-b. License to Fish Not Required of Totally Blind Residents.—Any bona fide resident of this state who is totally blind may fish in season in this state without obtaining a license so to do. A written statement or certificate from a duly licensed physician of this state showing the said resident to be totally blind shall serve in lieu of fishing licenses and shall be carried on the person of the said resident at all times while he is fishing in this state.

CHAPTER 75
(Senate Bill No. 202—By Mr. Chenoweth)

AN ACT to amend and reenact section two-m, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the au-
authority of the director to designate agents to issue licenses, and the bond of the agents.

[Passed March 1, 1955; in effect from passage. Approved by the Governor.]


Section 2-m. Authority of director to designate agents to issue licenses; bond.

Be it enacted by the Legislature of West Virginia:

That section two-m, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2-m. Authority of Director to Designate Agents to Issue Licenses; Bond.—The director shall have authority to appoint within any county as many persons, firms or corporations, as his agents, with authority to issue licenses under the provisions of this article, as may in his opinion be necessary, in addition to the county clerk, to serve the convenience of the public in procuring such licenses. Each person, firm or corporation so appointed shall, before issuing any license, file with the director a bond payable to the state of West Virginia, in an amount to be fixed by the director at not less than one thousand dollars nor more than five thousand dollars, conditioned upon the faithful performance of their obligation to issue licenses only in conformity with the provisions of this article and to account for all license fees received by them. The form of such bond shall be prescribed by the attorney general. Whenever the word “person” is used in this article with respect to persons or agents authorized to issue licenses, it shall be construed to include firms or corporations.
Chapter 76
(House Bill No. 240—By Mr. Scanes and Mr. Booth)

AN ACT to amend and reenact section three, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to additional fees for the person issuing hunting and fishing licenses.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 3. Where license applications made; compensation of persons issuing licenses; alien permits.

Be it enacted by the Legislature of West Virginia:

That section three, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Where License Applications Made; Compensation of Persons Issuing Licenses; Alien Permits.—Persons eligible for any class license shall make application therefor, either in person or by agent, in writing or orally, as follows:

1. For class A, B, E, F, H, I, J and K license, to any county clerk or to any other person authorized by the director to issue licenses.
2. For class D license, to the county clerk of any county bordering the Ohio river, or to any other person in such a county authorized by the director to issue licenses.
3. For class C license, to the commission; and for class G and class L licenses, to the commission, or its administrative employees at state parks or state forests.

Every person making application for any license shall pay, in addition to the license fees prescribed therefor in the preceding sections of this article, an additional fee of fifteen cents as compensation for the person issuing the
provided, however, that no additional fee shall be collected by any agent for issuing a national forest hunting and trapping class I license, a national forest fishing class J license, and only one fee of fifteen cents shall be collected for issuing combination resident statewide hunting and fishing class A-B licenses. All such additional fees received by any county clerk shall be paid by him into the general county fund.

Aliens desiring to procure licenses shall first apply to the director for a permit to secure such license. If the director satisfies himself that the applicant is legally entitled to such license, and will observe the laws of this state, and particularly the provisions of this chapter, he may issue the permit. Permits, once issued, shall remain in force until revoked. No issuing officer shall be required to issue or deliver any license unless the applicant informs him that the licensee is duly qualified and eligible to receive the class of license applied for, and payment of the required fee is made to such officer.

CHAPTE R 77
(House Bill No. 256—By Mr. Gilmore)

AN ACT to amend and reenact section nine, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revocation of hunting licenses.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 9. Refusal or revocation of license.

Be it enacted by the Legislature of West Virginia:

That section nine, article seven, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 9. *Refusal or Revocation of License.*—In case the commission desires to refuse a license to any person, it shall notify the clerk of the county court of the county, of the residence of such person, or any such clerk where it is expected such license may be sought, of the name and address of such person and such other information in relation thereto as it may desire to give, and such clerk shall not issue a license to such person thereafter, and shall report to the commission any application made therefor. In case any clerk shall, after receiving such notice, knowingly issue such license, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars for each offense. The commission may revoke any such license so wrongfully issued. The violation of any of the provisions of this chapter by any person holding a license shall be sufficient cause for the refusal of the commission to grant in any year a license to the person so violating any such provision.

All licenses herein authorized to be granted shall be deemed to have been granted by the commission, and the power and authority to revoke such licenses is vested in the commission. Upon the revocation of any license, the one to whom the same was issued shall, upon having a knowledge of such revocation, forthwith deliver the license and tag so issued to him to the clerk of the county court of the county who issued the same to him, and such clerk shall thereupon transmit the same to the commission.

The hunting license of any person convicted under section eleven, article seven, chapter sixty-one of this code, shall be revoked; and such person shall not be issued any other hunting license for a period of five years.

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**CHAPTER 78**

*(Senate Bill No. 2—By Mr. Amos)*

AN ACT to amend and reenact section five, article eight-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the au-
authority of the director of conservation to pledge revenue as security for revenue bonds issued to finance the construction of recreational facilities in state parks and forests.

[Passed January 17, 1955; in effect from passage. Approved by the Governor.]

Article 8-b. Revenue Bonds for Park Development.

Section 5. Authority of director to pledge revenue as security.

Be it enacted by the Legislature of West Virginia:

That section five, article eight-b, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Authority of Director to Pledge Revenue as Security.—The director shall have authority to pledge all revenue derived from any project as security for any bonds issued under this article to defray the cost of such project. In any case in which the director may deem it advisable, he shall also have the authority to pledge the revenue derived from any existing recreational facilities in any state park or forest as additional security for the payment of any bonds issued under the provisions of this article to pay the cost of any park development project.

CHAPTER 79

(House Bill No. 295—By Mr. McCoy, of Pendleton)

AN ACT to amend and reenact section eight, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the recovery of expenses incurred in extinguishing fires from persons causing them.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]
Article 9. Forests.

Section
8. Recovery of expenses incurred in extinguishing fires from persons causing them.

Be it enacted by the Legislature of West Virginia:

That section eight, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. Recovery of Expenses Incurred in Extinguishing Fires from Persons Causing Them.—The commission shall, in the name of the state, recover from the person or persons, firm or corporation negligently giving origin to any forest fire which occurs at any time and which has been extinguished or suppressed by its efforts, the amount so expended by the state in extinguishing such fire and the cost thereof, and the same shall not bar the rights of damages between the parties thereto. Any forest fire, the origin of which may be occasioned by a trespasser or by a person who is upon the property without the consent of the owner, shall not be construed to be the negligence of the owner.

CHAPTER 80

(House Bill No. 297—By Mr. McCoy, of Pendleton)

AN ACT to amend and reenact section thirteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the residence of owner being sufficient protection in certain cases involving forest fires.

[Passed February 23, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 9. Forests.

Section
13. Residence of owner sufficient protection in certain cases.
Be it enacted by the Legislature of West Virginia:

That section thirteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 13. Residence of Owner Sufficient Protection in Certain Cases.—Actual bona fide residence, by the owner or lessor of three hundred and sixty acres or less shall be deemed to constitute reasonable and adequate protection for such tract, but such residence shall not relieve the owner, his agents or employees, from responsibility for the control and suppression of fires occurring on such tract, or entitle such owner to compensation from the county for the time spent by him, his agents or employees in controlling or suppressing any fire that threatens or occurs thereon.

CHAPTER 81

(House Bill No. 296—By Mr. McCoy, of Pendleton)

AN ACT to amend and reenact section fifteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definition of timber land.

[Passed February 23, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 9. Forests.

Section 15. Timber land and forest land defined.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 15. Timber Land and Forest Land Defined.—For the purpose of this chapter, any land shall be con-
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considered timber land or forest land which has enough timber standing or down to constitute, in the judgment of the commission, a fire menace to itself or adjoining lands: Provided, however, That nothing in this section contained shall be construed to include lands under cultivation or in grass: Provided further, That nothing contained herein shall be construed so as to include within the provisions of this section any land which is an isolated fire risk, unless a forest fire thereon would imperil the lands of any adjoining land owner or land owners.

CHAPTER 82
(Com. Sub. for House Bill No. 233—Originating in the House Committee on Finance)

AN ACT to repeal section nineteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact section eighteen of the same article and chapter, all relating to the disposition of funds received from the federal government as proceeds of national forests.

[Passed March 12, 1955; in effect from passage. Approved by the Governor.]

Article 9. Forests.

Section 18. Disposition of proceeds of national forests.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that section eighteen of the same article and chapter be amended and reenacted, to read as follows:

Section 18. Disposition of Proceeds of National Forests.

Receipts from any national forest, paid to the state or its proper officers pursuant to directions of acts of congress, shall be allocated by the auditor to each county which has acreage located in such national forest, in the
proportion which the acreage in such county bears to the
total acreage of such national forest in this state. Eighty
per cent of the funds so allocated to any county shall be
paid to the board of education of the county to be ex-
pended by the board for the benefit of the public schools
of the county. Twenty per cent of the funds so allocated
to any county shall be paid to the state road commission
to be expended for secondary road purposes in the county.
Notwithstanding any contrary provision of former law,
any sheriff or county court of any county having charge
or custody of any unexpended national forest proceeds,
received under allocations made pursuant to former pro-
visions of law, shall pay over eighty per cent of such un-
expended balance to the county board of education, and
twenty per cent thereof to the state road commission, for
expenditure as provided above.

CHAPTER 83

(House Bill No. 357—By Mr. McCoy, of Pendleton)

AN ACT to amend article nine, chapter twenty of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section, designated sec-
tion twenty, relating to the protection of forests against
destructive insects and diseases.

[Passed March 9, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 9. Forests.

Section

20. Protection of forests against destructive insects and diseases; pur-
poses and intent of the section.

Be it enacted by the Legislature of West Virginia:
That article nine, chapter twenty of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be amended
by adding thereto a new section, designated section twenty, to
read as follows:
Section 20. **Protection of Forests Against Destructive Insects and Diseases; Purposes and Intent of the Section.**—

In order to protect and preserve forest resources of the state of West Virginia from ravages of bark beetles, defoliators, rusts, blights, wilts, and other destructive forest pests and diseases, and thereby enhance the growth and maintenance of forests, promote the stability of forest-using industries and employment associated therewith; reduce the fire risk created by dying and dead trees injured or killed by insects or diseases; conserve forest cover on watersheds and protect recreational and other forest values; it shall be the policy of the state of West Virginia independently and through cooperation with adjoining states, the federal government, and private timber owners and other private organizations, to prevent, retard, control, suppress, or eradicate incipient, potential or emergency outbreaks of destructive insects and diseases on, or threatening, all forest land irrespective of ownership.

(a) **Authority.**—The director of the conservation commission of West Virginia is authorized either directly or in cooperation with other agencies, subject to such conditions as he may deem necessary and using such funds as have been, or may hereafter be, made available for those purposes, to conduct surveys on any forest land to detect and appraise infestations of forest insect pests and tree diseases, to determine the measures which should be applied on such lands, in order to prevent, retard, control, suppress, or eradicate incipient, threatening, potential, or emergency outbreaks of such insect or disease pests, and to plan, organize, direct, and carry out such measures as he may deem necessary to accomplish the objectives and provisions of this article: **Provided,** That actual control measures shall be conducted with the cooperation and consent of the quarantine and regulatory official of the department of agriculture.

(b) **Establishing Control Zone; Notice to Landowners.**—Where an insect infestation or disease infection is believed to exist on a forest land within this state, the director shall investigate the condition. Whenever he finds that an infestation or infection exists, he shall request
the quarantine officials of the state department of agriculture to declare the same a public nuisance. When same has been declared a public nuisance he shall establish a control zone of the forest land wherein the same is found, and shall give notice in writing by at least two publications in a newspaper of general circulation in the area or areas where the control zone is established, by mail or otherwise to forest landowners within the control zone, advising them of the nature of the infestation or infection, recommending control measures and offering technical advice on methods of carrying out the control measures.

(c) Institution of Control Measures.—If, after notification by the director, any landowner fails, neglects, or is unable to carry out the control measures recommended by the director as set forth in subsection (b), the director may, through his agents, institute and carry out such control measures.

(d) Appeals.—Any person damaged or aggrieved by any action of any officer or employee of the department under the provisions of this article shall have the right to appeal from such action to the director and then to the circuit court of the county in which such person resides or in which he owns forest land affected by such action. The court, after hearing the evidence in the case, may make such orders as may be appropriate to protect the interests of the appellant, adjacent forest landowners, or the state.

(e) Cooperation with Individuals and Public Agencies.—The director is authorized to cooperate with landowners and appropriate authorities of town, city, county, adjoining state, and the United States government, and other agencies having jurisdiction of state lands, concerning forest tree insect and disease investigation and control, and to accept money, gifts, and donations and to disburse the same for the purpose of carrying out the provisions of this article.

(f) Annual Appropriation—Forest Pest Control Fund.—There is hereby created in the state treasury a special fund to be known as the forest pest control fund. Such fund shall consist of all moneys appropriated thereto by the Legislature, all moneys deposited with the state treasurer under
the provisions of this article. All such funds are hereby
appropriated to the conservation commission of West Vir-
ginia to be used to carry out the purposes of this article.

(g) Definitions.—As used in this article, unless the
context clearly requires otherwise:

(1) "Forest trees" mean only those trees which are
a part of and constitute a stand of potential, immature,
or mature commercial timber trees: Provided, That the
term "forest trees" shall be deemed to include shade trees
of any species around houses, along highways and within
cities and towns if the same constitute an insect or disease
menace to nearby timber trees or timber stands.

(2) "Forest land" means land on which forest trees
occur.

(3) "Control zone" means an area of potential or actual
infestation or infection, the boundaries of which are fixed
and clearly described in a manner to definitely identify
the zone.

(4) "Infestation" means infestation by means of any
insect in any stage of growth which is determined to be
dangerously injurious to forest trees.

(5) "Infection" means infection by any disease affecting
forest trees which is determined to be dangerously injuri-
ous thereto.

CHAPTER 84

(House Bill No. 499—By Mr. Fumich)

AN ACT to amend chapter twenty of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended,
by adding thereto a new article, to be designated article
eleven, relating to the southeastern interstate forest fire
protection compact and providing that the state of West
Virginia enter into such compact.

[Passed March 12, 1955: in effect ninety days from passage. Approved by the
Governor.]

Section
1. Governor authorized to execute compact.
2. When and how compact becomes operative.
3. Members of compact committee; how appointed; term of office; filling of vacancies.
5. Powers granted by other laws to supplement the powers vested herein.
6. Saving clause.
7. Articles inconsistent herewith.
8. When article shall take effect.

Be it enacted by the Legislature of West Virginia:

That chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article eleven, to read as follows:

Section 1. Governor Authorized to Execute Compact.—

The governor on behalf of this state is hereby authorized to execute a compact in substantially the following form, with any one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, and the Legislature hereby signifies in advance its approval and ratification of such compact:

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT

Article I.
The purpose of this compact is to promote effective prevention and control of forest fires in the southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements, and for more adequate forest protection.

Article II.

This compact shall become operative immediately as
to those states ratifying it whenever any two or more of
the states of Alabama, Florida, Georgia, Kentucky, Mis-
sissippi, North Carolina, South Carolina, Tennessee, Vir-
ginia, and West Virginia, which are contiguous have
ratified it and congress has given consent thereto. Any
state not mentioned in this article which is contiguous
with any member state may become a party to this com-
 pact subject to approval by the Legislature of each of the
member states.

Article III.

In each state, the state forester or officer holding the
equivalent position who is responsible for forest fire
control shall act as compact administrator for that state
and shall consult with like officials of the other member
states and shall implement cooperation between such
states in forest fire prevention and control.
The compact administrators of the member states shall
coordinate the services of the member states and provide
administrative integration in carrying out the purposes
of this compact.

There shall be established an advisory committee of
legislators, forestry commission representatives, and for-
ery or forest products industries representative which
shall meet from time to time with the compact adminis-
trators. Each member state shall name one member of
the senate and one member of the house of delegates who
shall be designated by that state's commission on in-
terstate cooperation, or if said commission cannot con-
stitutionally designate the said members, they shall be
designated in accordance with laws of that state; and
the governor of each member state shall appoint two
representatives, one of whom shall be associated with
forestry or forest products industries to comprise the
membership of the advisory committee. Action shall be
taken by a majority of the compacting states, and each
state shall be entitled to one vote.
The compact administrators shall formulate and, in
accordance with need, from time to time, revise a regional
forest fire plan for the member states.

It shall be the duty of each member state to formulate
and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith: Provided, That nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering
a request for aid, and for the cost of all materials, trans-
portation, wages, salaries, and subsistence of employees
and maintenance of equipment incurred in connection
with such request: Provided, That nothing herein con-
tained shall prevent any assisting member state from
assuming such loss, damage, expense or other cost or
from loaning such equipment or from donating such
service to the receiving member state without charge or
cost.

Each member state shall provide for the payment of
compensation and death benefits to injured employees
and the representatives of deceased employees in case
employees sustain injuries or are killed while rendering
outside aid pursuant to this compact, in the same manner
and on the same terms as if the injury or death were
sustained within such state.

For the purposes of this compact the term employee
shall include any volunteer or auxiliary legally included
within the forest fire fighting forces of the aiding state
under the laws thereof.

The compact administrators shall formulate procedures
for claims and reimbursement under the provisions of
this article, in accordance with the laws of the member
states.

Article VI.

Ratification of this compact shall not be construed to
affect any existing statute so as to authorize or permit
curtailment or diminution of the forest fire fighting forces,
equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit
or restrict the powers of any state ratifying the same to
provide for the prevention, control and extinguishment
of forest fires, or to prohibit the enactment or enforce-
ment of state laws, rules or regulations intended to aid
in such prevention, control and extinguishment in such
state.

Nothing in this compact shall be construed to affect
any existing or future cooperative relationship or ar-
rangement between any federal agency and a member
state or states.
144 Article VII.
145 The compact administrators may request the United
146 States forest service to act as a research and coordinating
147 agency of the southeastern interstate forest fire protec-
148 tion compact in cooperation with the appropriate agencies
149 in each state, and the United States forest service may
150 accept responsibility for preparing and presenting to
151 the compact administrators its recommendations with
152 respect to the regional fire plan. Representatives of any
153 federal agency engaged in forest fire prevention and con-
154 trol may attend meetings of the compact administrators.

155 Article VIII.
156 The provisions of articles four and five of this com-
157 pact which relate to mutual aid in combating, controlling
158 or preventing forest fires shall be operative as between
159 any state party to this compact and any other state which
160 is party to a regional forest fire protection compact in
161 another region: Provided, That the Legislature of such
162 other state shall have given its assent to such mutual aid
163 provisions of this compact.

164 Article IX.
165 This compact shall continue in force and remain bind-
166 ing on each state ratifying it until the Legislature or the
167 governor of such state, as the laws of such state shall
168 provide, takes action to withdraw therefrom. Such action
169 shall not be effective until six months after notice
170 thereof has been sent by the chief executive of the state
171 desiring to withdraw to the chief executives of all states
172 then parties to the compact.

Sec. 2. When and How Compact Becomes Operative.—
2 When the governor shall have executed said compact on
3 behalf of this state and shall have caused a verified copy
4 thereof to be filed with the state secretary, and when said
5 compact shall have been ratified by one or more of the
6 states named in section one of this act, then said compact
7 shall become operative and effective as between this
8 state and such other state or states. The governor is
9 hereby authorized and directed to take such action as
10 may be necessary to complete the exchange of official
documents as between this state and any other state ratifying said compact.

Sec. 3. Members of Compact Committee; How Appointed; Term of Office; Filling of Vacancies.—In pursuance of article three of said compact, the director of conservation of the state of West Virginia or his designated representative shall act as compact administrator for the state of West Virginia of the southeastern interstate forest fire protection compact during his term of office as conservation director, and his successor as compact administrator shall be his successor as director of conservation. As compact administrator he shall be an ex officio member of the advisory committee of the southeastern interstate forest fire protection compact, and chairman ex officio of the West Virginia members of said advisory committee. There shall be four members of the southeastern interstate forest fire protection compact advisory committee from the state of West Virginia. Two of the members from the state of West Virginia shall be members of the Legislature of West Virginia, one from the Senate and one from the House of Delegates, designated by the state's commission on interstate cooperation and the terms of any such members shall terminate at the time they cease to hold legislative office, and their successors as members shall be named in like manner. The governor shall appoint the other two members from the state of West Virginia, one of whom shall be associated with forestry or forest products industries. The terms of such members shall be two years and such members shall hold office until their respective successors shall be appointed and qualified. Vacancies occurring in the office of such members from any reason or cause shall be filled by appointment by the governor for the unexpired term. The director of conservation as compact administrator may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including voting as his representative or substitute at any meeting of or hearing by or other proceeding of the compact administrators or of the advisory committee. The terms of each of the initial four
memberships of the advisory committee, whether appointed at said time or not, shall begin upon the date upon which said compact shall become effective in accordance with article two of said compact. Any member of said advisory committee may be removed from office by the governor upon charges and after a hearing.

Sec. 4. Powers of Committee.—There is hereby granted to the director of conservation, as compact administrator and chairman ex officio of the West Virginia members of said advisory committee, and to the members from West Virginia of said advisory committee all the powers provided for in the said compact and all the powers necessary or incidental to the carrying out of said compact in every particular. All officers of the state of West Virginia are hereby authorized and directed to do all things falling within their respective provinces and jurisdiction necessary or incidental to the carrying out of said compact in every particular; it being hereby declared to be the policy of the state of West Virginia to perform and carry out the said compact and to accomplish the purposes thereof. All officers, bureaus, departments and persons of and in the state government or administration of the state of West Virginia are hereby authorized and directed at convenient times and upon request of said compact administrator, or of said advisory committee, to furnish information and data relating to the purposes of said compact possessed by them or any of them to said compact administrator or said advisory committee. They are further authorized to aid said compact administrator or said advisory committee by loan of personnel, equipment, or other means in carrying out the purposes of said compact.

Sec. 5. Powers Granted by Other Laws to Supplement the Powers Vested Herein.—Any powers herein granted to the state forester shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in said director by other laws of the state of West Virginia or by the laws of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia or by the congress or the terms of said compact.
Sec. 6. Saving Clause.—If any provision of this article or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 7. Articles Inconsistent Herewith.—All articles or parts of articles inconsistent herewith are hereby repealed.

Sec. 8. When Article Shall Take Effect.—This article shall take effect upon its approval by the governor.

CHAPTER 85

(Senate Bill No. 11—By Mr. Taylor, of Mingo, and Mr. Carrigan)

AN ACT to amend article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section twenty-eight, relating to the crime of indecent exposure and to the penalty therefor.

[Passed February 16, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 8. Crimes Against Chastity, Morality and Decency.

Section 28. Indecent exposure; penalty.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, to be designated section twenty-eight, to read as follows:

Section 28. Indecent Exposure; Penalty.—Any person who shall make an obscene or lewd exposure of his person to public view shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less
INJUNCTIONS

CHAPTER 86

(House Bill No. 148—By Mr. Scanes and Mr. Keister)

AN ACT to amend and reenact section eight, article five, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to hearings and procedures in injunction cases.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 5. Injunctions.

Section 8. Notice and showing on application for injunction.

Be it enacted by the Legislature of West Virginia:

That section eight, article five, chapter fifty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. Notice and Showing on Application for Injunction.—No injunction shall be awarded in vacation nor in court, in a case not ready for hearing, unless the court or judge be satisfied by affidavit or otherwise of the plaintiff's equity; and any court or judge may require that reasonable notice shall be given to the adverse party, or his attorney at law, or in fact, of the time and place of moving for it, before the injunction is awarded, if in the opinion of the court or judge it be proper that such notice should be given.

After an injunction is awarded or denied in any such
case, at any time prior to final adjudication, any party to
the proceedings, after reasonable notice to all other parties
of record, which notice shall not in any case exceed five
days, may move for a hearing on any particular issues
or phases of the case which may properly be heard inter-
locutorily. Such hearing may, in the discretion of the
court or judge, be had at the time the motion is made
but shall be commenced within the ten days next there-
after, unless by consent of all parties appearing the hear-
ing is continued until a later date. At any such hearing,
in term time or in vacation, any party to the proceedings
may be present in person or by counsel and may present
such witnesses, cross-examine witnesses and offer such
testimony and evidence as may be pertinent to the issues
then before the court or judge, as the case may be. The
court or judge, upon such hearing and the record in the
case, shall render a decision without delay, and may con-
tinue or dismiss the injunction or may enlarge or modify
the same, as may be warranted.
Questions may be certified and appeals may be taken in
injunction proceedings as in any other cases in equity.

CHAPTER 87

(Com. Sub. for House Bill No. 63—Originating in the House Committee
on Insurance)

AN ACT to amend article one, chapter thirty-three of the code
of West Virginia, one thousand nine hundred thirty-one,
as amended, by adding five new sections, to be designated
as sections four-a, four-b, four-c, four-d and four-e, to pro-
vide authority to subpoena witnesses and tax the cost of
hearings.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 1. Insurance Commissioner.
Section
4-a. Authority to subpoena.
4-b. Witness fees.
4-c. Service of subpoena.
4-d. Immunity from prosecution.
4-e. Hearing and costs.

Be it enacted by the Legislature of West Virginia:

That article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by enacting five new sections, to be designated sections four-a, four-b, four-c, four-d and four-e, to read as follows:

Section 4-a. Authority to Subpoena.—The commissioner or any person conducting a hearing or investigation by his authority shall have power to take depositions, to subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and to compel any person to subscribe to his testimony after it has been correctly reduced to writing, and in connection therewith, to require the production of any books, papers, records, correspondence, or other documents which he deems relevant to the inquiry.

Sec. 4-b. Witness Fees.—No person shall be excused from attending and testifying in obedience to a subpoena issued hereunder on the ground of failure of tender or payment of a witness fee or mileage fee unless the witness makes demand for such payment as a condition precedent to the giving of testimony or the production of documents required by the subpoena, and unless such payment is not thereupon made. No insurer, insurance agent, insurance broker or other person subject to the provisions of this chapter whose conduct, condition or practices are being investigated, and no officer, director or employee of any such person, shall be entitled to witness or mileage fees. In the event that witness or mileage fees are demanded and paid, the amount of same shall be determined as ten dollars for each day of attendance and ten cents per mile for each mile necessarily traveled to the place of attendance, and the same for returning. The sum to which a witness is entitled shall be paid out of the treasury in any case in which the attendance is for
the commissioner. In all other cases, it shall be paid by
the party at whose instance the summons is issued.

Sec. 4-c. Service of Subpoena.—The subpoena shall be
served in the same manner as if issued from a circuit
court unless otherwise provided. In case a person re-
fruses to obey any subpoena issued hereunder or to testify
with respect to any matter concerning which he may be
lawfully interrogated, the commissioner or his representa-
tive may invoke the aid of any circuit court in order that
the testimony or evidence be produced. Upon proper
showing, such court shall issue a subpoena or order re-
quiring such person to appear before the commissioner or
his representative and produce all evidence and give all
testimony touching the matter in question. A person
failing to obey such order may be punished by such court
as for contempt.

Sec. 4-d. Immunity from Prosecution.—If any person
shall ask to be excused from attending and testifying or
from producing any books, papers, records, correspon-
dence or other documents at any hearing conducted pur-
suant to this chapter or in any cause or proceeding in-
stituted by the commissioner pursuant to this chapter on
the ground that the testimony or evidence required of
him may tend to incriminate him or subject him to a
penalty or forfeiture, and shall notwithstanding be di-
rected by the insurance commissioner to give such testi-
mony or produce such evidence, he must none the less
comply with such direction, but he shall not thereafter be
prosecuted or subjected to any penalty or forfeiture for
or on account of any matter or thing concerning which he
may testify or produce evidence, pursuant thereto, and
no testimony so given or evidence produced shall be re-
ceived against him upon any criminal action, investigation
or proceeding: Provided, however, That no such individual
so testifying shall be exempt from prosecution or punish-
ment for any perjury or false swearing, committed by
him while so testifying and the testimony or evidence so
given or produced shall be admissible against him upon
any criminal action, investigation or proceeding con-
cerning such perjury or false swearing, nor shall he be
exempt from the refusal, revocation or suspension of any
license, permission or authority conferred, or to be con-
ferred, pursuant to this chapter. Any such individual
may execute, acknowledge and file in the office of the
commissioner a statement expressly waiving such im-
munity or privilege in respect to any transaction, matter
or thing specified in such statement and thereupon the
testimony of such person or such evidence in relation to
such transaction, matter or thing may be received or
produced before any judge or justice, court, tribunal,
grand jury or otherwise, and if so received or produced
such individual shall not be entitled to any immunity or
privilege on account of any testimony he may so give or
evidence so produced.

Sec. 4-e. Hearing and Costs.—The insurance commis-
ioner shall fix the time and place of hearing or trial.
The commissioner may cause to be made a stenographic
record of all evidence and all the proceedings had at such
hearing. The costs and fees paid by the state for the at-
tendance of witnesses, service of subpoena, and steno-
graphic report may be taxed against and paid by the
party or parties against whom the insurance commissioner
shall find; which costs may be recovered in a civil action.

CHAPTER 88
(House Bill No. 119—By Mr. Bowles)

AN ACT to amend and reenact section eight, article one, chapter
thirty-three of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the fees
payable to the commissioner to provide for an insurance
commissioner's fund and to increase fees payable by in-
surance companies.

[Passed March 1, 1955; in effect from passage. Approved by the Governor.]

Article 1. Insurance Commissioner.
Section
8. Fund for maintenance of office of insurance commissioner.
Be it enacted by the Legislature of West Virginia:

That section eight, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. Fund for Maintenance of Office of Insurance Commissioner.—Except where it is otherwise specially provided, the insurance commissioner shall demand and receive the following fees from all insurance companies:

For annual fee for each license, fifty dollars; for receiving and filing annual reports, fifty dollars; for valuation of policies of life insurance companies organized under the laws of this state, one and one-half cents for each one thousand dollars of insurance; for valuation of policies of life insurance companies organized under the laws of any other state admitted to transact business in this state such rate for each one thousand dollars of insurance valued as is imposed by such other state upon any similar insurance company organized under the laws of this state admitted to transact business in such other state; for filing certified copy of articles of incorporation, twenty-five dollars; for filing copy of its charter, twenty-five dollars; for filing statements preliminary to admission, fifty dollars; for filing any additional paper required by law, one dollar; for every certificate of valuation, copy of report or certificate of condition of company to be filed in any other state, five dollars; for each agent’s certificate of authority and copy of report, five dollars. The commissioner may by regulation set reasonable charges for printed forms for the annual statements required by law. He may sell at cost publications purchased by, or printed on behalf of the insurance department.

The commissioner shall pay into the state treasury all fees and charges collected by him under the provisions of this section. Such fees and charges collected during the calendar year one thousand nine hundred fifty-five and subsequent years shall comprise a special fund designated “insurance commissioner's fund” to be appropriated as provided by law for the use of the commissioner in the administration of his office, and any portion of such fund
not used during a calendar year shall be carried forward for such subsequent use. The state treasurer shall, at the end of each fiscal year, transfer any amount over and above the amount appropriated for the operation of the insurance department for the ensuing year to the general fund.

CHAPTER 89

(Senate Bill No. 86—By Mr. Amos)

AN ACT to amend and reenact section fourteen, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the reissuance of revoked license, to provide for a penalty in lieu of revocation.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. General Provisions.

Section 14. Penalty in lieu of revocation of license.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 14. Penalty in Lieu of Revocation of License. —The insurance commissioner, in lieu of revoking or suspending the license of a licensee in accordance with the provisions of this article, may, by order, require the licensee to pay to the state of West Virginia a penalty in a sum not exceeding one thousand dollars, and upon failure of such licensee to pay such penalty within thirty days after the mailing of such order, postage prepaid, registered, and addressed to the last known place of business of such licensee, unless such order is stayed by a court of competent jurisdiction, the insurance com-
missioner may revoke the license of such licensee or may suspend the same for such period as he may de-
termine.

Any company ordered to pay such penalty, or the license of which has been suspended or revoked, may, within thirty days after such order or revocation or suspension, contest the same in the manner prescribed in section thirteen, article two of this chapter.

When any license, or certificate of authority, has been revoked by the insurance commissioner, the same may, except where it is otherwise specially provided by law, be reissued by him when he is satisfied that the conditions causing the revocation have ceased to exist.

CHAPTER 90
(Senate Bill No. 47—By Mr. Amos)

AN ACT to amend and reenact section two, article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to special licenses of solicitors to increase the license fee to be charged.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Agents, Solicitors and Brokers.

Section 2. Special licenses of solicitors.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Special Licenses of Solicitors.—Any duly li-
censed insurance agent for a company other than life may, with the approval of such company, apply to the in-
surance commissioner for licenses for not to exceed two
solicitors. If, after due investigation, the insurance commission finds the person or persons for whom such license is applied, competent and trustworthy and resident in this state, he shall issue such solicitors' licenses, which shall be subject to the same law as to revocation, expiration and renewal as the agent's license, and the fee for which shall be five dollars for each license. Such solicitor shall solicit and receive applications for insurance for the appointing agent only, and he shall report all business through him. The expiration, cancellation, or revocation of the license of the appointing agent shall automatically cancel the solicitor's license, and the appointing agent may cancel the solicitor's license at any time by request to the insurance commissioner. In no case shall a solicitor's license be requested when the principal use of such license is to effect insurance on the property, person or liability of the solicitor, or to circumvent the enforcement of the anti-rebate laws. Any agent who employs, or accepts the services of, any solicitor except a solicitor duly authorized and licensed under the provisions of this section shall have his license revoked.

CHAPTER 91
(Senate Bill No. 87—By Mr. Amos)

AN ACT to amend and reenact section four, article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revocation of licenses to provide a penalty in lieu of revocation of license.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Agents, Solicitors and Brokers.
Section
4. Revocation of licenses.

Be it enacted by the Legislature of West Virginia:
That section four, article seven, chapter thirty-three of
the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Revocation of Licenses. — Whenever the insurance commissioner upon investigation is satisfied that any agent, solicitor or broker acting under his supervision and holding a certificate of authority from him is violating or has violated any provision of this chapter, or that he is incompetent or untrustworthy, he shall proceed to revoke the certificate, or license, of such agent, solicitor or broker. Whenever the insurance commissioner shall proceed to revoke such license, or certificate, whether for the reasons aforesaid or in pursuance of any other provision or provisions of this chapter, he shall first notify such person of his findings and state in writing the complaint against him and require such person, on a date named, which date shall not be less than thirty days after service of notice, to show cause why his license should not be revoked. On the date stated in such notice, the insurance commissioner shall proceed to a hearing and decision in the manner provided in section thirteen, article two of this chapter, and if such person does not present good and sufficient reasons why his authority to transact business in this state should not be revoked, the commissioner may revoke such person's license, or certificate of authority. The insurance commissioner, in lieu of revoking or suspending the license of a licensee in accordance with the provisions of this article, may, by order, require the licensee to pay to the state of West Virginia a penalty in a sum not exceeding one hundred dollars, and upon the failure of such licensee to pay such penalty within thirty days after the mailing of such order, postage prepaid, registered, and addressed to the last known place of business of such licensee, unless such order is stayed by an order of a court of competent jurisdiction, the insurance commissioner may revoke the license of such licensee or may suspend the same for such period as he may determine.

Any person whose license has been revoked or suspended or who has been ordered to pay a penalty under the provisions of this section may contest the decision
and findings in the manner prescribed in section thirteen, article two of this chapter: Provided, however, That nothing contained in this section shall be taken or construed as preventing any such agent, solicitor or broker from doing business under the authority of such license, or certificate, during the pendency of any proceeding taken to contest and review an adverse decision of the insurance commissioner.

CHAPTER 92
(Senate Bill No. 46—By Mr. Amos)

AN ACT to amend article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen, to authorize an insurance broker to receive premium for the insurer.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Agents, Solicitors and Brokers.
Section
14. Broker to receive premium.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen, to read as follows:

Section 14. Broker to Receive Premium.—Any insurer which delivers in this state to any insurance broker a contract of insurance pursuant to the application or request of such broker, acting for an insured other than himself, shall be deemed to have authorized such broker to receive on its behalf payment of any premium which is due on such contract at the time of its issuance or delivery or payment of any installment of such premium or any ad—
9 ditional premium which becomes due or payable there- 10 after on such contract, provided such payment is received 11 by such broker within ninety days after the due date of 12 such premium or installment thereof or after the date of 13 delivery of statement by the insurer of such additional 14 premium: Provided, however, That this section shall not 15 apply to policies or contracts of life insurance or non- 16 cancellable accident and health insurance.

CHAPTER 93

(House Bill No. 66—By Mr. Bowles)

AN ACT to amend article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, to be designated section fifteen, to authorize the use of insurance vending machines under certain conditions.

[Passed February 23, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 7. Agents, Solicitors and Brokers.

Section 15. Insurance vending machines.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifteen, to read as follows:

Section 15. Insurance Vending Machines.—(a) A licensed resident agent may solicit applications for and issue policies for trip accident insurance by means of mechanical vending machines supervised by him, if:

1 The insurance commissioner finds that the kind of insurance and form of policy to be so sold is reasonably suited for sale and issuance through vending machines,
and that use of such machines therefor would be of conven-
ience to the public, and

(2) The insurance commissioner finds that the type of
vending machines to be used is reasonably suitable and
practical for the purpose.

(b) The insurance commissioner shall issue to the
agent a special vending machine license as to each such
machine to be used. The license shall specify name and
address of the insurer and agent, kind of insurance and
type of policy to be so sold, and the place where the ma-
chine is to be in operation. The license shall expire, be re-
newable, and be suspended or revoked, coincidentally with
that of the agent. The license fee shall be five dollars
for each year or part thereof for each vending machine.
Proof of existence of the license shall be displayed on or
about each such machine in such manner as the insurance
commissioner may reasonably require.

CHAPTER 94

(Senate Bill No. 88—By Mr. Amos)

AN ACT to amend article eleven, chapter thirty-three of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, by repealing sections ten, eleven, twelve,
thirteen, fourteen, fifteen, sixteen, seventeen, eighteen,
nineteen, twenty, twenty-one and twenty-two; and to en-
act eighteen new sections, to be designated sections ten,
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seven-
teen, eighteen, nineteen, twenty, twenty-one, twenty-two,
twenty-three, twenty-four, twenty-five, twenty-six and
twenty-seven of said article; and to amend and reenact
section five, article thirteen, chapter thirty-three of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, all relating to provisions to be contained
in accident and health insurance policies.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:
That article eleven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by repealing sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-two, and by enacting eighteen new sections, to be designated sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six and twenty-seven of said article; and that section five, article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

Article 11. Accident and Health Insurance.

Section
10. Definition of accident and sickness insurance policy.
11. Statement to be contained in, and form of policy.
12. Policies delivered to nonresidents; approval by insurance commissioner.
13. Required accident and sickness policy provisions.
15. Inapplicable or inconsistent policy provisions.
17. Third party ownership.
18. Requirements of other jurisdictions.
19. Procedure in filing policies.
20. Other policy provisions.
21. Policy conflicting with this article.
22. Application.
23. Notice, waiver.
25. Discriminations prohibited.
26. Penalty for issuing or delivering policy in violation of article.
27. Application of article.

Section 10. Definition of Accident and Sickness Insurance Policy.—The term “policy of accident and sickness insurance” as used herein includes any policy or contract covering the kind or kinds of insurance described in section nine of this article.

Sec. 11. Statement to Be Contained in, and Form of Policy.—No policy of accident and sickness insurance
shall be delivered or issued for delivery to any person in this state unless:

(a) the entire money and other considerations therefor are expressed therein; and

(b) the time at which the insurance takes effect and terminates is expressed therein; and

(c) it purports to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family who shall be deemed the policyholder, any two or more eligible members of that family, including husband, wife, dependent children or any children under a specified age which shall not exceed nineteen years and any other person dependent upon the policyholder; and

(d) the style, arrangement and over-all appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in light-faced type of a style in general use, the size of which shall be uniform and not less than ten-point with a lower-case unspaced alphabet length not less than one hundred and twenty-point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description, if any, and captions and subcaptions), the policy shall clearly indicate on the first page its cancellable or optionally renewable nature; and

(e) the exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in sections thirteen and fourteen of this article, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS": Provided, That if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies; and

(f) each such form, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first part thereof; and
(g) it contains no provision purporting to make any
portion of the charter, rules, constitution, or by-laws of
the insurer a part of the policy unless such portion is set
forth in full in the policy, except in the case of the in-
corporation of, or reference to, a statement of rates or
classification of risks, or short-rate table filed with the
commissioner.

Sec. 12. Policies Delivered to Nonresidents; Approval
by Insurance Commissioner.—If any policy is issued by
an insurer domiciled in this state for delivery to a person
residing in another state, and if the official having re-
sponsibility for the administration of the insurance laws
of such other state shall have advised the commissioner
that any such policy is not subject to approval or dis-
approval by such official, the commissioner may by ruling
require that such policy meets the standards set forth in
this article.

Sec. 13. Required Accident and Sickness Policy Provi-
sions.—Except as provided in section fifteen of this article,
each such policy delivered or issued for delivery to any
person in this state shall contain the provisions specified
in this section in the words in which the same appear in
this section: Provided, however, That the insurer may, at
its option, substitute for one or more of such provisions
corresponding provisions of the different wording ap-
proved by the commissioner which are in each instance
not less favorable in any respect to the insured or the
beneficiary. Such provisions shall be preceded individu-
ally by the caption appearing in this section or, at the
option of the insurer, by such appropriate individual or
group captions or subcaptions as the commissioner may
approve.

(a) A provision as follows:
"ENTIRE CONTRACT; CHANGES: This policy, in-
cluding the endorsements and the attached papers, if any,
constitutes the entire contract of insurance. No change
in this policy shall be valid until approved by an execu-
tive officer of the insurer and unless such approval be
endorsed hereon or attached hereto. No agent has author-
ity to change this policy or to waive any of its provisions."
(b) A provision as follows:
"TIME LIMIT ON CERTAIN DEFENSES: (1) After
two years from the date of issue of this policy no mis-
statements, except fraudulent misstatements, made by
the applicant in the application for such policy shall be
used to void the policy or to deny a claim for loss in-
curred or disability (as defined in the policy) commenc-
ing after the expiration of such two-year period."
The foregoing policy provision shall not be so construed
as to affect any legal requirement for avoidance of a
policy or denial of a claim during such initial two-year
period, nor to limit the application of clauses (a), (b),
(c), (d) and (e) of section fourteen of this article in the
event of misstatement with respect to age or occupation
or other insurance. A policy which the insured has the
right to continue in force subject to its terms by the timely
payment of premium (i) until at least age fifty, or (ii)
in the case of a policy issued after age forty-four, for at
least five years from its date of issue, may contain in lieu
of the foregoing the following provision (from which the
clause in parentheses may be omitted at the insurer's
option) under the caption "INCONTESTABLE":
"After this policy has been in force for a period of two
years during the lifetime of the insured (excluding any
period during which the insured is disabled), it shall be-
come incontestable as to the statements contained in the
application.
(2) "No claim for loss incurred or disability (as de-
defined in the policy) commencing after two years from the
date of issue of this policy shall be reduced or denied on
the ground that a disease or physical condition not ex-
cluded from coverage by name or specific description
effective on the date of loss had existed prior to the effec-
tive date of coverage of this policy."
(c) A provision as follows:
"GRACE PERIOD: A grace period of . . . (insert a
number not less than '7' for weekly premium policies,
'10' for monthly premium policies and '31' for all other
policies) days will be granted for the payment of each
premium falling due after the first premium, during
which grace period the policy shall continue in force."
A policy which contains a cancellation provision may
add, at the end of the above provision, "subject to the
right of the insurer to cancel in accordance with the can-
cellation provision hereof."
A policy in which the insurer reserves the right to re-
fuse any renewal shall have at the beginning of the above
provision, "Unless not less than five days prior to the
premium due date the insurer has delivered to the in-
sured or has mailed to his last address as shown by the
records of the insurer written notice of its intention not
to renew this policy beyond the period for which the
premium has been accepted,"—.
(d) A provision as follows:
"REINSTATEMENT: If any renewal premium be not
paid within the time granted the insured for payment, a
subsequent acceptance of premium by the insurer or by
any agent duly authorized by the insurer to accept such
premium, without requiring in connection therewith an
application for reinstatement, shall reinstate the policy:
Provided, however, That if the insurer or such agent
requires an application for reinstatement and issues a
conditional receipt for the premium tendered, the policy
will be reinstated upon approval of such application by
the insurer or, lacking such approval, upon the forty-fifth
day following the date of such conditional receipt unless
the insurer has previously notified the insured in writing
of its disapproval of such application. The reinstated
policy shall cover only loss resulting from such accidental
injury as may be sustained after the date of reinstatement
and loss due to such sickness as may begin more than
ten days after such date. In all other respects the insured
and insurer shall have the same rights thereunder as they
had under the policy immediately before the due date of
the defaulted premium, subject to any provisions en-
dorsed hereon or attached hereto in connection with the
reinstatement. Any premium accepted in connection with
a reinstatement shall be applied to a period for which
premium has not been previously paid, but not to any
period more than sixty days prior to the date of re-
instatement."
The last sentence of the above provision may be omitted from any policy which the insured has the right to continue in force subject to its terms by the timely payment of premiums (1) until at least age fifty, or, (2) in the case of a policy issued after age forty-four, for at least five years from its date of issue.

(e) A provision as follows:

"NOTICE OF CLAIM: Written notice of claim must be given to the insurer within twenty days after the occurrence or commencement of any loss covered by the policy, or as soon thereafter as is reasonably possible. Notice given by or on behalf of the insured or the beneficiary to the insurer at ... (insert the location of such office as the insurer may designate for the purpose), or to any authorized agent of the insurer, with information sufficient to identify the insured, shall be deemed notice to the insurer."

In a policy providing a loss-of-time benefit which may be payable for at least two years, an insurer may at its option insert the following between the first and second sentences of the above provision:

"Subject to the qualifications set forth below, if the insured suffers loss of time on account of disability for which indemnity may be payable for at least two years, he shall, at least once in every six months after having given notice of claim give to the insurer notice of continuance of said disability, except in the event of legal incapacity. The period of six months following any filing of proof by the insured or any payment by the insurer on account of such claim or any denial of liability in whole or in part by the insurer shall be excluded in applying this provision. Delay in the giving of such notice shall not impair the insured’s right to any indemnity which would otherwise have accrued during the period of six months preceding the date on which such notice is actually given."

(f) A provision as follows:

"CLAIM FORMS: The insurer, upon receipt of a notice of claim, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not furnished within fifteen days after
the giving of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting, within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made."

(g) A provision as follows:

"PROOF OF LOSS: Written proof of loss must be furnished to the insurer at its said office in case of claim for loss for which this policy provides any periodic payment contingent upon continuing loss within ninety days after the termination of the period for which the insurer is liable and in case of claim for any other loss within ninety days after the date of such loss. Failure to furnish such proof within the time required shall not invalidate nor reduce any claim if it was not reasonably possible to give proof within such time, provided such proof is furnished as soon as reasonably possible and in no event, except in the absence of legal capacity, later than one year from the time proof is otherwise required."

(h) A provision as follows:

"TIME OF PAYMENT OF CLAIMS: Indemnities payable under this policy for any loss other than loss for which this policy provides any periodic payment will be paid immediately upon receipt of due written proof of such loss. Subject to due written proof of loss, all accrued indemnities for loss for which this policy provides periodic payment will be paid . . . (insert period for payment which must not be less frequently than monthly) and any balance remaining unpaid upon the termination of liability will be paid immediately upon receipt of due written proof."

(i) A provision as follows:

"PAYMENT OF CLAIMS: Indemnity for loss of life will be payable in accordance with the beneficiary designation and the provisions respecting such payment which may be prescribed herein and effective at the time of payment. If no such designation or provision is then effective, such indemnity shall be payable to the estate of the insured. Any other accrued indemnities unpaid at the insured's death may, at the option of the insurer, be
paid either to such beneficiary or to such estate. All other
indemnities will be payable to the insured.”

The following provisions, or either of them, may be
included with the foregoing provisions at the option of
the insurer:

“If any indemnity of this policy shall be payable to the
estate of the insured, or to an insured or beneficiary who
is a minor or otherwise not competent to give a valid
release, the insurer may pay such indemnity, up to an
amount not exceeding $ . . . (insert an amount which
shall not exceed $1000), to any relative by blood or con-
nection by marriage of the insured or beneficiary who is
deemed by the insurer to be equitably entitled thereto.
Any payment made by the insurer in good faith pursuant
to this provision shall fully discharge the insurer to the
extent of such payment.

“Subject to any written direction of the insured in the
application or otherwise all or a portion of any indemni-
ties provided by this policy on account of hospital, nurs-
ing, medical, or surgical services may, at the insurer’s
option and unless the insured requests otherwise in writ-
ing not later than the time of filing proofs of such loss,
be paid directly to the hospital or person rendering such
services; but it is not required that the service be ren-
dered by a particular hospital or person.”

(j) A provision as follows:

“PHYSICAL EXAMINATIONS AND AUTOPSY: The
insurer at its own expense shall have the right and op-
portunity to examine the person of the insured when and
as often as it may reasonably require during the pendency
of a claim hereunder and to make an autopsy in case of
death where it is not forbidden by law.”

(k) A provision as follows:

“LEGAL ACTIONS: No action at law or in equity shall
be brought to recover on this policy prior to the expira-
tion of sixty days after written proof of loss has been
furnished in accordance with the requirements of this
policy. No such action shall be brought after the expira-
tion of three years after the time written proof of loss is
required to be furnished.”

(l) A provision as follows:
"CHANGE OF BENEFICIARY: Unless the insured makes an irrevocable designation of beneficiary, the right to change of beneficiary is reserved to the insured and the consent of the beneficiary or beneficiaries shall not be requisite to surrender or assignment of this policy or to any change of beneficiary or beneficiaries, or to any other changes in this policy."

The first clause of this provision, relating to the irrevocable designation of beneficiary, may be omitted at the insurer's option.

Sec. 14. Optional Policy Provisions.—Except as provided in section fifteen of this article, no such policy delivered or issued for delivery to any person in this state shall contain provisions respecting the matters set forth below unless such provisions are in the words in which the same appear in this section: Provided, however, That the insurer may, at its option, use in lieu of any such provision a corresponding provision of different wording approved by the commissioner which is not less favorable in any respect to the insured or the beneficiary. Any such provision contained in the policy shall be preceded individually by the appropriate caption appearing in this section or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the commissioner may approve.

(a) A provision as follows:

"CHANGE OF OCCUPATION: If the insured be injured or contract sickness after having changed his occupation to one classified by the insurer as more hazardous than that stated in this policy or while doing for compensation anything pertaining to an occupation so classified, the insurer will pay only such portion of the indemnities provided in this policy as the premium paid would have purchased at the rates and within the limits fixed by the insurer for such more hazardous occupation. If the insured changes his occupation to one classified by the insurer as less hazardous than that stated in this policy, the insurer, upon receipt of proof of such change of occupation, will reduce the premium rate accordingly, and will return the excess pro rata unearned premium
from the date of change of occupation or from the policy anniversary date immediately preceding receipt of such proof, whichever is the more recent. In applying this provision, the classification of occupational risk and the premium rates shall be such as have been last filed by the insurer prior to the occurrence of the loss for which the insurer is liable or prior to date of proof of change in occupation with the state official having supervision of insurance in the state where the insured resided at the time this policy was issued; but if such filing was not required, then the classification of occupational risk and the premium rates shall be those last made effective by the insurer in such state prior to the occurrence of the loss or prior to the date of proof of change in occupation.”

(b) A provision as follows:

“MISSTATEMENT OF AGE: If the age of the insured has been misstated, all amounts payable under this policy shall be such as the premium paid would have purchased at the correct age.”

(c) A provision as follows:

“OTHER INSURANCE IN THIS INSURER: If an accident or sickness or accident and sickness policy or policies previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for . . . (insert type of coverage or coverages) in excess of $ . . . (insert maximum limit of indemnity or indemnities) the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured or to his estate.”

or, in lieu thereof:

“Insurance effective at any one time on the insured under a like policy or policies in this insurer is limited to the one such policy elected by the insured, his beneficiary or his estate, as the case may be, and the insurer will return all premiums paid for all other such policies.”

Provided that no policy hereafter issued for delivery in this state which provides, with or without other benefits, for the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation shall contain any provision for a re-
duction of such benefits or reimbursement, or any provision for avoidance of the policy, on account of other insurance of such nature carried by the same insured with the same or another insurer.

(d) A provision as follows:

"INSURANCE WITH OTHER INSURERS: If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis and of which this insurer has not been given written notice prior to the occurrence or commencement of loss, the only liability for such benefits under this policy shall be for such proportion of the indemnities otherwise provided hereunder for such loss as the like indemnities of which the insurer had notice (including the indemnities under this policy) bear to the total amount of all like indemnities for such loss, and for the return of such portion of the premium paid as shall exceed the pro rata portion for the indemnities thus determined."

The insurer may, at its option, include in this provision a definition of "other valid coverage", approved as to form by the commissioner, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the commissioner. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured any amount of benefit provided for such insured pursuant to any compulsory benefit statute (including any workmen's compensation or employer's liability statute) whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

(e) A provision as follows:
“RELATION OF EARNINGS TO INSURANCE: If the
total monthly amount of loss of time benefits promised
for the same loss under all valid loss of time cover-
age upon the insured, whether payable on a weekly or
monthly basis, shall exceed the monthly earnings of the
insured at the time disability commenced or his average
monthly earnings for the period of two years immediately
preceding a disability for which claim is made, whichever
is the greater, the insurer will be liable only for such
proportionate amount of such benefits under this policy
as the amount of such monthly earnings or such average
monthly earnings of the insured bears to the total amount
of monthly benefits for the same loss under all such cov-
erage upon the insured at the time such disability com-
ences and for the return of such part of the premiums
paid during such two years as shall exceed the pro rata
amount of the premiums for the benefits actually paid
hereunder; but this shall not operate to reduce the total
monthly amount of benefits payable under all such cover-
age upon the insured below the sum of two hundred
dollars or the sum of the monthly benefits specified in
such coverages, whichever is the lesser, nor shall it oper-
ate to reduce benefits other than those payable for loss
of time.”

The foregoing policy provision may be inserted only
in a policy which the insured has the right to continue
in force subject to its terms by the timely payment of
premiums (1) until at least age fifty or, (2) in the case
of a policy issued after age forty-four, for at least five
years from its date of issue. The insurer may, at its
option, include in this provision a definition of “valid loss
of time coverage”, approved as to form by the commis-
sioner, which definition shall be limited in subject matter
to coverage provided by governmental agencies or by
organizations subject to regulation by insurance law or
by insurance authorities of this or any other state of the
United States or any province of Canada, or to any other
coverage the inclusion of which may be approved by the
commissioner or any combination of such coverages. In
the absence of such definition such term shall not include
any coverage provided for such insured pursuant to any
154 compulsory benefit statute (including any workmen's
155 compensation or employer's liability statute), or benefits
156 provided by union welfare plans or by employer or em-
157 ployee benefit organizations.
158 (f) A provision as follows:
159 "UNPAID PREMIUM: Upon the payment of a claim
160 under this policy, any premiums then due and unpaid or
161 covered by any note or written order may be deducted
162 therefrom."
163 (g) A provision as follows:
164 "CANCELLATION: The insurer may cancel this policy
165 at any time by written notice delivered to the insured
166 or mailed to his last address as shown by the records of
167 the insurer, stating when, not less than five days there-
168 after, such cancellation shall be effective; after the policy
169 has been continued beyond its original term the insured
170 may cancel this policy at any time by written notice
171 delivered or mailed to the insurer, effective upon receipt
172 or on such later date as may be specified in such notice.
173 In the event of cancellation, the insurer will return
174 promptly the unearned portion of any premium paid. If
175 the insured cancels, the earned premium shall be com-
176 puted by the use of the short-rate table last filed with the
177 state official having supervision of insurance in the state
178 where the insured resided when the policy was issued.
179 If the insurer cancels, the earned premium shall be com-
180 puted pro rata. Cancellation shall be without prejudice
181 to any claim originating prior to the effective date of
182 cancellation."
183 (h) A provision as follows:
184 "CONFORMITY WITH STATE STATUTES: Any pro-
185 vision of this policy which, on its effective date, is in
186 conflict with the statutes of the state in which the insured
187 resides on such date is hereby amended to conform to the
188 minimum requirements of such statutes."
189 (i) A provision as follows:
190 "ILLEGAL OCCUPATION: The insurer shall not be
191 liable for any loss to which a contributing cause was the
192 insured's commission of or attempt to commit a felony or
193 to which a contributing cause was the insured's being
194 engaged in an illegal occupation."
(j) A provision as follows:

"INTOXICANTS AND NARCOTICS: The insurer shall not be liable for any loss sustained or contracted in consequence of the insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

Sec. 15. Inapplicable or Inconsistent Policy Provisions.

If any provision of this section is in whole or in part inapplicable to or inconsistent with the coverage provided by a particular form of policy the insurer, with the approval of the commissioner, shall omit from such policy any inapplicable provision or part of a provision, and shall modify any inconsistent provision or part of the provision in such manner as to make the provision as contained in the policy consistent with the coverage provided by the policy.


The provisions which are the subject of sections thirteen and fourteen of this article or any corresponding provisions which are used in lieu thereof in accordance with such sections, shall be printed in consecutive order of the provisions in such sections or, at the option of the insurer, any such provisions may appear as a unit in any part of the policy, with other provisions to which it may be logically related, provided the resulting policy shall not be in whole or in part unintelligible, uncertain, ambiguous, abstruse, or likely to mislead a person to whom the policy is offered, delivered or issued.

Sec. 17. Third Party Ownership.

The word "insured" as used in this article, shall not be construed as preventing a person other than the insured with a proper insurable interest from making application for and owning a policy covering the insured or from being entitled under such a policy to any indemnities, benefits and rights provided therein.

Sec. 18. Requirements of Other Jurisdictions.

(a) Any policy of a foreign or alien insurer, when delivered or issued for delivery to any person in this state, may contain any provision which is not less favorable to the in-
5 sured or the beneficiary than the provisions of this article
6 and which is prescribed or required by the law of the state
7 under which the insurer is organized.
8 (b) Any policy of a domestic insurer may, when issued
9 for delivery in any other state or country, contain any
10 provision permitted or required by the laws of such other
11 state or country.

Sec. 19. Procedure in Filing Policies.—The commis-
2 sioner may make such reasonable rules and regulations
3 concerning the procedure for the filing or submission of
4 policies subject to this article as are necessary, proper or
5 advisable to the administration of this article. This pro-
6 vision shall not abridge any other authority granted the
7 commissioner by law.

Sec. 20. Other Policy Provisions.—No policy provision
2 which is not subject to sections thirteen, fourteen or fif-
3 teen of this article shall make a policy, or any portion
4 thereof, less favorable in any respect to the insured or the
5 beneficiary than the provisions thereof which are subject
6 to this article.

Sec. 21. Policy Conflicting with This Article.—A policy
2 delivered or issued for delivery to any person in this state
3 in violation of this article shall be held valid but shall be
4 construed as provided in this article. When any provision
5 in a policy subject to this article is in conflict with any
6 provision of this article, the rights, duties and obligations
7 of the insurer, the insured and the beneficiary shall be
8 governed by the provisions of this article.

Sec. 22. Application.—(a) The insured shall not be
2 bound by any statement made in an application for a
3 policy unless a copy of such application is attached to or
4 endorsed on the policy when issued as a part thereof. If
5 any such policy delivered or issued for delivery to any
6 person in this state shall be reinstated or renewed, and
7 the insured or the beneficiary or assignee of such policy
8 shall make written request to the insurer for a copy of
9 the application, if any, for such reinstatement or renewal,
10 the insurer shall within fifteen days after the receipt of
11 such request at its home office or any branch office of the
12 insurer, deliver or mail to the person making such re-
13 quest, a copy of such application. If such copy shall not
14 be so delivered or mailed, the insurer shall be precluded
15 from introducing such application as evidence in any ac-
16 tion or proceeding based upon or involving such policy or
17 its reinstatement or renewal.
18  (b) No alteration of any written application for any
19 such policy shall be made by any person other than the
20 applicant without his written consent, except that inser-
21 tions may be made by the insurer, for administrative
22 purposes only, in such manner as to indicate clearly that
23 such insertions are not to be ascribed to the applicant.
24 The making of any such alterations without the consent
25 of the applicant shall be a misdemeanor. If such alter-
26 nation shall be made by any officer of the insurer, or by
27 any employee of the insurer with the insurer’s knowledge
28 or consent, then such act shall be deemed to have been
29 performed by the insurer thereafter issuing the policy
30 upon such altered application. The commissioner may re-
31 voke the license of the insurer for any violation of this
32 section.
33  (c) The falsity of any statement in the application for
34 any policy covered by this article may not bar the right to
35 recovery thereunder unless such false statement materi-
36 ally affected either the acceptance of the risk or the haz-
37 ard assumed by the insurer.

Sec. 23. Notice, Waiver.—The acknowledgment by any
2 insurer of the receipt of notice given under any policy
3 covered by this article, or the furnishing of forms for filing
4 proofs of loss, or the acceptance of such proofs, or the
5 investigation of any claim thereunder shall not operate as
6 a waiver of any of the rights of the insurer in defense of
7 any claim arising under such policy.

Sec. 24. Age Limit.—If any such policy contains a pro-
2 vision establishing, as an age limit or otherwise, a date
3 after which the coverage provided by the policy will not
4 be effective, and if such date falls within a period for
5 which premium is accepted by the insurer or if the in-
6 surer accepts a premium after such date, the coverage
7 provided by the policy will continue in force subject to
any right of cancellation until the end of the period for
which premium has been accepted. In the event the age
of the insured has been misstated and if, according to the
correct age of the insured, the coverage provided by the
policy would not have become effective, or would have
ceased prior to the acceptance of such premium or pre-
miums, then the liability of the insurer shall be limited
to the refund, upon request, of all premiums paid for the
period not covered by the policy.

Sec. 25. Discriminations Prohibited.—Discrimination
between individuals of the same class in the amount of
premiums or rates charged for any policy of insurance
covered by this article, or in the benefits payable thereon,
or in any of the terms or conditions of such policy, or in
any other manner whatsoever, is prohibited.

Sec. 26. Penalty for Issuing or Delivering Policy in
Violation of Article.—Any insurer, or any officer or agent
thereof, who issues or delivers to any person in this state
any policy, or alters any written application for insur-
ance, in willful violation of the provisions of this article,
shall be guilty of a misdemeanor, and, upon conviction
thereof shall be sentenced to pay a fine of not more than
three hundred dollars for each offense. The insurance
commissioner may revoke the license of any company,
corporation, association or other insurer of another state
or country, or of the agent thereof, which or who wilfully
violates any of said provisions.

Sec. 27. Application of Article.—(a) Nothing in this
article, however, shall apply to or affect any policy of
liability or workmen's compensation insurance.
(b) Nothing in this article shall apply to or affect any
policy of insurance issued in accordance with article thir-
ten of this chapter, except as provided in said article
thirteen.
(c) Nothing in this article shall apply to nor in any
way affect life insurance, endowment or annuity con-
tracts or contracts supplemental thereto which contain no
provisions relating to accident or health insurance except
(i) such as provided additional benefits in case of death
by accidental means, and except (ii) such as operate to
safeguard such contracts against lapse, or to give a special
surrender value, or special benefit, or an annuity, in the
event that the insured or annuitant shall become totally
and permanently disabled as defined by the contract or
supplemental contract.
(d) Nothing in this article shall apply to or in any way
affect fraternal benefit societies.
(e) The provisions of this article contained in clauses
(d) and (j) of section thirteen may be omitted from
transportation ticket policies.
Any policy, rider or endorsement, which could have been
lawfully used or delivered or issued for delivery to any
person in this state immediately before the effective date
of this act, may be used or delivered or issued for de-

delivery to any such person until January first, one thou-
sand nine hundred fifty-seven, without being subject to
the provisions of sections eleven through twenty-one, in-
clusive, of this article.

Article 13. Group Accident and Health Insurance.
Section 5. Policies to provide expense reimbursement permitted; provision
as to proof of loss and time for suit prescribed.

Section 5. Policies to Provide Expense Reimbursement
Permitted; Provision as to Proof of Loss and Time for
Suit Prescribed.—Any policy coming within the classifi-
cation of subsection (a) or (b) of section one of this
article may provide, in addition to such other indemnities,
if any, as are provided in the policy on account of sick-
ness or bodily injury or death of insured employees or
members by accident, for the payment of benefits or re-
imbursement for expenses with respect to any one or
more of the following contingencies: Hospitalization,
nursing care, medical or surgical examination or treat-
ment, or ambulance transportation of insured employees
or members, or of their spouses or children, or of de-
dpendents living with them: Provided, That no such policy
hereafter issued for delivery in this state shall contain
any provision relative to notice or proof of loss or the
time for paying benefits or the time within which suit
18 may be brought upon the policy which is less favorable 19 to the insured than would be permitted by the provisions 20 of section thirteen of article eleven.

CHAPTER 95

(House Bill No. 393—By Mr. Andrews)

AN ACT to amend and reenact section one, article thirteen, 18 chapter thirty-three of the code of West Virginia, one thou­ 19 sand nine hundred thirty-one, as amended, relative to 20 group accident and health insurance.

[Passed March 11, 1955: in effect ninety days from passage. Approved by the Governor.]

Article 13. Group Accident and Health Insurance.

Section

1. Companies which may write group accident and health insurance; 2 policy classifications; definitions.

Be it enacted by the Legislature of West Virginia:

That section one, article thirteen, chapter thirty-three of the 1 code of West Virginia, one thousand nine hundred thirty-one, 2 as amended, be amended and reenacted to read as follows:

Section 1. Companies Which May Write Group Acci­ 2 dent and Health Insurance; Policy Classifications; Defi­ 3 nitions.—Any insurer authorized to do the business of ac­ 4 cident and health insurance in this state may issue group 5 policies insuring against bodily injury or death caused by 6 accident or accidental means, or against sickness or both, 7 coming within any of the following classifications:

(a) A policy issued to an employer, who shall be 9 deemed the policyholder, insuring at least ten employees 10 of such employer, for the benefit of persons other than 11 the employer, and conforming to the following require­ 12 ments:

(1) If the premium is paid by the employer the group 14 shall comprise all employees or all of any class or classes
thereof determined by conditions pertaining to the employment, or

(2) If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy per cent of all employees of the employer or not less than seventy-five per cent of all employees of any class or classes thereof determined by conditions pertaining to the employment;

(b) A policy issued to an association which has a constitution and by-laws and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, insuring at least ten members of the association for the benefit of persons other than the association or its officers or trustees, as such;

(c) A policy issued to a college, school or other institution of learning or to the head or principal thereof, insuring students, or students and employees, of such institution;

(d) A policy issued to or in the name of any volunteer fire department, insuring all of the members of such department or all of any class or classes thereof against any one or more of the hazards to which they are exposed by reason of such membership.

(e) A policy issued to any person or organization to which a policy of group life insurance may be issued or delivered in this state, to insure any class or classes of individuals that could be insured under such group life policy.

The term "employee" as used herein shall be deemed to include the officers, managers, and employees of the employer, the partners, if the employer is a partnership, the officers, managers, and employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract, or otherwise. The term "employer" as used herein may be deemed to include any municipal or governmental corporation, unit, agency or department thereof and the proper officers, as such, of any unincorporated munici-
AN ACT to amend chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article sixteen, to define and render unlawful unfair methods of competition and unfair and deceptive acts and practices in the business of insurance.

[Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 1. Declaration of purposes.
2. Definitions.
3. Unfair methods of competition or unfair and deceptive acts or practices prohibited.
4. Unfair methods of competition and unfair or deceptive acts or practices defined.
5. Power of commissioner.
6. Hearings, witnesses, appearances, production of books, and service of process.
7. Cease and desist orders and modification thereof.
9. Procedure as to unfair methods of competition and unfair or deceptive acts or practices which are not defined.
11. Penalty.
12. Provisions of article additional to existing law.
13. Immunity from prosecution.
14. Trade practice conferences.
15. Separability provisions.

Be it enacted by the Legislature of West Virginia:

That chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article sixteen, to read as follows:
Section 1. Declaration of Purposes.—The purpose of this act is to regulate trade practices in the business of insurance in accordance with the intent of Congress as expressed in the act of Congress of March ninth, one thousand nine hundred forty-five (Public Law fifteen, seventy-ninth Congress), by defining, or providing for the determination of, all such practices in this state which constitute unfair methods of competition or unfair or deceptive acts or practices and by prohibiting the trade practices so defined or determined.

Sec. 2. Definitions.—When used in this act:
(a) “Person” shall mean any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds insurer, fraternal benefit society and any other legal entity engaged in the business of insurance including agents, brokers, solicitors, and adjusters.
(b) “Commissioner” shall mean the insurance commissioner of West Virginia.

Sec. 3. Unfair Methods of Competition or Unfair and Deceptive Acts or Practices Prohibited.—No person shall engage in this state in any trade practice which is defined in this article as, or determined pursuant to this article to be, an unfair method of competition or unfair or deceptive act or practice in the business of insurance.

Sec. 4. Unfair Methods of Competition and Unfair or Deceptive Acts or Practices Defined.—The following are hereby defined as unfair methods of competition and unfair and deceptive acts or practices in the business of insurance:
(a) Misrepresentations and False Advertising of Policy Contracts.—Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular or statement misrepresenting the terms of any policy issued or to be issued or the benefits or advantages promised thereby or the dividends or share of the surplus to be received thereon, or making any false or misleading statement as to the dividends or share of surplus previously paid on similar policies, or making any misleading representation or any misrepresentation as to the financial...
condition of any insurer, or as to the legal reserve system
upon which any life insurer operates, or using any name
or title of any policy or class of policies misrepresenting
the true nature thereof, or making any misrepresentation
to any policyholder insured in any company for the pur-
pose of inducing or tending to induce such policyholder
to lapse, forfeit, or surrender his insurance.

(b) False Information and Advertising Generally.—
Making, publishing, disseminating, circulating or placing
before the public or causing, directly, to be made, pub-
lished, disseminated, circulated or placed before the pub-
lic, in a newspaper, magazine or other publication, or in
the form of a notice, circular, pamphlet, letter or poster, or
over any radio station, or in any other way, an adver-
tisement, announcement or statement containing any
assertion, representation or statement with respect to the
business of insurance or with respect to any person in
the conduct of his insurance business, which is untrue,
deceptive or misleading.

(c) Defamation.—Making, publishing, disseminating or
circulating, directly or indirectly, or aiding, abetting or
encouraging the making, publishing, disseminating or
circulating of any oral or written statement or any pam-
phlet, circular, article or literature which is false or mali-
ciously critical of or derogatory to the financial condition
of an insurer and which is calculated to injure any person
engaged in the business of insurance.

(d) Boycott, Coercion and Intimidation.—Entering into
any agreement to commit, or by any concerted action
committing, any act of boycott, coercion or intimidation
resulting in or tending to result in unreasonable restraint
of, or monopoly in, the business of insurance.

(e) False Financial Statements.—Filing with any su-
ervisory or other public official, or making, publishing,
disseminating, circulating or delivering to any person, or
placing before the public, or causing directly or indirect-
ly, to be made, published, disseminated, circulated, deliv-
ered to any person or placed before the public, any false
statement of financial condition of an insurer with intent
to deceive.
Making any false entry in any book, report or statement of any insurer with intent to deceive any agent or examiner lawfully appointed to examine into its condition or into any of its affairs, or any public official to whom such insurer is required by law to report, or who has authority by law to examine into its condition or into any of its affairs or, with like intent, wilfully omitting to make a true entry of any material fact pertaining to the business of such insurer in any book, report or statement of such insurer.

(f) Stock Operations and Advisory Board Contracts.—Issuing or delivering or permitting agents, officers, or employees to issue or deliver agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance.

(g) Unfair Discrimination.—The commission of any one or more of the acts prohibited by sections eleven-a, eighteen, nineteen, twenty-two, and thirty-five of article two of this chapter.

Sec. 5. Power of Commissioner.—The commissioner shall have power to examine and investigate into the affairs of every person engaged in the business of insurance in this state in order to determine whether such person has been or is engaged in any unfair method of competition or in any unfair or deceptive act or practice prohibited by section three of this article.

Sec. 6. Hearings, Witnesses, Appearances, Production of Books, and Service of Process.—(a) Whenever the commissioner shall have reason to believe that any such person has been engaged or is engaging in this state in any unfair method of competition or any unfair or deceptive act or practice defined in section four, and that a proceeding by him in respect thereto would be to the interest of the public, he shall issue and have served upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof.
(b) At the time and place fixed for such hearing, such person shall have an opportunity to be heard and to show cause why an order should not be made by the commissioner requiring such person to cease and desist from the acts, methods or practices so complained of. Upon good cause shown, the commissioner shall permit any person to intervene, appear and be heard at such hearing by counsel or in person.

(c) Nothing contained in this article shall require the observance at any such hearing of formal rules of pleading or evidence.

(d) The commissioner, upon such hearing, may administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence, and shall have the power to subpoena witnesses, compel their attendance and require the production of books, papers, records, correspondence or other documents which he deems relevant to the inquiry. At the expense of and at the written request seasonably made by a person affected by the hearing, the commissioner shall cause a full stenographic record of the proceedings to be made by a competent stenographic reporter, and if transcribed, such record shall be made a part of the commissioner's record of the hearing. A copy of such record shall be furnished any other party upon the written request and at the expense of such party. If no stenographic record is made and if a judicial review is sought, the commissioner shall prepare a statement of the evidence and proceeding for use on review. In case a person refuses to obey any subpoena issued hereunder or to testify with respect to any matter concerning which he may be lawfully interrogated, the commissioner or his representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the commissioner or his representative and produce all evidence and give all testimony touching the matter in question. A person failing to obey such order may be punished by such court as for contempt.

(e) Statements of charges, notices, orders and other
processes of the commissioner under this article may be served by anyone duly authorized by the commissioner, either in the manner provided by law for service of process in civil actions or by registering and mailing a copy thereof to the person affected by such statement, notice, order or other process at his or its residence or principal office or place of business. The verified return by the person so serving such statement, notice, order or other process, setting forth the manner of such service, shall be proof of the same and the return post card receipt for such statement, notice, order or other process, registered and mailed as aforesaid, shall be proof of the service of the same.

Sec. 7. Cease and Desist Orders and Modification Thereof.—(a) If, after such hearing, the commissioner shall determine that the method of competition or the act or practice in question is defined in section four and that the person complained of has engaged in such method of competition, act or practice in violation of this article, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation an order requiring such person to cease and desist from engaging in such method of competition, act or practice.

(b) Until the expiration of the time allowed under section eight (a) of this article for filing a petition for review by appeal if no such petition has been duly filed within such time or, if a petition for review has been filed within such time, then until the transcript of the record in the proceeding has been filed in the circuit court of Kanawha county, as hereinafter provided, the commissioner may at any time, upon such notice and in such manner as he shall deem proper, modify or set aside in whole or in part any order issued by him under this section.

(c) After the expiration of the time allowed for filing such a petition for review, if no such petition has been duly filed within such time, the commissioner may, at any time after notice given pursuant to the requirements of section six (e) and opportunity for hearing, reopen and alter, modify or set aside, in whole or in part, any
order issued by him under this section whenever, in his
opinion, conditions of fact or of law have so changed as
to require such action or if the public interest shall so
require.

Sec. 8. Judicial Review of Cease and Desist Orders.—
(a) Any order or decision of the commissioner under this
section shall be subject to review as provided in section
thirteen, article two of this chapter. The findings of fact
of the commissioner, and any modification thereof as pro-
vided for in subsection (b) of this section, if supported
by the preponderance of the evidence, shall be conclusive.
(b) To the extent that the order of the commissioner
is affirmed, the court shall thereupon issue its own order
commanding obedience to the terms of such order of the
commissioner. If either party shall apply to the court
for leave to adduce additional evidence, and shall show
to the satisfaction of the court that such additional evi-
dence is material and that there were reasonable grounds
for the failure to adduce such evidence in the proceeding
before the commissioner, the court may order such addi-
tional evidence to be taken before the commissioner and
to be adduced upon the hearing in such manner and upon
such terms and conditions as to the court may seem proper.
The commissioner may modify his findings of fact, or
make new findings by reason of the additional evidence
so taken, and he shall file such modified or new findings,
which, if supported by the preponderance of the evidence,
shall be conclusive, and his recommendation, if any, for
the modification or setting aside of his original order,
with the return of such additional evidence.
(c) A cease and desist order issued by the commissioner
under section seven shall become final:
(1) Upon the expiration of the time allowed for filing
a petition for review if no such petition has been duly
filed within such time; except that the commissioner may
thereafter modify or set aside his order to the extent pro-
vided in section seven (b); or
(2) Upon the final decision of the court if the court
directs that the order of the commissioner be affirmed or
the petition for review dismissed.
(d) No order of the commissioner under this article or order of a court to enforce the same shall in any way relieve or absolve any person affected by such order from any liability under any other laws of this state.

Sec. 9. Procedure as to Unfair Methods of Competition and Unfair or Deceptive Acts or Practices Which Are Not Defined.—(a) Whenever the commissioner shall have reason to believe that any person engaged in the business of insurance is engaging in this state in any method of competition or in any act or practice in the conduct of such business which is not defined in section four, that such method of competition is unfair or that such act or practice is unfair or deceptive and that a proceeding by him in respect thereto would be to the interest of the public, he may issue and serve upon such person a statement of the charges in that respect and a notice of a hearing thereon to be held at a time and place fixed in the notice, which shall not be less than ten days after the date of the service thereof. Each such hearing shall be conducted in the same manner as the hearings provided for in section six. The commissioner shall, after such hearing, make a report in writing in which he shall state his findings as to the facts, and he shall serve a copy thereof upon such person.

(b) If such report charges a violation of this article and if such method of competition, act or practice has not been discontinued, the commissioner may, through the attorney general of this state, at any time after ten days after the service of such report, cause a petition to be filed in the circuit court of Kanawha county or in the circuit court of this state within the district wherein the person resides or has his principal place of business, to enjoin and restrain such person from engaging in such method, act or practice. The court shall have jurisdiction of the proceeding and shall have power to make and enter appropriate orders in connection therewith and to issue such writs as are ancillary to its jurisdiction or are necessary in its judgment to prevent injury to the public pendente lite.

(c) A transcript of the proceedings before the commis-
sioner including all evidence taken and the report and
findings shall be filed with such petition. If either party
shall apply to the court for leave to adduce additional
evidence and shall show, to the satisfaction of the court,
that such additional evidence is material and there were
reasonable grounds for the failure to adduce such evi-
dence in the proceeding before the commissioner the court
may order such additional evidence to be taken before
the commissioner and to be adduced upon the hearing in
such manner and upon such terms and conditions as to
the court may seem proper. The commissioner may mod-
ify his findings of fact or make new findings by reason
of the additional evidence so taken, and he shall file such
modified or new findings with the return of such addi-
tional evidence.

(d) If the court finds that the method of competition
complained of is unfair or that the act or practice com-
plained of is unfair or deceptive, that the proceeding by
the commissioner with respect thereto is to the interest
of the public and that the findings of the commissioner
are supported by the weight of the evidence, it shall issue
its order enjoining and restraining the continuance of
such method of competition, act or practice.

Sec. 10. Judicial Review by Intervenor.—If the report
of the commissioner does not charge a violation of this
article, then any intervenor in the proceedings may, with-
in thirty days after the service of such report, cause a pe-
tition to be filed in the circuit court of Kanawha county
for a review of such report. Upon such review, the court
shall have authority to issue appropriate orders and de-
crees in connection therewith, including, if the court finds
that it is to the interest of the public, orders enjoining
and restraining the continuance of any method of compe-
tition, act or practice which it finds, notwithstanding such
report of the commissioner, constitutes a violation of this
article.

Sec. 11. Penalty.—Any person who violates a cease and
desist order of the commissioner under section seven of
this article, after it has become final and while such order
is in effect, shall forfeit and pay to the state of West Vir-
ginia a sum not to exceed five thousand dollars for a wil-
ful violation thereof; or a sum not to exceed two hundred
fifty dollars when such violation is not wilful; which may
be recovered in a civil action. Nothing herein shall be
construed as limiting the authority of any court to en-
force its orders, by contempt proceedings or otherwise.

Sec. 12. Provisions of Article Additional to Existing
Law.—The powers vested in the commissioner by this ar-
ticle shall be additional to any other powers to enforce any
penalties, fines or forfeitures authorized by law with re-
spect to the methods, acts and practices hereby declared
to be unfair or deceptive.

Sec. 13. Immunity From Prosecution.—If any person
shall ask to be excused from attending and testifying or
from producing any books, papers, records, correspond-
ence or other documents at any hearing on the ground
that the testimony or evidence required of him may tend
to incriminate him or subject him to a penalty or for-
feiture, and shall notwithstanding be directed to give such
testimony or produce such evidence, he must none the-
less comply with such direction but he shall not there-
after be prosecuted or subjected to any penalty or for-
feiture for or on account of any transaction, matter or
ting which he may testify or produce evi-
dence pursuant thereto, and no testimony so given or
evidence produced shall be received against him upon
any criminal action, investigation or proceeding: Provid-
ed, however, That no such individual so testifying shall be
exempt from prosecution or punishment for any perjury
or false swearing committed by him while so testifying
and the testimony or evidence so given or produced shall
be admissible against him upon any criminal action, in-
vestigation or proceeding concerning such perjury or false
swearing, nor shall he be exempt from the refusal, revo-
cation or suspension of any license, permission or author-
ity conferred, or to be conferred, pursuant to the insur-
ance law of this state. Any such individual may execute,
acknowledge and file in the office of the commissioner a
statement expressly waiving such immunity or privilege
in respect to any transaction, matter or thing specified
in such statement and thereupon the testimony of such
person or such evidence in relation to such transaction,
matter or thing may be received or produced before any
judge or justice, court, tribunal, grand jury or otherwise,
and if so received or produced such individual shall not
be entitled to any immunity or privilege on account of any
testimony he may so give or evidence so produced.

Sec. 14. Trade Practice Conferences.—(a) Trade prac-
tice conferences for the purpose of dealing with such trade
practices as are within the purview of this article and
not defined in section four of this article, or for the pur-
pose of establishing supplementary regulations and rules
relating to trade practices defined in section four, may
be authorized by the commissioner upon his own motion,
or upon written application therefor by any insurer or
person as defined in this article to whom rulings arising
therefrom may be directly applicable, whenever such a
conference may appear to the commissioner to be in the
interest of the public. The commissioner shall give rea-
sonable notice to such persons as he shall deem directly
affected, or to their representatives, of the time and place
of any such conference. Such notice shall set forth briefly
the subject matter for consideration or drafts of trade
practice rules proposed by the commissioner or persons
affected. Each such conference shall be presided over by
the commissioner or a member of his staff designated by
him. Any such trade practice conference may submit to
the commissioner its recommendations as to rules, reg-
ulations or standards defining certain methods of compet-
tition, acts or practices as being fair or unfair, deceptive
or not deceptive, within the meaning of this section. The
scope of such trade conference shall be limited to the
phase of the insurance business directly represented by
those persons or insurers notified by the commissioner or
attending such conference upon notice from the commis-
sioner. The commissioner shall give due consideration to
the recommendations, or objections, of any such trade
practice conference which has acted under the authority
of this section. If he shall find that a proposed rule is in
the public interest and does not, in his opinion, sanction,
aid or abet a practice contrary to law, he may promul-
gate a rule, regulation or standard, enforceable under the
provisions of this article, applicable thereto, until modi-
fied or rescinded as herein provided. Before any such rule,
regulation or standard shall be promulgated under the
provisions of this section, the commissioner shall advise
all persons or insurers as defined in this article who would
be directly affected thereby and shall give thirty days’
notice in writing to such persons or insurers to file their
objections, if any. Trade practice rules, regulations or
standards promulgated under this section may be amend-
ed or rescinded by the commissioner upon his own motion,
or upon motion of any directly affected person or insurer,
after the commissioner shall have given reasonable notice
to the persons or insurers directly affected thereby, and
after there has been a hearing, if requested by such af-
fected persons or insurers, concerning such amendment
or rescission: Provided, That such request is made in writ-
ing within thirty days after notice is given. Any order
or decision of the commissioner under this section shall
be subject to review as provided in section thirteen, article
two of this chapter.

(b) The powers vested in the commissioner by this sec-
tion shall be in addition to any other powers authorized
by law and shall not be construed as limiting the authority
vested in the commissioner to promulgate rules, regula-
tions or standards generally, and shall not limit his right
to publish formal or informal opinions as to acts or prac-
tices being legal or illegal, fair or unfair, deceptive or not
deceptive, within the meaning of this article.

Sec. 15. Separability Provision.—If any provision of this
article, or the application of such provision to any person
or circumstances, shall be held invalid, the remainder of
the article and the application of such provision to persons
or circumstances other than those as to which it is held
invalid, shall not be affected thereby.
AN ACT to amend article six, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to alternate jurors in protracted civil cases.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Trial.
Section
12-a. Alternate jurors for protracted civil cases; qualifications and challenges.

Be it enacted by the Legislature of West Virginia:

That article six, chapter fifty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a, to read as follows:

Section 12-a. Alternate Jurors for Protracted Civil Cases; Qualifications and Challenges.—Whenever, in the opinion of the court, the trial is likely to be a protracted one, the court may direct that not more than four jurors, in addition to the regular jury, be called and impaneled to sit as alternate jurors. Said alternate jurors shall be chosen from a separate panel of six after the regular jury of twelve has been selected. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors. An alternate juror
who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, and two peremptory challenges if three or four alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by this section may not be used against an alternate juror.

CHAPTER 98

(Senate Bill No. 178—By Mr. Martin)

AN ACT to amend and reenact section six, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the keeping together of juries in the trial of criminal cases.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 3. Trial of Criminal Cases.

Section 6. Custody of jury; expenses; no conversation with jurors.

Be it enacted by the Legislature of West Virginia:

That section six, article three, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Custody of Jury; Expenses; No Conversation with Jurors.—After a jury in a case of felony punishable by death is impaneled and sworn, they shall be kept together until they agree upon a verdict or are discharged by the court. In a case of felony in which the punishment cannot be death, the jury shall not be kept together unless the court, in its discretion, order it to be so kept
AN ACT to amend and reenact section two, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to payments to justices of the peace.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 2. Payments to justices; bond.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Payments to Justices; Bond.—Every justice, who has executed a bond according to law, shall receive money tendered to him on any claim in suit before him, or on any judgment on his docket, or on any docket lawfully in his possession, or on any execution, process, or order issued by him, and shall pay the same on demand to the person entitled thereto.
CHAPTER 100

(House Bill No. 143—By Mr. Adams and Mr. Young)

AN ACT to amend and reenact section one, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to legal holidays.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Legal Holidays; Construction of Statutes; Definitions.

Section 1. Legal holidays; official acts or court proceedings.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Legal Holidays; Official Acts or Court Proceedings.—The following days shall be regarded, treated and observed as legal holidays, viz: The first day of January, commonly called “New Year’s Day”; the twelfth day of February, commonly called “Lincoln’s Birthday”; the twenty-second day of February, commonly called “Washington’s Birthday”; the thirtieth day of May, commonly called “Memorial Day”; the twentieth day of June, commonly called “West Virginia Day”; the fourth day of July, commonly called “Independence Day”; the first Monday in September, commonly called “Labor Day”; the twelfth day of October, commonly called “Columbus Day”; the eleventh day of November, commonly called “Veterans Day”; the twenty-fifth day of December, commonly called “Christmas Day”; any national, state or other election day throughout the district or municipality wherein held; and all days that may be appointed or recommended by the governor of this state, or the president of the United States, as days of thanksgiving, or for the general cessation of business; and when any of
said days or dates falls on Sunday, then it shall be lawful to observe the succeeding Monday as such holiday. When the return day of any summons or other court proceedings or any notice or time fixed for holding any court or doing any official act shall fall on any of said holidays, the ensuing secular day shall be taken as meant and intended.

CHAPTER 101

(SENATE BILL NO. 8—BY MR. TAYLOR, OF MINGO, AND MR. CARRIGAN)

AN ACT to amend and reenact section four, article three, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to contracts for legislative printing.

(Passed February 4, 1955; in effect ninety days from passage. Approved by the Governor.)

Article 3. Public Printing and Stationery; State Publications.
Section 4. Legislative printing.

Be it enacted by the Legislature of West Virginia:

That section four, article three, chapter twenty-five-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Legislative Printing.—Notwithstanding any other provisions of this chapter, the letting of all contracts for legislative printing shall be subject only to the provisions of this section.

All contracts for legislative printing shall be let on competitive bids by the director of purchases to the lowest responsible bidder. Each such contract shall be subject to the approval of the governor, and in case of his disapproval the contract shall be relet on competitive bids submitted in the same manner as the original bids on the contract that was disapproved. Each bid on every such contract shall be within the maximum limits that may
be fixed from time to time by concurrent resolution of
the Legislature. The clerk of the Senate and the clerk of
the House of Delegates shall have exclusive control of all
printing authorized by their respective legislative bodies,
and shall approve the specifications included in any con-
tract before an invitation for bids is released by the di-
rector of purchases. Before presenting for payment any
bill for legislative printing, the printer shall have the
same approved by the department of purchases as correct
and according to contract specifications. A copy of all
bills for legislative printing shall be furnished the clerk
of the house for which such printing was done. When
properly approved bills are presented to the clerk of the
Senate or to the clerk of the House of Delegates, he shall
draw his requisition upon the auditor in the amount of
the bill, payable from the legislative printing fund, and
the auditor shall honor the requisition and issue to the
printer a state draft therefor.

CHAPTER 102
(Senate Bill No. 31—By Mr. Amos)

AN ACT to amend and reenact sections one and eight, article
one, chapter four of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to
salaries, expenses, officers and employees of the Legis-
lature.

[Passed January 19, 1955; in effect from passage. Approved by the Governor.]

Article 1. Officers, Members and Employees; Appropriations;
Investigations; Display of Flag; Records.

Section
1. Compensation and expenses of members of the Legislature.
8. Officers and employees; tenure.

Be it enacted by the Legislature of West Virginia:
That sections one and eight, article one, chapter four of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:
Section 1. Compensation and Expenses of Members of the Legislature.—Each member of the Legislature shall receive for his services the sum of one thousand five hundred dollars a year, payable out of the treasury on the third Wednesday in January of each year. In addition each member shall receive expenses for one round trip in connection with any session, at the rate of ten cents a mile traveled in going to and returning from the seat of government by the most direct route: Provided, That if party caucuses are held in advance of the date of the assembly of the Legislature in odd-numbered years for the purpose of selecting candidates for officers of the two houses, expenses for travel at the rate herein fixed shall be allowed each member for one round trip in connection with attending such caucus. The president of the Senate and the speaker of the House of Delegates shall each receive an additional compensation of five dollars a day for each day served as presiding officer. No allowance or emolument other than that by this section provided shall directly or indirectly be made or paid to the members of either house for postage, stationery, newspapers, or any other purpose whatever.

Sec. 8. Officers and Employees; Tenure.—Each house of the Legislature shall, at the commencement of the regular session thereof assembled and held in odd-numbered years, elect a presiding officer, a clerk, a sergeant-at-arms and a doorkeeper, whose terms of office shall, unless sooner vacated by death, resignation or removal, be and continue until the regular meeting of the Legislature in the odd-numbered year next thereafter, and until their successors are elected and qualified. At each session of the Legislature, there shall be appointed for each house such employees and technical assistants as may be authorized by law or by resolution of the respective houses. Any person so appointed may be removed by the appointing authority and another appointed in his stead: Provided, That nothing in this section shall be construed to prevent either house from removing any appointee.
AN ACT to amend and reenact sections two, four and seven, article fourteen, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to liens of factors upon goods or merchandise, and the giving and filing of notice of such liens.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 14. Factors’ Liens.

Section
2. Factors’ liens provided for; contents of notice of lien.
4. Time and effect of filing notice.

Be it enacted by the Legislature of West Virginia:

That sections two, four and seven, article fourteen, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Factors’ Liens Provided for; Contents of Notice of Lien.—If so provided by any written agreement, all factors shall have a continuing general lien upon all materials, goods in process, and merchandise from time to time consigned to or pledged with them, whether in their constructive, actual or exclusive occupancy or possession or not, and upon any accounts receivable or other proceeds resulting from the sale or other disposition of such materials, goods in process, and merchandise, for all their loans and advances to or for the account of the person creating the lien (hereinafter called the borrower), together with interest thereon, and also for the commissions, obligations, indebtedness, charges and expenses properly chargeable against or due from said borrower and for the amounts due or owing upon any notes or other obligations given to or received by them for or upon
account of any such loans or advances, interest, com-
missions, obligations, indebtedness, charges, and expenses,
and such lien shall be valid from the time of filing the
notice hereinafter referred to, whether such materials,
goods in process, or merchandise shall be in ex-
istence at the time of the agreement creating the lien
or at the time of filing such notice or shall come into
existence subsequently thereto or shall subsequently
thereto be acquired by the borrower: Provided, That a
notice of the lien is filed stating:
(a) The name of the factor, the name under which
the factor does business, if an assumed name; the prin-
cipal place of business of the factor within the state, or
if he has no place of business within the state, his prin-
cipal place of business outside this state; and if the
factor is a partnership or association, the name of the
partners, and if a corporation, the state under whose
laws it was organized;
(b) The name of the borrower, and the interest of
such person in the materials, goods in process, and mer-
chandise, as far as known to the factor;
(c) The general character of materials, goods in proc-
ess, and merchandise subject to the lien, or which may
become subject thereto, and the period of time during
which such loans or advances may be made under the
terms of the agreement providing for such loans or ad-
vances and for such lien and the maximum amount to
be loaned or advanced under such agreement. Amend-
ments of the notice may be filed from time to time to
record any changes in the information contained in the
original, subsequent or amended notices.

Sec. 4. Time and Effect of Filing Notice.—Such notice
shall be filed within thirty days after the making of the
agreement and shall be effectual from the time of the
filing thereof as against all claims of unsecured creditors
of the borrower and as against subsequent liens of
creditors, except that if, pursuant to the laws of this
state, a lien should subsequently attach to the materials,
goods in process, or merchandise in favor of a processor,
dyer, mechanic, or other artisan, or in favor of a land-
lord, then the lien of the factor on such materials, goods
in process, or merchandise shall be subject to such sub-
sequent lien. When materials, goods in process, or mer-
chandise subject to the lien provided for by this article
are sold in the ordinary course of the business of the
borrower, such lien, whether or not the purchaser has
knowledge of the existence thereof, shall terminate as
to the materials, goods in process, or merchandise and
shall attach to the proceeds of such sale in the hands of
the borrower.

Sec. 7. Common-Law Lien.—When any factor, or any
third party for the account of any such factor, shall have
possession of materials, goods in process, or merchandise,
such factor shall have a continuing general lien, as set
forth in section two of this article, without filing the
notice provided for in this article.

CHAPTER 104

(Com. Sub. for House Bill No. 228—Originating in the House Committee on
the Judiciary)

AN ACT to repeal chapter twenty-seven of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, and to enact in lieu thereof a new chapter of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, to be designated chapter twenty-seven,
relating to mentally ill persons.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the
Governor.]

Chapter 27. MENTALLY ILL PERSONS

Article
1. Definitions.
2. State Hospitals.
3. Mental Hygiene Commissions.
4. Voluntary Hospitalization.
5. Involuntary Hospitalization.
6. Commitment of Inebriates and Criminally Mentally Ill; Definition.
7. Release, Discharge and Readmission of Patients; Escapees.
8. Maintenance of Mentally Ill Patients.
10. West Virginia Training School.
11. Committee; Disposition of Property.
12. Offenses.
13. Laws Repealed; Constitutionality.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that a new chapter of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be enacted, to be designated chapter twenty-seven, to read as follows:

Article 1. Definitions.

Section 1.

1. Mentally Ill.
2. Resident of state and county.

Section 1. Mentally Ill.—For the purposes of this chapter, a “mentally ill” person is (a) one having a psychiatric or other disease which substantially impairs his mental health, or (b) a mental defective, or (c) an epileptic.

Sec. 2. Resident of State and County.—For the purposes of this chapter, no person shall be considered a resident of this state unless he is a citizen of the United States and has been a bona fide resident of this state for at least one year, and was not mentally ill when he came into this state; and no person shall be considered a resident of a county who is not a resident of the state, as above defined, and who has not been a resident of the county for at least sixty days, and was not mentally ill when he came to the county.

Article 2. State Hospitals.

Section 1.

1. Locations; continuation; management.
2. Superintendents of mental hospitals.
3. Rules and regulations as to patients.
4. Forms for committing patients; other records.
5. Report of admissions; registration by board of control.

Section 1. Locations; Continuation; Management.—The state hospitals for the mentally ill heretofore established at Weston, Spencer, Huntington, Barboursville, Lakin and
St. Marys shall be continued and known respectively as the Weston state hospital, Spencer state hospital, Huntington state hospital, Barboursville state hospital, Lakin state hospital and the West Virginia training school. Said hospitals shall be managed, directed and controlled by the West Virginia board of control as prescribed in article one, chapter twenty-five of the code, and further as provided in this chapter.

Sec. 2. Superintendents of Mental Hospitals.—The chief executive officers of the state’s mental hospitals shall be superintendents who shall be legally qualified physicians scientifically trained in mental medicine, and shall be persons of good executive ability. They shall be appointed by the governor for an indefinite term by and with the consent of the senate.

Sec. 3. Rules and Regulations as to Patients.—The state board of control shall have authority to make and adopt rules and regulations, not contrary to law, regulating the admission of patients to the said state hospitals, the care, maintenance and treatment of patients therein, and the release, parole and discharge of patients therefrom.

Sec. 4. Forms for Committing Patients; Other Records. —The board of control shall have authority to prepare, prescribe and have printed forms to be used in committing patients to any of such hospitals, and for the discharge of such patients from said hospitals.

Whenever a patient is transferred from one state mental hospital to another, his complete record shall be forwarded to the hospital to which the patient is being transferred.

Sec. 5. Report of Admissions; Registration by Board of Control.—The superintendent of each state mental institution shall, within ten days after the admission of any patient, report the admission to the board of control together with any other information the board of control may require. A copy of said report shall be sent to the state health commissioner. He shall make a similar report of the discharge or death of any patient.
From such reports and other sources the board shall prepare and keep current a register of persons in this state who are suffering from mental illness. The name of a person so registered shall not be made public, nor shall the register be accessible to anyone except by order of the board of control or by order of the judge of a court of record.

Article 3. Mental Hygiene Commissions.

Section

1. County mental hygiene commission.
2. Meetings.
3. Expenses.

Section 1. County Mental Hygiene Commission.—There shall be in each county a mental hygiene commission of three members, to be composed of any member of the county court, the prosecuting attorney and/or an assistant prosecuting attorney designated by the prosecuting attorney and approved by the county court, and the clerk of the county court and/or a deputy clerk designated by the clerk of the county court and approved by the county court, who shall serve as such without compensation, except for traveling and other necessary expenses incurred in the discharge of their duties as members of the commission, which expenses shall be audited by the county court and paid out of the county treasury. A member of the county court shall be the chairman of the commission. In the absence of a county court member, the prosecuting attorney and/or his designated assistant as herein provided, shall act as such chairman. The clerk of the county court and/or his designated deputy shall be the clerk of the commission and shall keep in a proper book provided for the purpose a full and careful record of all the acts, orders and resolutions of the commission. Any two members from different offices represented on the commission shall be a quorum thereof. The county court of each county shall at its first term of court of each year enter an order designating the persons eligible to sit as members of the county mental hygiene commission.

Sec. 2. Meetings.—All meetings of the commission shall be held at the county seat, unless it shall be thought best
by the commission to meet at some other place, as in the
case of a mentally ill person whose condition makes it
advisable to meet at or near his residence. The time of
such meetings shall be established by the commission.

Sec. 3. Expenses.—All expenses incurred by the mental
hygiene commission of each county, including compensa-
tion of physicians and other witnesses, shall be such as
may be prescribed by the county court of the county and
shall be paid out of the county treasury.

Article 4. Voluntary Hospitalization.

Section
1. Admissions.
2. Release of voluntary patients.

Section 1. Admissions.—Any person, a resident of this
state, who desires the benefit of institutional treatment,
may be admitted to one of the state mental hospitals on
his own application or, provided such person is willing
to enter the hospital, upon the application of a reputable
physician. Such admissions shall be subject to the rules
and regulations of the board of control. Immediately upon
the admission of any voluntary patient, the mental hos-
pital to which he has been admitted shall notify the county
clerk of the county of his residence of such admission.

Sec. 2. Release of Voluntary Patients.—The superin-
tendent of the hospital shall release any voluntary patient
who has recovered or whose hospitalization he deter-
mines to be no longer advisable. He may also release
any voluntary patient if to do so, in the judgment of the
superintendent, would contribute to the more effective
use of the hospital in the care and treatment of the men-
tally ill.

Such a voluntary patient may at any time request his re-
lease by giving to the superintendent verbal notice of his
desire to leave; or the guardian, committee, parent, spouse
or adult next-of-kin of such voluntary patient may make
such request at any time by giving to the superintendent
notice in writing of the patient’s desire to leave. The
superintendent shall, within forty-eight hours after the
receipt of this notice, grant the request unless upon ex-
amination the superintendent of the hospital and his staff have determined that the patient is mentally ill and requires further hospitalization. If such determination is made, the superintendent of the hospital shall forthwith forward to the clerk of the county court of the county in which such person is a resident a detailed report of their examination, which report shall immediately be presented to the mental hygiene commission of said county. Such commission shall give full faith and credit to this report, and if satisfied that such person is mentally ill, shall issue an order legally committing the mentally ill person to the hospital making the report, as though the person had been brought before it. All expenses incurred in this proceeding, as well as the hospitalization of the mentally ill person, shall be borne by the county of which he is a resident.

Article 5. Involuntary Hospitalization.

Section 1. Hospitalization of Mentally Ill Persons by County Mental Hygiene Commission.—If any individual in the county reasonably suspects any person therein to be mentally ill, he may make complaint under oath to the clerk of the county court, giving such information and stating such facts therein as may be required, and deliver the same to the clerk of the county court, whose duty it shall be to issue a warrant ordering the person suspected and named in such complaint to be brought before the commission at the time and place named therein, that his mental condition may be inquired into. If the clerk of the county court does not deem such suspicion to be reasonable, he may require such complainant to furnish the certificate of a reputable physician showing the suspected person’s condition, before issuing a warrant. Any member of the commission without such complaint may have such warrant issued for any person found
in his county whom he shall suspect to be mentally ill. All such warrants shall be signed by the clerk of the county court and have impressed thereon the seal thereof, and may be addressed to the sheriff of the county or to any constable of any district thereof, or to a special constable appointed for the purpose and named therein; but if any relative or friend of the person so suspected will serve such warrant and cause such suspected person to be brought before the commission, he may be allowed to do so. The officer or person to whom the warrant is addressed shall take the suspected person into custody and bring him before the commission at the time and place named therein.

Sec. 2. Guardian ad Litem for Suspected Person.—Before proceeding with the hearing of the matter, the commission shall appoint a guardian ad litem, who shall be a competent attorney, for such suspected person, and such guardian shall be present at the hearing and manage the case on behalf of the person suspected. Such attorney shall be paid by the county court. Such suspected person and his counsel shall have the right to cross-examine any witnesses.

Sec. 3. Witnesses.—The proposed patient, the petitioner and all other persons interested, shall be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses, and the commission may in its discretion receive the testimony of any other person. Among the witnesses there shall be included two reputable physicians duly authorized to practice medicine in this state, who shall separately or together make a mental examination of the suspected person, preferably before the hearing, and each physician shall make out a certificate of the result of such examination, which certificate shall be signed and sworn to by each physician and shall be considered as evidence by the commission. Not more than one physician of any firm or association of physicians practicing medicine together shall sign any such certificate respecting the mental condition of any person suspected of being mentally ill.
The proposed patient shall not be required to be present at this hearing unless it is deemed advisable by the commission to better protect his interest. All persons not necessary for the conduct of the proceedings shall be excluded, and the hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the mental health of the proposed patient. The commission shall receive all relevant and material evidence which may be offered and shall not be bound by the rules of evidence.

Sec. 4. Disposition of Mentally Ill Persons.—If, upon completion of the hearing and consideration of the record, the commission finds that the proposed patient (1) is mentally ill, and (2) because of his illness is likely to injure himself or others if allowed to remain at liberty, or (3) is in need of custody, care or treatment in a mental hospital and because of his illness lacks sufficient insight or capacity to make responsible decisions with respect to his hospitalization, and (4) is a resident of the county in which the hearing is held, it shall order his hospitalization for an indeterminate period or for a temporary observation period not exceeding six months; otherwise, it shall dismiss the proceeding. An order for an indeterminate period relieves the patient of legal capacity. If the order is for a temporary period, the commission may at any time prior to the expiration of such period, on the basis of report by the head of the hospital and such further inquiry as it may deem appropriate, order indeterminate hospitalization of the patient or dismissal of the proceeding. If the commission orders hospitalization of the patient, it will notify the county health officer, who may make a study of the patient’s family and environment and report his findings to the superintendent of the hospital receiving the patient.

In lieu of ordering the patient to a mental hospital, the commission may order him delivered to some relative or friend who will agree to take care of him, and take from such relative or friend a bond in the penalty of at least five hundred dollars, with sufficient security to be ap-
proved by the commission, payable to the state of West Virginia, with condition to restrain and take proper care of such person until the further order of the commission. But if the person found to be a mentally ill person is not dangerous to himself or to others, or is found harmless, he may be delivered to any relative or friend who will agree to take proper care of him without such bond if, in the judgment of the commission, the same may be proper.

If the person found to be mentally ill by the commission is a resident of another county of this state, a transcript of the evidence adduced at the hearing of such person, properly certified by the clerk of the county court, shall forthwith be forwarded to the clerk of the county court of the county of which such person is a resident, who shall immediately present such transcript to the mental hygiene commission of said county. Such commission shall give full faith and credit to the evidence contained in such transcript, and, if satisfied that such person is mentally ill, shall order the person to be committed to one of the state hospitals for the mentally ill, as though the person had been brought before it in the first instance. This order shall be transmitted forthwith to the county clerk of the county in which the hearing was held, who shall execute said order promptly. All expenses incurred in this proceeding, as well as for the hospitalization of the mentally ill person, shall be borne by the county of which he is a resident.

If the person found to be mentally ill by the commission is a resident of another state, this information shall be forthwith given to the board of control, which shall make arrangement for his transfer to his native state.

Sec. 5. Transportation; Temporary Detention.—Whenever an individual is about to be hospitalized under the provisions of section four, the commission shall, upon the request of a person having a proper interest in the individual’s hospitalization, permit such person to arrange for the individual’s transportation to the hospital by such means as may be suitable for his mental condition. In lieu of such request, the commission may deliver
the patient to the hospital in any manner it may deem proper.

Pending his removal to a hospital, a person taken into custody or ordered to be hospitalized may be detained in his home, a licensed foster home, or any other suitable facility provided by the county court; but he shall not, except because of lack of such facilities or because of an extreme emergency, be detained in a non-medical facility used for the detention of individuals charged with or convicted of penal offenses. The county health officer, in conjunction with the commission, may take such reasonable measures, including provisions of medical care, as may be necessary to assure proper care of an individual temporarily detained pursuant to this section.

Sec. 6. Emergency Procedure.—Any health or police officer who has reason to believe that an individual is mentally ill and, because of his illness is likely to injure himself or others if allowed to remain at liberty pending a hearing before a mental hygiene commission, may with the help of other persons requested to assist him, take the individual into custody with or without a warrant, apply to a hospital for his admission and transport him thereto. The application for admission shall state the circumstances under which the individual was taken into custody, and the reasons for the officer's belief. The superintendent of the hospital admitting the individual shall forthwith examine him, and if he is found to be mentally ill, shall forward forthwith to the clerk of the county court of the county in which such hospital is located a detailed report of this examination, which report shall immediately be presented to the mental hygiene commission of said county. The commission shall thereupon, and with the greatest possible expedition, cause a hearing to be held, as provided in this article, except that no warrant shall be necessary, for the purpose of inquiring into the mental condition of such patient. Such commission shall consider the detailed report submitted by the superintendent along with any other evidence which may be introduced at the hearing. If, after such hearing, the commission be satisfied that the suspected person is
mentally ill, it shall forward a transcript of the evidence
adduced at the hearing of such person, properly certified
by the clerk of the county court of the county wherein
the matter was heard, to the county clerk of the county
of which such suspected person is a resident, who shall
immediately present such transcript to the mental hygiene
commission of such county; otherwise such person shall
forthwith be released. Such commission shall give full
faith and credit to the evidence contained in the tran-
script, and, if satisfied that such person is mentally ill,
shall order the person to be committed to the state hospital
to which he was admitted, as though the person had been
brought before it in the first instance. All expenses in-
curred in this proceeding, as well as for the hospitaliza-
tion of the mentally ill person, shall be borne by the
county of which he is a resident.

Article 6. Commitment of Inebriates and Criminally Mentally
Ill; Definition.

Section
1. Commitment of inebriates; definition.
2. Commitment and admission of criminally mentally ill persons.
3. Return of criminally mentally ill person upon discharge from
hospital.

Section 1. Commitment of Inebriates; Definition.—The
word "inebriate", whenever used in this chapter, shall be
construed to mean any person over the age of eighteen
years who is incapable or unfit to properly conduct him-
self or herself, or his or her affairs, or is dangerous to
himself or herself or others, by reason of periodical, fre-
quently or constant drunkenness, induced either by the
use of alcoholic or other liquors, or of opium, morphine,
or other narcotic or intoxicating or stupefying substance.
If any individual in a county reasonably suspects any
person therein to be an inebriate, he may make complaint
under oath to the clerk of the county court, giving such
information and stating such facts therein as may be
required, and he shall further furnish to said clerk the
certificate of a reputable physician showing the condition
of such suspected person. This complaint and certificate
shall be delivered to the clerk of the county court, whose
duty it shall be to issue a warrant ordering the person
suspected and named in such complaint and certificate to be brought before the county mental hygiene commission at a time and place named therein so that his condition may be inquired into. All such warrants shall be signed by the clerk of the county court and have impressed thereon the seal thereof; and may be addressed to the sheriff of the county or to any constable of any district thereof, or to a special constable appointed for the purpose and named therein; but if any relative or friend of the person so suspected will serve such warrant and cause such suspected person to be brought before the commission, he may be allowed to do so. The officer or person to whom the warrant is addressed shall take the suspected person into custody and bring him or her before the commission at the time and place named therein.

Whenever a person apparently an inebriate is so violent as to endanger his or her own safety, or the safety of others, any law enforcement officer may, with or without a warrant, take such person into protective custody.

When such suspected person is brought before the county mental hygiene commission, this commission shall proceed to examine such person as outlined in article five of this chapter. If such person is found to be an inebriate by the commission after proper hearing, he shall be committed to one of the state's mental hospitals, or any other institution hereafter established for inebriates, for a minimum period of thirty days. After said period, he shall be released therefrom when, in the opinion of the superintendent of the institution, he has received the maximum benefit from such hospitalization. In all such cases the law applicable to mentally ill persons shall be applicable to such inebriate except that such inebriate shall not forfeit his legal capacity as in the case of a mentally ill person who has been legally committed.

Sec. 2. Commitment and Admission of Criminally Mentally Ill Persons.—If any person charged with or convicted of crime be found, in the court before which he is charged or was convicted, to be mentally ill, and if such court shall order him to be confined in one of the state hospitals, he shall be received and confined in it. The sheriff or
other officer of the court by which the order is made shall immediately proceed to ascertain whether a vacancy exists in a state hospital; and until it is ascertained that there is a vacancy, such person shall be kept in the jail of the county of such court.

Sec. 3. Return of Criminally Mentally Ill Person Upon Discharge from Hospital.—When any person charged with crime confined in a state hospital has recovered from his mental illness, the superintendent shall give notice thereof to the clerk of the court by whose order he was confined and deliver him to the proper officer upon order of the court.

When any person convicted of a crime and sentenced to the penitentiary confined in a state hospital shall have recovered from such mental illness, he shall be forthwith returned to prison. Any time spent in such hospital shall be computed as part of the term for which he was sentenced. If the sentence of such convict expire while such convict is in the hospital, then upon his recovery he shall be discharged from said hospital.

Article 7. Release, Discharge and Readmission of Patients; Escapees.

Section 1. Discharge.—The superintendent of a mental hospital shall as frequently as practicable examine, or cause to be examined, every patient, and whenever he determines that the condition justifying involuntary hospitalization no longer obtains, discharge the patient and immediately make a report thereof to the board of control and to the county clerk of the county wherein the patient is a resident. This discharge restores said patient to legal capacity.

Sec. 2. Release of Patients on Convalescent Status (Trial Visit).—The superintendent of a hospital may release an improved patient on convalescent status (trial
visit) when he believes such release is in the best interest of the patient. Releases on convalescent status shall in-clude provisions for continuing responsibility to and by the hospital, including a plan of treatment on an outside or non-hospital patient basis, if possible. Prior to the end of a year on convalescent status, and not less fre-quently than annually thereafter, the superintendent of the hospital shall reexamine the facts relating to the hospitalization of the patient on convalescent status and consider any further facts regarding the patient’s mental health during such convalescence, and if he determines that in view of the condition of the patient hospitalization is no longer necessary, he shall discharge the patient.

Sec. 3. Released as Unimproved.—The superintendent of a hospital may release a patient as unimproved when the patient’s family or friends, or committee or guardian, or other responsible persons, request his release and are willing and able to take proper care of said patient outside the hospital, taking from such relative, friend, committee, guardian or responsible person a bond in the penalty of at least five hundred dollars, with sufficient security to be approved by the superintendent, payable to the state of West Virginia, conditioned to restrain and take proper care of such patient until the further order of the super-intendent. Reports shall be made by those in charge of said patient at least once every six months to the super-intendent of the hospital. No discharge shall be given to said patient until he has returned to the hospital for examination by the superintendent and staff thereof and it has been determined that he is no longer mentally ill. Where such discharges or releases are granted as indi-cated in sections one, two and three above, the super-intendent of the hospital shall report the same to the board of control and to the county clerk of the county of which the patient is a resident.

Sec. 4. Readmission of Patients.—While any patient is out of the hospital on release or convalescent status (trial visit), or released as unimproved, he may be at any time readmitted to the hospital on the basis of the original commitment. If there is reason to believe that it is to the
best interest of the patient to be hospitalized, the superintendent of the hospital may issue an order for the immediate rehospitalization of the patient. This order shall be sent to the mental hygiene commission of the county wherein the patient is a resident or present. Any individual member of said commission, at any time, may endorse this order and authorize any health or police officer to take the patient into custody and transport him to the hospital where the order originated.

Sec. 5. Return of Escapees; Veterans.—If any person confined in a state hospital escape therefrom, the superintendent thereof shall issue a notice, giving the name and description of the person escaping, and requesting his apprehension and return to the hospital, and may offer such reward for the return of such person as the board of control may authorize. The superintendent may issue a warrant directed to the sheriff of the county, commanding him to arrest and carry such escaped person back to the hospital, which warrant the sheriff may execute in any part of the state. If such person flee to another state, the superintendent shall notify the board of control, and the board shall take such action as it may deem proper in the premises for the return of such person to the hospital.

If any veteran duly committed to a veterans hospital or other veterans institution, either within or without the state, escape or elope therefrom and any person make complaint, under oath, to the clerk of the county court of the county from which such veteran was so committed, giving such information and stating such facts therein as may be required, or if any veteran duly committed to a veterans hospital or other veterans institution, either within or without the state, escape or elope therefrom and the superintendent or chief officer of such hospital or institution issue notice to the clerk of the county court of the county from which such veteran was so committed, giving the name and description of such veteran and requesting his apprehension and return to such hospital or institution, the clerk, upon receipt of such complaint or of such notice, may issue a warrant directed to the sheriff
of the county commanding him to arrest and carry such veteran back to such hospital or institution, which warrant the sheriff may execute in any part of the state.

The sheriff or other person making any arrest under this section shall be paid such compensation as is provided for like services in other cases, and such additional compensation in any case as the board of control may think reasonable and just.

The foregoing provisions shall likewise apply to any veteran released from a veterans hospital or other veterans institution, either within or without the state, on trial visit or on parole whose conduct becomes such as to warrant his return to such hospital or institution.

Article 8. Maintenance of Mentally Ill Patients.

Section 1. Maintenance of Patients; Reimbursement.

The cost of the maintenance of patients admitted to the state mental institutions shall be paid out of funds appropriated for the respective institutions, but the institutions, through the board of control, shall have a right of reimbursement for all or any part of such maintenance, in no case to exceed two dollars per day, from each patient or from the committee or guardian of the estate of the patient, or if that be insufficient, then from the patient's husband, wife, children, father and mother, or any of them. If a relative so liable does not reside in this state and has no estate or debts due him within the state by means of which the liability can be enforced against him, the other relatives shall be liable as provided by this section. In exercising this right of reimbursement the board of control may, whenever it is deemed just and expedient to do so, exonerate any person chargeable with such maintenance from the payment thereof in whole or in part, if it finds that he is unable to pay or that payment would work an undue hardship on him or on those dependent upon him.

There shall be no discrimination on the part of the
institution as to food, care, protection, treatment or re-
habilitation, between patients who pay for their main-
tenance and those who are unable to do so.
The provisions of this section apply only to the state
mental hospitals proper, and not to the clinics attached
thereto.
It shall be the responsibility of the board of control to
determine the ability of the patient or of his relatives to
pay for his maintenance.

Sec. 2. When and How Counties to Pay.—If the state
mental institution is unable to collect a minimum of fifty
dollars per annum toward the maintenance of a patient,
whether on a voluntary or involuntary status, the county
of which the patient is a resident shall annually pay into
the state treasury for credit to the appropriate institution
the difference between the amount, if any, collected by
the institution and the sum of fifty dollars.
At every levy term of each county court it shall esti-
mate for and levy a sufficient amount to meet all such
expenses. The superintendent of such hospital, on or
before the tenth day of January of each year, shall certify
to the auditor a list of all the patients in the hospital
during the whole or any part of the preceding year for
which the counties are to pay, showing on such list under
the name of the county, the number from each county
and length of time he was in said hospital during the
year, and showing the amount due from each county for
each patient, and the total amount due from each county
for the year. As soon as such list is received by the
auditor he shall charge to each county the amount appear-
ing to be due from the certificates of the superintendents.
Within ten days after the receipt of such certificates the
auditor shall make out a copy thereof for each county
and certify the same to the county court thereof, which
list shall show the name of each patient in such hospital
from the county during the year, the length of time he
was in such hospital during the year, the amount charged
for each patient, and the total amount charged on account
of all such patients from the county; and such total
amount shall constitute a debt against the county due the
Whenever there is in the state treasury a sum of money due any county from any source, the same shall be at once applied on the debt aforesaid against the county, and the fact of such application of such fund shall be reported by the auditor to the county court of the county, which report shall be a receipt for the amount therein named.

Sec. 3. Care of Patients in Boarding Homes.—The board of control may, upon the recommendation of the superintendent of the institution, provide care in a suitable boarding home for any patient in a state mental institution, if the condition of the patient is such that his and the public welfare will not be prejudiced thereby. A patient in a boarding home shall be deemed to be a patient of the institution from which he was removed and shall, on the approval of the superintendent, be placed under the supervision of a psychiatric social worker employed by the institution. All patients in such homes shall be visited at least once every three months, and if upon the visitation they are found to be abused, neglected or improperly cared for, they shall be returned to the institution or placed in a better boarding home. The cost of the boarding home care shall be paid by the institution from which he was removed.

Article 9. Private Hospitals.

Section 1. Permit from Board of Control; Regulations. —No private hospital for the care and treatment of mentally ill persons for compensation shall be established unless a permit therefor shall be first obtained from the board of control. The application for such permit shall be accompanied by a plan of the premises to be occupied, and with such other data and facts as the board may require. The board of control may make such terms and regulations in regard to the conduct of such hospital as it may think proper and necessary. The board of control, or any member thereof, or any person authorized by the board to so do, shall have full authority to investigate and
inspect such private hospital; and the board of control
may revoke the permit of any such hospital for good
cause, after reasonable notice to the superintendent or
other person in charge thereof.

Article 10. West Virginia Training School.

Section
1. Persons who may be admitted.
2. Proceedings for commitment.
3. Training and treatment of inmates.
4. Discharge or parole of inmates.
5. Name of site "Spring Run."

Section 1. Persons Who May be Admitted.—There shall
be admitted to the West Virginia Training School any
person mentally ill from birth or from an early age, so
pronounced that he is unable to care for himself and man-
age his affairs with ordinary prudence and who, because
of such mental illness, is a menace to the happiness and
welfare of himself or others in the community, and re-
quires care, training or control for the protection of him-
self or of others. This type of person is usually classified
as a mental defective. Should the school at any time not
be able to accommodate all persons of such class offered
for admission, preference in admission shall be given to
children between the ages of seven and fourteen years,
inclusive, who are capable of being trained and of attend-
ing to their own physical needs. No deaf or blind per-
sons shall be admitted.

Sec. 2. Proceedings for Commitment.—Mental defec-
tives shall be admitted to said school in the following
manner:
(a) The county mental hygiene commission shall have
jurisdiction of all applications for commitment of persons
to said school. Any relative of a person affected may make
application, by complaint under oath, to have the person
adjudged a mental defective; but when the relatives of
a mental defective person either neglect or refuse to
place such person in said school, or in some private in-
stitution of like nature, and shall permit him or her to
go at large, then any reputable citizen of the county may,
by complaint under oath, make application to the mental
hygiene commission for such commitment; and such com-
plaint shall not be subject to exception for defects of form. When application is filed for commitment of an alleged mentally defective person, the commission shall appoint two physicians to examine such person and determine whether or not he is mentally defective. Both these physicians shall be selected as being the most capable physicians available because of knowledge of and training in mental medicine, and neither of them shall be related in any wise to the person sought to be committed.

(b) Where any court of the state has on trial before it a prisoner for an offense, and the judge shall have cause to believe that the prisoner is mentally defective, he may appoint two physicians as aforesaid to examine the prisoner, to ascertain whether or not he is in reality mentally defective; and if such physicians shall pronounce the prisoner to be mentally defective, the judge may commit him to said school.

In either of the cases named above, the physicians making the examination shall be required to make a complete and thorough examination, both mental and physical, and shall be required to make to the commission or court appointing them a certificate as to their findings in the matter. This certificate shall be in the form prescribed by the West Virginia board of control, and shall be made in duplicate, one copy of the same being sent with the patient when committed to the school, and the other copy being filed with the commission or court committing such person; and it shall be the duty of the superintendent of said school to refuse admission of any person unless he or she shall present a copy of such certificate.

The commission or court, by order, shall designate some reputable person to convey such mentally defective person to the school and to protect such person until such time as he or she can be conveyed to the institution. When any female is taken to the school, a female attendant shall be provided.

All expenses connected with the commitment of persons hereunder and conveying of such mentally defective person to the school shall be borne by the county of which such person is a resident.
Sec. 3. Training and Treatment of Inmates.—The training and treatment of persons admitted to the school shall be along such educational, medical and industrial lines as have proved most effective in approved institutions for mental defectives. The medical staff of such institution, and the medical staffs of Weston, Spencer and Huntington state hospitals, are hereby authorized to administer such medical treatment and perform such surgical operations for the inmates therein as may be necessary and expedient for the cure and prevention of mental defectiveness or disease.

Sec. 4. Discharge or Parole of Inmates.—When, in the judgment of the superintendent of the school, a patient or inmate thereof shall, under the treatment and training given therein, improve mentally and physically to such an extent as to no longer constitute a menace to himself or herself or others, the superintendent shall have the right, and it shall be his duty, to discharge or parole such person, under such rules and regulations as the board of control may prescribe.

Sec. 5. Name of Site “Spring Run.”—The name of the site of the “West Virginia Training School” shall hereafter be known as “Spring Run.”

Article 11. Committee; Disposition of Property.

Section
1. To be appointed by county court.
2. Bond; refusal to act or failure to qualify; appointment of another; committal to sheriff.
3. Appraisement of estate.
4. Powers and duties generally.
5. Mortgage, lease or sale of realty.

Section 1. To Be Appointed by County Court.—When a person is found to be mentally ill by any court or by the county mental hygiene commission, or is committed to a state hospital by the county court, the county court shall appoint a committee for him.

Sec. 2. Bond; Refusal to Act or Failure to Qualify; Appointment of Another; Committal to Sheriff.—The county court, when making the appointment of such committee,
shall take from him a bond in such penalty and with such
surety as it shall deem sufficient, with condition that the
person so appointed will well and truly account for and
pay over to the person entitled thereto all property and
moneys which may come into his hands by virtue of such
appointment, and with such other conditions as the court
may require. If any person so appointed as committee
refuse the trust or shall fail for ten days succeeding his
appointment to give bond as aforesaid, the court, on the
motion of any party interested, or at its own instance,
may appoint some other person as committee, taking from
him bond as above provided, or may commit the estate
of such mentally ill person to the sheriff of the county,
who shall act as such committee without giving any bond
as such, and he and the sureties on his official bond shall
be liable for the faithful performance of the trust.

Sec. 3. Appraisement of Estate.—The county court,
whenever any committee is appointed for a mentally ill
person, shall appoint appraisers and cause to be made,
returned and recorded an appraisement of the property,
both real and personal, of any such person in the same
manner, to the same extent, within the same time, and
subject to the same regulations and conditions as required
by law for the estate of a deceased person.

Sec. 4. Powers and Duties Generally.—The committee
of any such person shall be entitled to the custody and
control of his person when he resides in the state and is
not confined in a state hospital or in jail, and shall take
possession of his estate, and may sue or be sued in respect
thereto, and for the recovery of debts due to and from
such person. He shall preserve such estate and manage
it to the best advantage; shall apply the personal estate,
or so much thereof as may be necessary, to the payment
of the debts of such person, and the rents and profits of
the residue of his estate, real and personal, and the resi-
due of the personal estate, or so much as may be necessary,
to the maintenance of such person, and of his family, if
any; and shall make due accounting as required by law,
and surrender the estate, or as much as he may be ac-
countable for, to such person in case he shall be restored
to sanity, or, in case of his death without having been restored to sanity, the real estate to his heirs or devisees, and the personal estate to his executors or administrators.

Sec. 5. Mortgage, Lease or Sale of Realty.—If the personal estate of such mentally ill person be insufficient for the discharge of his debts, or if such estate or the residue thereof after payment of the debts, and the rents and profits of his real estate, be insufficient for his maintenance and that of his family, if any, the committee of such mentally ill person may proceed, as provided in article one, chapter thirty-seven of this code, to obtain authority to mortgage, lease or sell so much of the real estate of such mentally ill person as may be necessary for the purposes aforesaid, or any of them; setting forth in the bill or petition the particulars and the amount of the estate, real and personal, the application which may have been made of any personal estate, and an account of the debts and demands existing against the estate.

Article 12. Offenses.

Section
1. Malicious making of medical certificate or complaint as to sanity.
2. Trespass on grounds of hospital or training school.
3. Miscellaneous offenses.

Section 1. Malicious Making of Medical Certificate or Complaint as to Sanity.—Any physician who shall sign a certificate respecting the sanity of any person without having made the examination as provided for by this chapter, or shall make any statement in any such certificate maliciously for the purpose of having such person declared mentally ill, and any person who shall maliciously make application to any mental hygiene commission or other tribunal for the purpose of having another person declared mentally ill, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both fined and imprisoned at the discretion of the court.

Sec. 2. Trespass on Grounds of Hospital or Training School.—The enclosed premises and the lands adjoining
the same belonging to any one of said state hospitals or training school, are hereby declared private grounds; and if any person be found thereon without authority or permission or good excuse, he shall be deemed a trespasser, and, on conviction thereof, shall be fined not exceeding twenty-five dollars; and if it shall appear that he was thereon for any unlawful or immoral purpose, in addition to being so fined, he shall be imprisoned not exceeding sixty days.

Sec. 3. Miscellaneous Offenses.—If any person shall entice any patient from any of said hospitals who has been legally committed thereto, or attempt to do so; or shall counsel, cause, influence or assist, or attempt to do so, any such patient to escape or attempt to escape therefrom, or harbor or conceal any such patient who has escaped therefrom; or shall, without the permission of the superintendent of any such hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any money, firearms, drugs, cigarettes, tobacco, or any other article whatever; or shall receive from the hands of any such patient anything of value, whether belonging to the state or not; or shall cause or influence, or attempt to cause or influence, any such patient to violate any rule or to rebel against the government or discipline of such institution; or shall tease, pester, annoy, or molest any such patient, he shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten nor more than one hundred dollars, or imprisoned not exceeding six months, or, in the discretion of the court, both fined and imprisoned. If any person shall aid or abet the commission of any of the foregoing offenses, or aid or abet an attempt to commit the same, he shall be guilty the same as if he were the principal, and be punished as above provided. In the trial of an indictment for committing any of the above named offenses, the accused may be found guilty of an attempt to commit the same, or of aiding or abetting another in committing or in an attempt to commit the same. If any person, not her husband, shall have sexual intercourse with any female patient who is an inmate of any of said
hospitals, he shall be guilty of a felony, and, on conviction thereof, shall be confined in the penitentiary not less than ten nor more than fifteen years; and if such female patient be under sixteen years of age, he shall be imprisoned not less than ten nor more than twenty years.

Article 13. Laws Repealed; Constitutionality.

Section 1. Laws repealed.
2. Constitutionality.

Section 1. Laws Repealed.—All other laws or parts of law inconsistent with the provisions of this chapter are hereby repealed to the extent of any such inconsistency.

Sec. 2. Constitutionality.—If any section, subsection, subdivision, paragraph, sentence or clause of this chapter is held invalid or unconstitutional, such decision shall not affect the remaining portions of this chapter.

CHAPTER 105

(House Bill No. 312—By Mr. Lilly)

AN ACT to amend and reenact section eleven, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the employment and training of mine rescue teams and providing compensation to the members of such mine rescue teams.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 1. Department of Mines.

Section 11. Mine rescue crews.

Be it enacted by the Legislature of West Virginia:

That section eleven, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 11. Mine Rescue Crews.—The chief of the state department of mines is hereby authorized to have trained and employed at the rescue stations operated by that department within the state, such rescue crews as he may deem necessary. Each member of a rescue crew shall devote four hours each month for training purposes, and shall be available at all times to assist in rescue work at explosions and mine fires. Regular members shall receive for such services the sum of six dollars per month and captains shall receive seven dollars per month, payable on requisition approved by the chief of the department of mines, and such other sums, to be paid by the operating company, as may be agreed upon when engaged in rescue work at explosions or mine fires. The chief of the department of mines may remove any member of a rescue crew at any time.

CHAPTER 106

(House Bill No. 428—By Mr. Watson and Mr. Fumich)

AN ACT to amend chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article seven, relating to the operation of underground gas storage reservoirs.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the Governor.]


Section

1. Definitions.
2. Filing of maps and data by persons operating or proposing to operate gas storage reservoirs.
3. Filing of maps and data by persons operating coal mines.
4. Notice by persons operating coal mines.
5. Obligations to be performed by persons operating storage reservoirs.
6. Inspection of facilities and records; reliance on maps; burden of proof.
7. Exemptions.
Be it enacted by the Legislature of West Virginia:

That chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article seven, to read as follows:

Section 1. Definitions.—In this article, unless the context otherwise requires:

(1) The term “coal mine” means those operations in a coal seam which include the excavated and abandoned portions as well as the places actually being worked; also all underground workings and shafts, slopes, tunnels, and other ways and openings and all such shafts, slopes, tunnels, and other openings in the course of being sunk or driven, together with all roads and facilities connected with them below the surface.

(2) The term “operating coal mine” means (a) a coal mine which is producing coal or has been in production of coal at any time during the twelve months immediately preceding the date its status is put in question under this article and any worked out or abandoned coal mine connected underground with or contiguous to such operating coal mine as herein defined and (b) any coal mine to be established or reestablished as an operating coal mine in the future pursuant to section four of this article.

(3) The term “outside coal boundaries” when used in conjunction with the term “operating coal mine” means the boundaries of the coal acreage assigned to such coal mine and which can be practicably and reasonably expected to be mined through such coal mine.

(4) The term “well” means a bore hole drilled or proposed to be drilled within the storage reservoir boundary or reservoir protective area for the purpose of or to be used for producing, extracting or injecting any gas, petroleum or other liquid but excluding bore holes drilled to produce potable water to be used as such.

(5) The term “gas” means any gaseous substance.
(6) The term "storage reservoir" means that portion of any subterranean sand or rock stratum or strata into which gas is or may be injected for the purpose of storage or for the purpose of testing whether said stratum is suitable for storage.

(7) The term "bridge" means an obstruction placed in a well at any specified depth.

(8) The term "linear foot" means a unit of measurement in a straight line on a horizontal plane.

(9) The term "person" means any individual, association, partnership or corporation.

(10) The term "reservoir protective area" means all of that area outside of and surrounding the storage reservoir boundary but within two thousand linear feet thereof.

(11) The term "retreat mining" means the removal of such coal, pillars, ribs and stumps as remain after the development mining has been completed in that section of a coal mine.

(12) The term "pillar" means a solid block of coal surrounded by either active mine workings or a mined out area.

(13) The term "inactivate" means to shut off all flow of gas from a well by means of a temporary plug, or other suitable device or by injecting aquagel or other such equally non-porous material into the well.

(14) The term "storage operator" means any person as herein defined who proposes to or does operate a storage reservoir, either as owner or lessee.

(15) The term "workable coal seam" shall have the same meaning as the term "workable coal bed" as set out in section one of article four of this chapter.

(16) The terms "owner," "coal operator," "well operator," "department," "department of mines," "plat," "casing," "oil," and "cement," shall have the meanings set out in section one of article four of this chapter.

Sec. 2. Filing of Maps and Data by Persons Operating or Proposing to Operate Gas Storage Reservoirs.—(a) Any person who, on the effective date of this article, is injecting gas into or storing gas in a storage reservoir
which underlies or is within three thousand linear feet of an operating coal mine which is operating in a coal seam that extends over the storage reservoir or the reservoir protective area, shall, within sixty days thereafter, file with the department a copy of a map and certain data in the form and manner provided in this subsection.

Any person who, on the effective date of this article, is injecting gas into or storing gas in a storage reservoir which is not at such date under or within three thousand linear feet, but is less than ten thousand linear feet from an operating coal mine which is operating in a coal seam that extends over the storage reservoir or the reservoir protective area, shall file such map and data within such time in excess of sixty days as the department may fix.

Any person who, after the effective date of this article, proposes to inject or store gas in a storage reservoir located as above, shall file the required map and data with the department not less than six months prior to the starting of actual injection or storage.

The map provided for herein shall be prepared by a competent engineer or geologist. It shall show the stratum or strata in which the existing or proposed storage reservoir is or is to be located, the geographic location of the outside boundaries of the said storage reservoir and the reservoir protective area, the location of all known oil or gas wells which have been drilled into or through the storage stratum within the reservoir or within three thousand linear feet thereof, indicating which of these wells have been, or are to be cleaned out and plugged or reconditioned for storage and also indicating the proposed location of all additional wells which are to be drilled within the storage reservoir or within three thousand linear feet thereof.

The following information, if available, shall be furnished for all known oil or gas wells which have been drilled into or through the storage stratum within the storage reservoir or within three thousand linear feet thereof; name of the operator, date drilled, total depth,
depth of production if the well was productive of oil or gas, the initial rock pressure and volume, the depths at which all coal seams were encountered and a copy of the driller's log or other similar information. At the time of the filing of the aforesaid maps and data such person shall file a detailed statement of what efforts he has made to determine, (1) that the wells shown on said map are accurately located thereon, and (2) that to the best of his knowledge they are all the oil or gas wells which have ever been drilled into or below the storage stratum within the proposed storage reservoir or within the reservoir protective area. This statement shall also include information as to whether or not the initial injection is for testing purposes, the maximum pressures at which injection and storage of gas is contemplated, and a detailed explanation of the methods to be used or which theretofore have been used in drilling, cleaning out, reconditioning and plugging wells in the storage reservoir or within the reservoir protective area. The map and data required to be filed hereunder shall be amended or supplemented semiannually in case any material changes have occurred: Provided, however, That the department may require a storage operator to amend or supplement such map or data at more frequent intervals if material changes have occurred justifying such earlier filing.

(b) The requirements of this section shall not apply to the operator of an underground gas storage reservoir so long as said reservoir is located more than ten thousand linear feet from an operating coal mine: Provided, however, That such storage operator shall give notice to the department of the name of each political subdivision and county in which said operator maintains and operates a gas storage reservoir. In those political subdivisions and counties where both gas storage reservoirs and coal mines are being operated the department may request the storage operator to furnish maps showing the geographical location and outside boundaries of such storage reservoirs. The department shall keep a record of such information and shall promptly notify both the
coal operator and the storage operator if it is found that
the coal mine and storage reservoir are within ten thou-
sand linear feet of each other.

(c) At the time of the filing of the above maps and
data, and the filing of amended or supplemental maps
or data, the department shall give written notice of said
filing to all persons who may be affected under the pro-
visions of this article by the storage reservoir described
in such maps or data. Such notices shall contain a des-
cription of the boundaries of such storage reservoir. When
a person operating a coal mine or owning an interest in
coal properties which are or may be affected by the
storage reservoir, requests in writing a copy of any map
or data filed with the department such copy shall be
furnished by the storage operator.

(d) For all purposes of this article, the outside bound-
aries of a storage reservoir shall be defined by the loca-
tion of those wells around the periphery of the storage
reservoir which had no gas production when drilled in
said storage stratum: Provided, however, That the bound-
aries as thus defined shall be originally fixed or subse-
quently changed where, based upon the number and
nature of such wells, upon the geological and production
knowledge of the storage stratum, its character, permea-

tility, and distribution, and operating experience, it is
determined in a conference or hearing under section ten
of this article that modification should be made.

Sec. 3. Filing of Maps and Data by Persons Operating
Coal Mines.—(a) Any person owning or operating a coal
mine shall, within thirty days from the effective date
of this article, file with the department a map, prepared
by a competent engineer, showing the outside coal
boundaries of the said operating coal mine, the existing
workings and exhausted areas and the relationship of
said boundaries to identifiable surface properties and
landmarks. Any person who is storing or contemplating
the storage of gas in the vicinity of such operating coal
mines shall, upon written request, be furnished a copy
of the aforesaid map by the coal operator and such per-
son and the department shall thereafter be informed of
any boundary changes at the time such changes occur. The department shall keep a record of such information and shall promptly notify both the coal operator and the storage operator if it is found that the coal mine and the storage reservoir are within ten thousand linear feet of each other.

(b) Any person owning or operating any coal mine which, on the date of the enactment of this article, is or which thereafter comes within ten thousand linear feet of a storage reservoir, and where the coal seam being operated extends over the storage reservoir or the reservoir protective area, shall within forty-five days after he has notice from the department of such fact, file with the department, and furnish to the person operating such storage reservoir, a map in the form hereinabove provided and showing in addition, the existing and projected excavations and workings of such operating coal mine for the ensuing eighteen month period, and also the location of any oil or gas wells of which said coal operator has knowledge. Such person owning or operating said coal mine shall each six months thereafter file with the department and furnish to the person operating such storage reservoir a revised map showing any additional excavations and workings, together with the projected excavations and workings for the then ensuing eighteen month period which may be within ten thousand linear feet of said storage reservoir: Provided, however, That the department may require a coal operator to file such revised map at more frequent intervals if material changes have occurred justifying such earlier filing. Such person owning or operating said coal mine shall also file with the department and furnish the person operating said reservoir prompt notice of any wells which have been cut into, together with all available pertinent information.

Sec. 4. Notice by Persons Operating Coal Mines.—

(a) Any person owning or operating a coal mine on the effective date of this article, and having knowledge that it overlies or is within two thousand linear feet of a gas storage reservoir, shall within thirty days notify the department and the storage operator of such fact.
(b) When any person owning or operating a coal mine hereafter expects that within the ensuing nine month period such coal mine will be extended to a point which will be within two thousand linear feet of any storage reservoir he shall notify the department and the storage operator in writing of such fact.

(c) Any person hereafter intending to establish or re-establish an operating coal mine which when established or reestablished will be over a storage reservoir or within two thousand linear feet of a storage reservoir, or which upon being established or reestablished may within nine months thereafter be expected to be within two thousand linear feet of a storage reservoir, shall notify the department and the storage operator in writing before doing so and such notice shall include the date on which it is intended the operating coal mine will be established or re-established.

Any person who serves such notice of an intention to establish or reestablish an operating coal mine under this subsection, without intending in good faith to establish or reestablish such mine, shall be liable for continuing damages to any storage operator injured by the serving of such improper notice and shall be guilty of a misdemeanor under this article and subject to the same penalties as set forth in section twelve of this article.

Sec. 5. Obligations to Be Performed by Persons Operating Storage Reservoirs.—(a) Any person who, on the effective date of this article, is operating a storage reservoir which underlies or is within two thousand linear feet of an operating coal mine which is operating in a coal seam that extends over the storage reservoir or the reservoir protective area, shall:

(1) Use every known method which is reasonable under the circumstances for discovering and locating all wells which have or may have been drilled into or through the storage stratum in that acreage which is within the outside coal boundaries of such operating coal mine and which overlies the storage reservoir or the reservoir protective area;

(2) Plug or recondition, in the manner provided by
sections nine and ten of article four of this chapter and subsection (e) of this section, all known wells (except to the extent otherwise provided in subsections (e), (f), (g) and (h) of this section) drilled into or through the storage stratum and which are located within that portion of the acreage of the operating coal mine overlying the storage reservoir or the reservoir protective area: Provided, however, That where objection is raised as to the use of any well as a storage well, and after a conference or hearing in accordance with section ten of this article it is determined, taking into account all the circumstances and conditions, that such well should not be used as a storage well, such well shall be plugged: Provided, however, That if, in the opinion of the storage operator, the well to which such objection has been raised may at some future time be used as a storage well, the storage operator may recondition and inactivate such well instead of plugging it, if such alternative is approved by the department after taking into account all of the circumstances and conditions.

The requirements of clause (2) of this subsection shall be deemed to have been fully complied with if, as the operating coal mine is extended, all wells which, from time to time, come within the acreage described in said clause (2) are reconditioned or plugged as provided in subsections (e) or (f) of this section and in section ten of article four of this chapter so that by the time the coal mine has reached a point within two thousand linear feet of any such wells, they will have been reconditioned or plugged so as to meet the requirements of said subsections (e) or (f) and of said section ten of article four.

(b) Any person operating a storage reservoir referred to in subsection (a) of this section shall within sixty days after the effective date of this article file with the department and furnish a copy to the person operating the affected operating coal mine, a verified statement setting forth:

(1) That the map and any supplemental maps required by subsection (a) of section two of this article have been
prepared and filed in accordance with section two;

(2) A detailed explanation of what the storage operator has done to comply with the requirements of clauses (1) and (2) of subsection (a) of this section and the results thereof;

(3) Such additional efforts, if any, as the storage operator is making and intends to make to locate all oil and gas wells; and

(4) Any additional wells that are to be plugged or reconditioned to meet the requirements of clause (2) of subsection (a) of this section.

If such statement is not filed by the storage reservoir operator within the time specified herein, the department shall summarily order such operator to file such statement.

(c) Within one hundred twenty days after the receipt of any such statement, the department may, and it shall, if so requested by either the storage operator or the coal operator affected, direct that a conference be held in accordance with section ten of this article to determine whether the information as filed indicates that the requirements of section two of this article and of subsection (a) of this section have been fully complied with. At such conference, if any person shall be of the opinion that such requirements have not been fully complied with, the parties shall attempt to agree on what additional things are to be done and the time within which they are to be completed, subject to the approval of the department, to meet the said requirements.

If such agreement cannot be reached, the department shall direct that a hearing be held in accordance with section ten of this article. At such hearing the department shall determine whether the requirements of said section two of this article and of subsection (a) of this section have been met and shall issue an order setting forth such determination. If the department shall determine that any of the said requirements have not been met, the order shall specify, in detail, both the extent to which such requirements have not been met, and the things which the storage operator must do to meet such requirements. The
order shall grant to the storage operator such time as is reasonably necessary to complete each of the things which he is directed to do. If, in carrying out said order, the storage operator encounters conditions which were not known to exist at the time of the hearing and which materially affect the validity of said order or the ability of the storage operator to comply with the order, the storage operator may apply for a rehearing or modification of said order.

(d) Whenever, in compliance with subsection (a) of this section, a storage operator, after the filing of the statement provided for in subsection (b) of this section, plugs or reconditions a well, he shall so notify the department and the coal operator affected in writing, setting forth such facts as will indicate the manner in which the plugging or reconditioning was done. Upon receipt thereof, the coal operator affected or the department may request a conference or hearing in accordance with section ten of this article:

(e) In order to meet the requirements of subsection (a) of this section, wells which are to be plugged shall be plugged in the manner specified in section ten of article four of this chapter. When a well located within the storage reservoir or the reservoir protective area has been plugged prior to the enactment of this article and on the basis of the data, information and other evidence submitted to the department it is determined that: (1) such plugging was done in the manner required in section ten of article four of this chapter; and (2) said plugging is still sufficiently effective to meet the requirements of this article, the obligations imposed by subsection (a) of this section as to plugging said well shall be considered fully satisfied.

(f) In order to meet the requirements of subsection (a) of this section wells which are to be reconditioned shall be cleaned out from the surface through the storage horizon and the following casing strings shall be pulled and replaced with new casing, using the same procedure as is applicable to drilling a new well as provided for in sections five, six, seven and eight of article four of this
chapter: (1) the producing casing; (2) the largest diameter casing passing through the lowest workable coal seam unless such casing extends at least twenty-five feet below the bottom of such coal seam and is determined to be in good physical condition: Provided, however, That the storage operator may, instead of replacing the largest diameter casing, replace the next largest casing string if such casing string extends at least twenty-five feet below the lowest workable coal seam; and (3) such other casing strings which are determined not to be in good physical condition. In the case of wells to be used for gas storage, the annular space between each string of casing, and the annular space behind the largest diameter casing to the extent possible, shall be filled to the surface with cement or aquagel or such equally non-porous material as is approved by the department pursuant to section eight of this article. At least fifteen days prior to the time when a well is to be reconditioned the storage operator shall give notice thereof to the coal operator or owner and to the department setting forth in such notice the manner in which it is planned to recondition such well and any pertinent data known to the storage operator which will indicate the then existing condition of such well. In addition the storage operator shall give the coal operator or owner and such representative of the department as the chief of the department shall have designated at least seventy-two hours notice of the time when such reconditioning is to begin. The coal operator or owner shall have the right to file, within ten days after the receipt of the first notice required herein, objections to the plan of reconditioning as submitted by the storage operator. If no such objections are filed or if none is raised by the department within such ten day period, the storage operator may proceed with the reconditioning in accordance with the plan as submitted. If any such objections are filed by the coal operator or owner or are made by the department, the department shall fix a time and place for a conference in accordance with section ten of this article at which conference the well operator and the person who has filed such objections shall endeavor to agree
upon a plan of reconditioning which meets the requirements herein and which will satisfy such objections. If no plan is approved at such conference the department shall direct that a hearing be held in accordance with section ten of this article and, after such hearing, shall by an appropriate order determine whether the plan as submitted meets the requirements set forth herein, or what changes, if any, should be made to meet such requirements. If, in reconditioning a well in accordance with said plan, physical conditions are encountered which justify or necessitate a change in said plan, the storage operator or the coal operator may request that the plan be changed. If the storage operator and the coal operator cannot agree upon such change, the department shall arrange for a conference or hearing in accordance with section ten of this article to determine the matter in the same manner as set forth herein in connection with original objections to said plan. Application may be made to the department in the manner prescribed in section eight of this article for approval of an alternative method of reconditioning a well. When a well located within the storage reservoir or the reservoir protective area has been reconditioned prior to the enactment of this article or was so drilled and equipped previously and on the basis of the data, information and other evidence submitted to the department it is determined that: (1) such reconditioning or previous drilling and equipping was done in the manner required in this subsection, or in a manner approved as an alternative method in accordance with section eight of this article and (2) such reconditioning or previous drilling and equipping is still sufficiently effective to meet the requirements of this article, the obligations imposed by subsection (a) as to reconditioning said well shall be considered fully satisfied. Where a well requires emergency repairs this subsection shall not be construed to require the storage operator to give the notices specified herein before making such repairs.

(g) When a well located within the reservoir protective area is a producing well in a stratum below the storage stratum the obligations imposed by subsection (a) of
this section shall not begin until such well ceases to be a producing well.

(h) When a well within a storage reservoir or the reservoir protective area penetrates the storage stratum but does not penetrate the coal seam being mined by an operating coal mine the department may, upon application of the operator of such storage reservoir, exempt such well from the requirements of this section. Either party affected may request a conference and hearing with respect to the exemption of any such well in accordance with section ten of this article.

(i) In fulfilling the requirements of clause (2) of subsection (a) of this section with respect to a well within the reservoir protective area, the storage operator shall not be required to plug or recondition such well until he has received from the coal operator written notice that the mine workings will within the period stated in such notice, be within two thousand linear feet of such well. Upon the receipt of such notice the storage operator shall use due diligence to complete the plugging or reconditioning of such well in accordance with the requirements of this section and of section ten of article four of this chapter. If the said mine workings do not, within a period of three years after said well has been plugged, come within two thousand linear feet of said well, the coal operator shall reimburse the storage operator for the cost of said plugging, provided such well is still within the reservoir protective area as of that time.

(j) When retreat mining approaches a point where within ninety days it is expected that such retreat work will be at the location of the pillar surrounding an active storage well the coal operator shall give written notice of such approach to the storage operator and by agreement said parties shall determine whether it is necessary or advisable to inactivate effectively said well temporarily. The well shall not be reactivated until a reasonable period has elapsed, such reasonable period to be determined by the said parties. In the event that the said parties cannot agree upon either of the foregoing matters, such question shall be submitted to the department for
decision in accordance with section ten of this article. The number of wells required to be temporarily inactivated during the retreat period shall not be such as to materially affect the efficient operation of such storage pool. This provision shall not preclude the temporary inactivation of a particular well where the practical effect of inactivating such well is to render the pool temporarily inoperative.

(k) The requirements of subsection (a), (l), and (m) of this section shall not apply to the injection of gas into any stratum when the sole purpose of such injection (such purpose being herein referred to as testing) is to determine whether the said stratum is suitable for storage purposes: Provided, however, That such testing shall be conducted only in compliance with the following requirements:

1. The person testing or proposing to test shall comply with all the provisions and requirements of section two of this article and shall verify the statement required to be filed thereby;

2. If any part of the proposed storage reservoir is under or within two thousand linear feet of an operating coal mine which is operating in a coal seam that extends over the proposed storage reservoir or the reservoir protective area, the storage operator shall give at least six months' written notice to the department and to the coal operator of the fact that injection of gas for testing purposes is proposed;

3. The coal operator affected may at any time file objections with the department in accordance with subsection (d) of section nine of this article. If any such objections are filed by the coal operator or if the department shall have any objections, the department shall fix a time and place for a conference in accordance with section ten of this article, not more than ten days from the date of the notice to the storage operator, at which conference the storage operator and the person who has filed such objections shall attempt to agree, subject to the approval of the department, on the questions involved. If such agreement cannot be reached at such conference,
the department shall direct that a hearing be held in accordance with section ten of this article. At such hearing the department shall determine and set forth in an appropriate order the conditions and requirements which it shall deem necessary or advisable in order to prevent gas from such storage reservoir from entering any operating coal mine. The storage operator shall comply with such conditions and requirements throughout the period of the testing operations. In determining such conditions and requirements the department shall take into account the extent to which the matters referred to in subsection (a) of this section have been performed. If, in carrying out said order, either the storage operator or the coal operator encounters or discovers conditions which were not known to exist at the time of the hearing and which materially affect said order or the ability of the storage operator to comply with the order, either operator may apply for a rehearing or modification of said order;

(4) Where, at any time, a proposed storage reservoir being tested comes under or within two thousand linear feet of an operating coal mine either because of the extension of the storage reservoir being tested or because of the extension or establishment or reestablishment of the operating coal mine, then and at the time of any such event the requirements of this subsection shall become applicable to such testing.

(1) Any person, who, after the effective date of this article, proposes to establish a storage reservoir under, or within two thousand linear feet of an operating coal mine which is operating in a coal seam that extends over the storage reservoir or the reservoir protective area, shall, prior to establishing such reservoir, in addition to complying with the requirements of section two of this article and subsection (a) of this section, file the verified statement required by subsection (b) of this section and fully comply with such order or orders, if any, as the department may issue in the manner provided for under subsections (b) or (c) of this section before beginning the operation of such storage reservoir. After the person proposing to operate such storage reservoir shall have
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336 complied with such requirements and shall have there-
337 after begun to operate such reservoir, he shall continue
338 to be subject to all of the provisions of this article.

339 (m) When a gas storage reservoir, (1) is in operation
340 on the effective date of this article, and at any time thereafter it is under or within two thousand linear feet of an
341 operating coal mine, or (2) when a gas storage reservoir
342 is put in operation after the effective date of this article
343 and at any time after such storage operations begin it is
344 under or within two thousand linear feet of an operating
345 coal mine, then and in either such event, the storage
346 operator shall comply with all of the provisions of this
347 section except that the time for filing the verified state-
348 ment under subsection (b) shall be sixty days after the
date stated in the notice filed by the coal operator under
351 subsections (b) or (c) of section four of this article as
to when the operating coal mine will be at a point within
two thousand linear feet of such reservoir: Provided,
354 however, That if the extending of the projected workings
or the proposed establishment or reestablishment of the
356 operating coal mine is delayed after the giving of the
357 notice provided in subsections (b) and (c) of section four
358 of this article, the coal operator shall give notice of such
delay to the department and the department shall, upon
the request of the storage operator, extend the time for
361 filing such statement by the additional time which will
be required to extend or establish or reestablish such
363 operating coal mine to a point within two thousand linear
364 feet of such reservoir. Such verified statement shall also
365 indicate that the map referred to in subsection (a) of
366 section two of this article has been currently amended
as of the time of the filing of such statement. The person
368 operating any such storage reservoir shall continue to be
subject to all of the provisions of this article.

370 (n) If, in any proceeding under this article, the depart-
371 ment shall determine that any operator of a storage reser-
372 voir has failed to carry out any lawful order of the de-
373 partment issued under this article, the department shall
have authority to require such storage operator to suspend
375 the operation of such reservoir and to withdraw the gas
therefrom until such violation is remedied. In such an event the gas shall be withdrawn under the following conditions: The storage operator shall remove the maximum amount of gas which is required by the department to be removed from the storage reservoir that can be withdrawn in accordance with recognized engineering and operating procedures and shall proceed with due diligence insofar as existing facilities used to remove gas from the reservoir will permit.

(o) In addition to initial compliance with the other provisions of this article and any lawful orders issued thereunder, it shall be the duty at all times of the person owning or operating any storage reservoir which is subject to the provisions of this article to keep all wells drilled into or through the storage stratum in such condition and to operate the same in such manner as to prevent the escape of gas into any coal mine therefrom, and to operate and maintain such storage reservoir and its facilities in such manner and at such pressures as will prevent gas from escaping from such reservoir or its facilities into any coal mine, provided that this duty shall not be construed to include the inability to prevent the escape of gas where such escape results from an act of God or an act of any person not under the control of the storage operator other than in connection with any well which the storage operator has failed to locate and to make known to the department: Provided, however, That if any escape of gas into a coal mine does result from an act of God or an act of any person not under the control of the storage operator, the storage operator shall be under the duty of taking such action thereafter as is reasonably necessary to prevent further escape of gas into the coal mine.

Sec. 6. Inspection of Facilities and Records; Reliance on Maps; Burden of Proof.—(a) In determining whether a particular coal mine or operating coal mine is or will be within any distance material under this article from any storage reservoir, the owner or operator of such coal mine and the storage operator may rely on the most
recent map of the storage reservoir or coal mine filed by
the other with the department.

(b) In any proceeding under this article where the
accuracy of any map or data filed by any person pursuant
to the requirements of this article is in issue, the person
filing the same shall at the request of any party to such
proceeding be required to disclose the information and
method used in compiling such map and data and such
information as is available to such person that might
affect the current validity of such map or data. If any
material question is raised in such proceeding as to the
accuracy of such map or data with respect to any partic-
ular matter or matters contained therein, the person filing
such map or data shall then have the burden of proving
the accuracy of the map or data with respect to such
matter or matters.

(c) The person operating any storage reservoir affected
by the terms of this article shall, at all reasonable times,
be permitted to inspect the applicable records and facil-
ities of any coal mine overlying such storage reservoir
or the reservoir protective area, and the person operating
any such coal mine affected by the terms of this article,
shall similarly, at all reasonable times, be permitted to
inspect the applicable records and facilities of any such
storage reservoir underlying any such coal mine. In the
event that either such storage operator or coal operator
shall refuse to permit any such inspection of records or
facilities, the department shall, on its own motion, or on
application of the party seeking the inspection after
reasonable written notice, and a hearing thereon, if re-
quested by either of the parties affected, make an order
providing for such inspection.

Sec. 7. Exemptions.—(a) The provisions of this article
shall not apply to strip mines and auger mines operating
from the surface.

(b) Injection of gas for storage purposes in any work-
able coal seam, whether or not such seam is being or has
been mined, shall be prohibited. Nothing in this article
shall be construed to prohibit the original extraction of
natural gas, crude oil, or coal. No storage operator shall
have authority to appropriate any coal or coal measure whether or not being mined, or any interest therein.

Sec. 8. Alternative Method.—(a) Whenever provision is made in this article by reference to this section for using an alternative method or material in carrying out any obligation imposed by the article, the person seeking the authority to use such alternative method or material shall file an application with the department describing such proposed alternative method or material in reasonable detail. Notice of filing of any such application shall be given by registered mail to any coal operator or operators affected. Any such coal operator may within ten days following such notice, file objections to such proposed alternative method or material. If no objections are filed within said ten day period or if none is raised by the department, the department shall forthwith issue a permit approving such proposed alternative method or material.

(b) If any such objections are filed by any coal operator or are raised by the department, the department shall direct that a conference be held in accordance with section ten of this article within the ten days following the filing of such objections. At such conference the person seeking approval of the alternative method or material and the person who has filed such objections shall attempt to agree on such alternative method or material or any modification thereof, and if such agreement is reached and approved by the department, the department shall forthwith issue a permit approving the alternative method or material. If no such agreement is reached and approved, the department shall direct that a hearing be held in accordance with section ten of this article: Provided, however, That if the alternative method or material involves a new development in technology or technique the department may, before such a hearing is held, grant such affected parties a period not to exceed ninety days to study and evaluate said proposed alternative method or material. Following such hearing, if the department shall find that such proposed alternative method or material will furnish adequate protection to the workable coal seams, the department shall by order approve such alter-
native method or material; otherwise the department shall deny the said application.

Sec. 9. Powers and Duties of the Department.—(a) The department may review the maps and data filed under sections two and three hereof for the purpose of determining the accuracy thereof. Where any material question is raised by any interested storage operator or coal operator or owner as to the accuracy of any such map or data, the department shall hold hearings thereon and shall by an appropriate order require the person filing such map or data to correct the same if they are found to be erroneous.

(b) It shall be the duty of the department to receive and keep in a safe place for public inspection any map, data, report, well log, notice or other writing required to be filed with it pursuant to the provisions of this article. The department shall keep such indices of all such information as will enable any person using the same to readily locate such information either by the identity of the person who filed the same or by the person or persons affected by such filing or by the geographic location of the subject matter by political subdivision. The department shall also keep a docket for public inspection of all proceedings, in which shall be entered the dates of any notices, the names of all persons notified and their addresses, the dates of hearings, conferences and all orders, decrees, decisions, determinations, rulings or other actions issued or taken by the department and such docket shall constitute the record of each and every proceeding before the department.

(c) The department shall have authority to make any inspections and investigations of records and facilities which it shall deem necessary or desirable to perform its functions under this article.

(d) Where in any section of this article provision is made for the filing of objections, such objections shall be filed in writing with the department by the person entitled to file the same or by the department, and shall state as definitely as is reasonably possible the reasons for such objections. The person filing such objections
shall send a copy thereof by registered mail to the person
or persons affected thereby.

Sec. 10. Conferences, Hearings and Appeals.—(a) The
department or any person having a direct interest in the
subject matter of this article may at any time request that
a conference be held for the purpose of discussing and
endeavoring to resolve by mutual agreement any matter
arising under the provisions of this article. Prompt notice
of any such conference shall be given by the department
to all such interested parties. At such conference a repre-
sentative of the department shall be in attendance, and
the department may make such recommendations as it
deems appropriate. Any agreement reached at such con-
ference shall be consistent with the requirements of this
article and, if approved by such representative of the
department, it shall be reduced to writing and shall be
effective unless reviewed and rejected by the department
within ten days after the close of the conference. The
record of any such agreement approved by the depart-
ment shall be kept on file by the department with copies
furnished to the parties. The conference shall be deemed
terminated as of the date any party refuses to confer
thereafter. Such a conference shall be held in all cases
prior to conducting any hearing under this section.

(b) Within ten days after termination of the conference
provided for in this section at which no approved agree-
ment has been reached or within ten days after the rejec-
tion by the department of any agreement approved at any
such conference, any person who has a direct interest in
the subject matter of the conference may submit the mat-
ter or matters, or any part thereof, considered at the
conference, to the department for determination at a
public hearing. The hearing procedure shall be for-
prisingly commenced by the filing of a petition with the
department upon forms prescribed by the department
or by specifying in writing the essential elements of
the petition, including name and address of the petition-
er and of all other persons affected thereby, a clear
and concise statement of the facts involved, and a
specific statement of the relief sought. The hearing
shall thereafter be conducted in accordance with such regulations and such provisions as to reasonable notice as the department may prescribe. Consistent with the requirements for reasonable notice, all hearings under this article shall be held by the department promptly. All testimony taken at such hearings shall be under oath and shall be reduced to writing by a reporter appointed by the department, and the parties shall be entitled to appear and be heard in person or by attorney. The department may present at such hearing any evidence which is material to the matter under consideration and which has come to the department's attention in any investigation or inspection made pursuant to provisions of this article.

(c) After the conclusion of hearings, the department shall make and file its findings and order with its opinion, if any. A copy of such order shall be served by registered mail upon the person against whom it runs, or his attorney of record, and notice thereof shall be given to the other parties to the proceedings, or their attorney of record.

(d) The department may, at any time after notice and after opportunity to be heard as provided in this section, rescind or amend any approved agreement or order made by it. Any order rescinding or amending a prior agreement or order shall, when served upon the person affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders; but no such order shall affect the legality or validity of any acts done by such person in accordance with the prior agreement or order before receipt by such person of the notice of such change.

(e) The chief of the department shall have power, either personally or by any of his authorized representatives, to subpoena witnesses and take testimony, and administer oaths to any witness in any hearing, proceeding or examination instituted before the department or conducted by it with reference to any matter within the jurisdiction of the department. In all hearings or proceedings before the department the evidence of witnesses and the production of documentary evidence may be required at any designated place of hearing; and in case of dis-
obedience to a subpoena or other process the department
or any party to the proceedings before the department
may invoke the aid of any circuit court in requiring the ev-
idence and testimony of witnesses and the production of
such books, records, maps, plats, papers, documents and
other writings as it may deem necessary or proper in and
pertinent to any hearing, proceeding or investigation held
or had by it. Such court, in case of the refusal of any such
person to obey the subpoena, shall issue an order requir-
ing such person to appear before the department and pro-
duce the required documentary evidence, if so ordered,
and give evidence touching the matter in question. Any
failure to obey such order of the court may be punished
by such court as contempt thereof. A claim that any such
testimony or evidence may tend to criminate the person
giving the same shall not excuse such witness from tes-
tifying, but such witness shall not be prosecuted for any
offense concerning which he is compelled hereunder to
testify.

(f) With the consent of the department, the testimony
of any witness may be taken by deposition at the instance
of a party to any hearing before the department at any
time after hearing has been formally commenced. The
department may, of its own motion, order testimony to be
taken by deposition at any stage in any hearing, proceed-
ing or investigation pending before it. Such deposition
shall be taken in the manner prescribed by the laws of
West Virginia for taking depositions in civil cases in courts
of record.

(g) Whether or not it be so expressly stated, an appeal
from any final order, decision or action by the department
in administering the provisions of this article may be
taken by any aggrieved person within ten days of notice
of such order, decision or action, to the circuit court of the
county in which the subject matter of such order, decision
or action is located, and in all cases of appeals to the
circuit court, that court shall certify its decisions to the
department. The circuit court to which the appeal is
taken shall hear the appeal without a jury on the record
certified by the department. In any such appeal the find-
ings of the department shall, if supported by substantial evidence, be conclusive. If the order of the department is not affirmed, the court may set aside or modify it, in whole or in part, or may remand the proceedings to the department for further disposition in accordance with the order of the court. From all final decisions of the circuit court an appeal shall lie to the supreme court of appeals as is now provided by law in cases in equity, by the department as well as by any other party of record before the circuit court.

Any party feeling aggrieved by the final order of the circuit court affecting him, may present his petition in writing to the supreme court of appeals, or to a judge thereof in vacation, within twenty days after the entry of such order, praying for the suspension or modification of such final order. The applicant shall deliver a copy of such petition to the department and to all other parties of record before presenting the same to the court or judge. The court or judge shall fix a time for the hearing on the application, but such hearing shall not be held sooner than seven days after its presentation unless by agreement of the parties, and notice of the time and place of such hearing shall be forthwith given to the department and to all other parties of record. If the court or judge, after such hearing, be of opinion that such final order should be suspended or modified, the court or the judge may require bond, upon such conditions and in such penalty, and impose such terms and conditions upon the petitioner as are just and reasonable. For such hearing the entire record before the circuit court, or a certified copy thereof, shall be filed in the supreme court, and that court, upon such papers, shall promptly decide the matter in controversy as may seem to it to be just and right, and may award costs in each case as to it may seem just and equitable.

Sec. 11. Enforcement.—(a) The department or any person having a direct interest in the subject matter of this article may complain in writing setting forth that any person is violating or is about to violate any provisions of this article, or has done, or is about to do, any act, mat-
ter or thing therein prohibited or declared to be unlawful,
or has failed, omitted, neglected or refused, or is about to
fail, omit, neglect or refuse, to perform any duty enjoined
upon him by this article. Upon the filing of a complaint
against any person, the department shall cause a copy
thereof to be served upon such person by registered mail
accompanied by a notice from the department setting such
complaint for hearing at a time and place specified in such
notice. At least five days’ notice of such hearing shall be
given to the parties affected and such hearing shall be
held in accordance with the provisions of section ten of
this article. Following such hearing, the department shall,
if it finds that the matter alleged in the complaint is not
in violation of this article, dismiss the complaint, but if
the department shall find that the complaint is justified,
it shall by appropriate order compel compliance with this
article.
(b) Whenever the department shall be of the opinion
that any person is violating, or is about to violate, any
provisions of this article, or has done, or is about to do,
any act, matter or thing therein prohibited or declared
to be unlawful, or has failed, omitted, neglected or refused,
or is about to fail, omit, neglect or refuse, to perform any
duty enjoined upon him by this article, or has failed,
 omitted, neglected or refused, or is about to fail, omit,
neglect or refuse to obey any lawful requirement or order
made by the department, or any final judgment, order or
decree made by any court pursuant to this article, then
and in every such case the department may institute in
the circuit court of the county or counties wherein the
operation is situated, injunction, mandamus or other ap-
propriate legal proceedings to restrain such violations of
the provisions of this article or of orders of the department
to enforce obedience therewith. No injunction bond shall
be required to be filed in any such proceeding. Such
persons or corporations as the court may deem necessary
or proper to be joined as parties in order to make its
judgment, order or writ effective may be joined as parties.
The final judgment in any such action or proceeding shall
either dismiss the action or proceeding or direct that the
writ of mandamus or injunction or other order, issue or be
made permanent as prayed for in the petition or in such
modified or other form as will afford appropriate relief.
An appeal may be taken as in other civil actions.

(c) In addition to the other remedies herein provided,
any storage operator or coal operator affected by the pro-
visions of this article may proceed by injunction or other
appropriate remedy to restrain violations or threatened
violations of the provisions of this article or of orders of
the department or the judgments, orders or decrees of
any court or to enforce obedience therewith.

(d) Each remedy prescribed in this section shall be
deemed concurrent or contemporaneous with any other
remedy prescribed herein and the existence or exercise of
any one such remedy shall not prevent the exercise of any
other such remedy.

Sec. 12. Penalties.—Any person who shall wilfully
violate any order of the department issued pursuant to the
provisions of this article shall be guilty of a misdemean-
or, and, on conviction thereof, shall be punished by a fine
not exceeding two thousand dollars, or imprisoned in jail
for not exceeding twelve months, or both, in the discretion
of the court, and prosecutions under this section may be
brought in the name of the state of West Virginia in the
court exercising criminal jurisdiction in the county in
which the violation of such provisions of the article or
terms of such order was committed, and at the instance
and upon the relation of any citizen of this state.

CHAPTER 107

(House Bill No. 184—By Mr. Bowles)

AN ACT to amend and reenact section five, article three, chap-
ter seventeen-a of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to applica-
tion for specially constructed, reconstructed, foreign ve-
hicles, or new vehicles purchased from dealers other than
licensed dealers of this state.
Article 3. Original and Renewal of Registration, Issuance of Certificates of Title.

Section

5. Application for specially constructed, reconstructed, foreign vehicles, or new vehicles purchased from dealers other than licensed dealers of this state.

Be it enacted by the Legislature of West Virginia:

That section five, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Application for Specially Constructed, Reconstructed, Foreign Vehicles, or New Vehicles Purchased from Dealers Other Than Licensed Dealers of This State.

(a) In the event the vehicle to be registered is specially constructed, reconstructed, or foreign vehicle, such fact shall be stated in the application and with reference to every foreign vehicle which has been registered heretofore outside of this state the owner shall surrender to the department all registration plates, registration cards, and certificates of title or other evidence of such foreign registration as may be in his possession or under his control except as provided in subdivision (b) hereof.

(b) Where in the course of interstate operation of a vehicle registered in another state it is desirable to retain registration of said vehicle in such other state, such applicant need not surrender but shall submit for inspection said evidences of such foreign registration and the department upon a proper showing shall register said vehicle in this state but shall not issue a certificate of title for such vehicle.

(c) In the event application for registration and certificate of title is made for a new vehicle purchased from a dealer other than a licensed dealer of this state, a certificate of title shall not be issued for such vehicle nor shall such vehicle be registered by the department unless and until such application shall be accompanied by a cer-
AN ACT to amend and reenact section seventeen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to application for and renewal of registration.

Passed February 11, 1955; in effect ninety days from passage. Approved by the Governor.

Article 3. Original and Renewal of Registration, Issuance of Certificates of Title.

Section 17. Application for and renewal of registration.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 17. Application For and Renewal of Registration.—Application for renewal of a vehicle registration shall be made by the owner by proper application and payment of the registration fee provided by law.

The department may receive applications for renewal of registration and issue new registration cards and plates at any time prior to expiration, but no person shall display upon a vehicle the new registration plates prior to the first day of the month preceding the new registration period.
CHAPTER 109

(House Bill No. 230—By Mr. Thompson, of Lincoln)

AN ACT to amend and reenact sections two and four, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to transfer of title or interest.

[Passed February 15, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 4. Transfers of Title or Interest.

Section
2. Endorsement of certificate of title upon transfer by owner.
4. Transfers to dealers and others.

Be it enacted by the Legislature of West Virginia:

That sections two and four, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Endorsement of Certificate of Title Upon Transfer by Owner.—Whenever the owner of a registered vehicle transfers or assigns his title, he shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens and encumbrances thereon, which statement shall be verified under oath by the owner, and he shall within five days from date of sale deliver the certificate of title to the purchaser or transferee, except in the case of a vehicle sold as scrap or to be dismantled.

Sec. 4. Transfers to Dealers and Others.—When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealer’s plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same not
10 later than five days from date of sale to the person to
11 whom such transfer is made.
12 When the transferee of a vehicle does not drive such
13 vehicle or permit it to be driven upon the highways, such
14 transferee shall not be required to obtain a new registra-
15 tion of said vehicle, but such transferee shall be required
16 within ten days from the date of such transfer to forward
17 the certificate of title to the department accompanied by
18 an application for a new certificate of title in his name.

CHAPTER 110
(House Bill No. 188—By Mr. Booth)

AN ACT to amend and reenact section five, article six, chapter
seventeen-a, of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to temporary
registration plates or markers.

[Passed February 23, 1955; in effect from passage. Approved by the Governor.]

Article 6. Issuance of Special Plates to Dealers.

Section
5. Temporary registration plates or markers.

Be it enacted by the Legislature of West Virginia:

That section five, article six, chapter seventeen-a of the code
of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 5. Temporary Registration Plates or Markers.—
2 The commissioner may, subject to the limitations and
3 conditions hereinafter set forth, deliver temporary vehicle
4 registration plates or markers to dealers when the appli-
5 cation therefor is accompanied by the fee prescribed in
6 this chapter. Such application shall be made upon a form
7 prescribed and furnished by the department. Dealers sub-
8 ject to the limitations and conditions hereinafter set forth,
9 may issue such temporary registration plates or markers
to owners of vehicles, provided that such owners shall comply with the pertinent provisions of this section.

Every dealer who has made application for temporary registration plates or markers shall maintain in permanent form a record of all temporary registration plates or markers delivered to him, and shall also maintain in permanent form a record of all temporary registration plates or markers issued by him, and in addition thereto, shall maintain in permanent form a record of any other information pertaining to the receipt or the issuance of temporary registration plates or markers that the commissioner may require. Each record shall be kept for a period of at least three years from the date of entry of such record. Every dealer shall allow full and free access to such records during regular business hours, to duly authorized representatives of the department and to peace officers. Every dealer who issues temporary registration plates or markers shall, on the day that he issued such plates or markers, send to the department a copy of the temporary registration plate or marker application, properly executed by such dealer and the owner.

A dealer shall not issue, assign, transfer or deliver temporary registration plates or markers to anyone other than the bona fide purchaser or owner of the vehicle to be registered; nor shall a dealer issue temporary registration plates or markers to anyone possessed of annual registration plates for a vehicle that has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser or owner of a vehicle to be registered who possesses annual registration plates of a different class and makes application to the department to exchange such annual registration plates of a different class in accordance with the provisions of section one, article four, of this chapter; nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary registration plates or markers. It shall be unlawful for any dealer to issue any temporary registration plate or marker, or plates or markers, containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.
Every dealer who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and motor or serial number of the vehicle for which issued.

If the commissioner finds that the provisions of this section or the directions of the commissioner are not being complied with by the dealer, he may suspend, after notice and hearing, the right of a dealer to issue temporary registration plates or markers.

Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased.

Every person who makes application for temporary registration plates or markers shall execute and send an application for annual registration plates to the department, previous to or not later than fifteen days from the day that the dealer sends to the department a copy of the executed temporary registration certificate, but in no event shall such application for annual registration plates be made later than fifteen days from the day on which the temporary registration plates or markers are issued to such owner.

Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the department: Provided, That if the annual registration plates are not received within twenty days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding, immediately upon the expiration of such twenty day period, permanently destroy the temporary registration plates or markers: Provided further, That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser or owner for the same vehicle.

Temporary registration plates or markers shall expire and become void upon the receipt of the annual registra-
tion plates from the department, or upon the rescission of a contract to purchase a motor vehicle, or upon the expiration of twenty days from the date of issuance, depending upon whichever event shall first occur. No refund or credit of fees paid by dealers to the department for temporary registration plates or markers shall be allowed, except in the event that the commissioner discontinues the issuance of temporary registration plates or markers, dealers returning temporary registration plates or markers to the department may petition for refund or a credit thereof.

The commissioner shall have the power to make such rules and regulations, not inconsistent herewith, as he shall deem necessary for the purpose of carrying out the provisions of this section.

Any person who violates any of the provisions of this section is guilty of a misdemeanor.

CHAPTER 111
(Senate Bill No. 63—By Mr. Amos)

AN ACT to amend and reenact section eight, article ten, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to exemption from registration fees.

[Passed February 23, 1955; in effect from passage. Approved by the Governor.]

Article 10. Registration, License and Other Fees.

Section 8. Exemption from registration fees.

Be it enacted by the Legislature of West Virginia:

That section eight, article ten, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 8. Exemption from Registration Fees.—The United States government, the state, or any political sub-
division thereof, shall be exempted from the payment of any fee on account of registration of any vehicle owned or operated by the United States government, the state, or any political subdivision thereof, as the case may be: Provided, That the proper representative of the federal government, the state, or any such political subdivision thereof, shall make, or cause to be made, on the form provided for that purpose, an application for registration of such vehicle so owned and operated, and that the registration plate or plates issued for such vehicle shall be displayed or caused to be displayed as provided in this chapter: Provided further, That fire apparatus owned by the United States government, the state, or any political subdivision thereof, and by an incorporated volunteer fire department organized for protection of community property, shall be exempt from all the provisions of this article pertaining to the payment of registration fees: Provided further, That any ambulance used exclusively for charitable purposes, for which use there is no charge, shall be exempt from the payment of all registration fees required by this article: And provided further, That any disabled veteran owning an automobile under the provisions of Public Law 663 of the 79th Congress of the United States or Public Law 187 of the 82nd Congress of the United States shall be exempt from the payment of any fee on account of registration of any vehicle owned by such disabled veteran. This exemption shall not apply to such disabled veterans owning vehicles used for hire, but such exemption shall be in force and effect for such passenger car vehicles owned by such disabled veterans during their natural life.

CHAPTER 112

(Senate Bill No. 163—By Mr. Bean, Mr. President, and Mr. Martin)

AN ACT to amend and reenact section five, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to applications and fees for motor vehicle drivers' instruction permits.
Article 2. Issuance of License, Expiration and Renewal.

Section 5. Instruction permits; fees.

Be it enacted by the Legislature of West Virginia:

That section five, article two, chapter seventeen-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Instruction Permits; Fees.—Any person who is at least sixteen years of age may apply to the department for an instruction permit. The department may, in its discretion, after the applicant has appeared before the department of public safety and successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of sixty days. The fee for such instruction permit shall be two dollars, one dollar of which shall be paid into the state treasury and credited to the state road fund, and the other one dollar of which shall be paid into the state treasury and credited to the account of the department of public safety for application in the enforcement of the road laws.

CHAPTER 113

(Senate Bill No. 71—By Mr. Amos)

AN ACT to amend and reenact section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the of-
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fense of driving while under the influence of intoxicating liquor or drugs and to the penalties therefor.

[Passed February 24, 1955; in effect from passage. Approved by the Governor.]

Article 5. Negligent Homicide, Driving While Intoxicated and Reckless Driving.

Section

2. Persons under the influence of intoxicating liquor or of drugs.

Be it enacted by the Legislature of West Virginia:

That section two, article five, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Persons Under the Influence of Intoxicating Liquor or of Drugs.—(a) It is unlawful and punishable as provided in paragraph (c) of this section for any person who is under the influence of intoxicating liquor to drive any vehicle on any highway of this state or for any owner of such vehicle to knowingly permit the same to be so operated by one under influence of intoxicating liquor.

(b) It is unlawful and punishable as provided in paragraph (c) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charges of violating this paragraph.

(c) A person violating any provision of this section shall, for the first offense, occurring within a five-year period, be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment in the county jail for a period of not less than five days nor more than six months, or by both such fine and im-
prisonment, and his operator's or chauffeur's license shall be revoked for a period of six months. A person violating any provision of this section shall, for the second offense, occurring within a five-year period, be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not less than six months nor more than one year, which sentence shall not be subject to probation, and whenever the records of the department disclose that a conviction is the second such conviction of such person, within a period of five years, for a violation of this section, his operator's or chauffeur's license shall be revoked by the commissioner for a period of ten years, unless reissued by the department of motor vehicles as hereinafter provided. Whenever the commissioner of motor vehicles, after full investigation, shall find that the character of any person who was convicted of a second offense under this section and the circumstances at the time indicate that he is not likely again to repeat his offense, and that the public good does not require that his license be longer revoked, the commissioner may, if it is deemed advisable, reissue such license at any time more than five years after the date on which it was revoked. A person violating any provision of this section shall, for the third or any subsequent offense, occurring within a five-year period, be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years, and whenever the records of the department disclose that a conviction is the third such or any subsequent conviction of such person, within a period of five years, for a violation of this section, his operator's or chauffeur's license shall be revoked by the commissioner for a period of ten years and indefinitely thereafter unless reissued as hereinafter provided. Whenever the commissioner of motor vehicles, after full investigation, shall find that the character of any person who was convicted of a third or subsequent offense under this section and the circumstances at the time indicate that he is not likely again to repeat his offense, and the public good does not require that his license be longer revoked, the commissioner may, if it is
deemed advisable, reissue such license at any time more than ten years after the date on which it was revoked. The discretionary power herein conferred may be exercised by the commissioner and the department of motor vehicles with respect to the reissuing of licenses revoked because of convictions prior to the passage hereof.

CHAPTER 114

(Senate Bill No. 337—By Mr. Traubert)

AN ACT to amend and reenact section seven, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to overtaking and passing school bus.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 12. Special Stops Required.

Section 7. Overtaking and passing school bus.

Be it enacted by the Legislature of West Virginia:

That section seven, article twelve, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 7. Overtaking and Passing School Bus.—(a) The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by the driver or other authorized person or persons to proceed.

(b) Every bus used for the transportation of school children shall bear upon the front and rear thereon a
plainly visible sign containing the words “school bus” in letters not less than six inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating “school bus” shall be covered or concealed.

(c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

CHAPTER 115

(House Bill No. 318—By Mr. Johnston)

An ACT to amend and reenact sections twenty, twenty-one, twenty-eight and twenty-nine, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor vehicle headlamps and approval of vehicle lighting devices.

[Passed February 25, 1955; in effect from passage. Approved by the Governor.]

Article 15. Equipment.

Section
20. Multiple-beam road lighting equipment.
21. Use of multiple-beam road-lighting equipment.
28. Selling or using lamps or equipment.
29. Authority of state road commissioner with reference to lighting devices.

Be it enacted by the Legislature of West Virginia:

That sections twenty, twenty-one, twenty-eight and twenty-nine, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 20. **Multiple-Beam Road Lighting Equipment.**

—Except as hereinafter provided, the headlamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle, other than a motorcycle or motor driven cycle, registered in the state after January first, one thousand nine hundred fifty-two, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

Sec. 21. **Use of Multiple-Beam Road-Lighting Equipment.**—(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section two, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever a driver of a vehicle approaches an on-
coming vehicle within five hundred feet, such driver shall
use a distribution of light, or composite beam, so aimed
that the glaring rays are not projected into the eyes of the
oncoming driver. The lowermost distribution of light, or
composite beam specified in section twenty, paragraph
(b) shall be deemed to avoid glare at all times, regard-
less of road contour and loading.
(c) Whenever the driver of a vehicle follows another
vehicle within two hundred feet to the rear, except when
engaged in the act of overtaking and passing, such driver
shall use a distribution of light permissible under this
chapter other than the uppermost distribution of light
specified in paragraph (a) of section twenty.

Sec. 28. Selling or Using Lamps or Equipment.—(a)
No person shall have for sale, sell, or offer for sale for use
upon or as a part of the equipment of a motor vehicle,
trailer, or semitrailer, or use upon any such vehicle any
headlamp, auxiliary, or fog lamp, real lamp, signal lamp,
or reflector, which reflector is required hereunder, or
parts of any of the foregoing which tend to change the
original design or performance, unless of a type which has
been submitted to the state road commissioner and ap-
proved by him. The foregoing provisions of this section
shall not apply to equipment in actual use when this sec-
tion is adopted or replacement parts therefor, provided
that such equipment complies with the laws relating
thereto prior to the enactment hereof.
(b) No person shall have for sale, sell, or offer for sale
for use upon or as a part of the equipment of a motor
vehicle, trailer, or semitrailer any lamp or device men-
tioned in this section which has been approved by the
state road commissioner unless such lamp or device bears
thereon the trademark or name under which it is ap-
proved so as to be legible when installed.
(c) No person shall use upon any motor vehicle,
trailer, or semitrailer any lamps mentioned in this section
unless said lamps are mounted, adjusted and aimed in
accordance with instructions of the state road commis-
sioner.
Sec. 29. Authority of State Road Commissioner with Reference to Lighting Devices.—(a) The state road commissioner is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

(b) The state road commissioner is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(c) The state road commissioner is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(d) The state road commissioner upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by him.

(e) The state road commissioner shall publish lists of all lamps and devices by name and type which have been approved by him.

CHAPTER 116

(Senate Bill No. 60—By Mr. Amos)

AN ACT to amend and reenact sections five and six, article sixteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appointment of official inspection stations; fees for certificate of inspection, operation of official inspection stations.

[Passed March 9, 1955; in effect July 1, 1955. Approved by the Governor.]
Article 16. Inspection of Vehicles.

Section

5. Official inspection stations; fees for and certificate of inspection.
6. Operation of official inspection stations.

Be it enacted by the Legislature of West Virginia:

That sections five and six, article sixteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted as follows:

Section 5. Official Inspection Stations; Fees for and Certificate of Inspection.—The superintendent of the department of public safety shall be responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He shall select and designate such stations and shall issue permits therefor and furnish instructions and all necessary forms thereto for the inspection of vehicles as herein required and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered and shall properly identify the official inspection station by which issued. A charge of twenty-five cents per sticker shall be charged by the department of public safety to the inspection station and the funds so received shall be deposited into the state treasury and credited to the account of the department of public safety for application in the administration of the provisions of this article. Any balance remaining in the fund on the last day of June of each fiscal year, not required for operating expenses for the ensuing fiscal year, shall be transferred to the state road fund. The superintendent is authorized to exchange stickers or to make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete.

Application for permit shall be made upon an official form prescribed by the superintendent and permits shall be granted only when the superintendent is satisfied that the station is properly equipped, and has competent personnel to make such inspections and adjustments and that the inspections and adjustments will be properly con-
ducted. The superintendent, before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensation for any damage to a vehicle during an inspection or adjustment due to negligence on the part of such station operator or employees thereof.

The superintendent shall properly supervise and cause inspections to be made of such stations and shall revoke and require the surrender of the permit issued to a station which he finds is not properly equipped or conducted. He shall maintain and post at his office and at such other places as he may select lists of all stations holding permits and of those whose permits have been revoked.

Sec. 6. Operation of Official Inspection Stations.—No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every said permit shall be posted in a conspicuous place at the station location designated.

The person operating any such station shall issue a certificate of inspection and approval, upon an official form, to the owner of a vehicle upon inspecting such vehicle and determining that its equipment required hereunder is in good condition and proper adjustment, but otherwise no certificate shall be issued, except such as may be issued pursuant to section two of this article. When required by the superintendent, a record and report shall be made of every inspection and every certificate so issued. A fee of not more than one dollar twenty-five cents may be charged for an inspection and issuance of such certificate, but the imposition of such charge shall not be mandatory.

CHAPTER 117

(House Bill No. 407—By Mr. Bowles)

AN ACT to amend and reenact section one, article twenty, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to
laws and regulations limiting and controlling traffic on
toll roads of the West Virginia turnpike commission and
providing penalties for violations thereof.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 20. West Virginia Turnpike Commission.

Section

1. West Virginia turnpike commission; authority of West Virginia
turnpike commission.

Be it enacted by the Legislature of West Virginia:

That section one, article twenty, chapter seventeen-c of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:

Section 1. West Virginia Turnpike Commission; Au-
thority of West Virginia Turnpike Commission.—The
provisions of this chapter shall apply to toll roads under
the jurisdiction of the West Virginia turnpike commission
insofar as they are not in conflict with the provisions of
chapter one hundred thirty-nine, acts of the Legislature,
regular session, one thousand nine hundred forty-seven,
as amended. The turnpike commission shall have all
rights, privileges, and powers in regard to turnpike proj-
jects under its jurisdiction, which are by this chapter
granted, reserved or otherwise accorded to the state road
commission or commissioner or to any local or public au-
thority or body in regard to other public highways. In
addition, the turnpike commission shall have full author-
ity to adopt rules and regulations for the movement of
traffic upon any turnpike project under its jurisdiction
and to amend the limits imposed by article six (speed
restrictions) and article seventeen (size, weight, and load)
of this chapter insofar as their application to toll roads
under its jurisdiction are concerned by resolution entered
upon the turnpike commission’s minute book: Provided,
That speed limits so established shall be posted conspicu-
ously at intervals along the turnpike. Violations of any
amendments by the turnpike commission of said limits
as aforesaid or of any rules, regulations, or resolutions
of the turnpike commission adopted pursuant to this
article shall be punishable in the same manner and to
the same extent as elsewhere in this chapter provided
for the punishment of violations of limits set forth herein
and of rules, regulations, resolutions, and ordinances of
the state road commission or commissioner and local or
public authorities or bodies in regard to roads, streets, or
highways within their respective jurisdictions, unless no
punishment is provided elsewhere herein, in which event
each such violation shall be a misdemeanor subject to the
jurisdiction of justices of the peace and circuit courts upon
conviction of which a fine not to exceed fifty dollars shall
be levied.

CHAPTER 118

(Senate Bill No. 138—By Mr. Smith)

AN ACT to amend and reenact section ten-g, article four,
chapter eight of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the
salaries of officers of class I cities.

[Passed March 4, 1955; In effect ninety days from passage. Approved by the
Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal
Corporations, Councils or Officers.

Section
10-g. Salaries of officers of class I cities.

Be it enacted by the Legislature of West Virginia:
That section ten-g, article four, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted to read as follows:

Section 10-g. Salaries of Officers of Class I Cities.—Not-
2 withstanding any provision of its existing charter to the
contrary, the governing board of any Class I city, as defined in section four, article one, chapter eight-a of this code, shall have the authority to fix the salary of certain of its officers within the following limitations:

(1) The salary of the mayor shall not exceed ten thousand dollars.

(2) The salary of the city manager shall not exceed eight thousand dollars.

(3) The salary of the city attorney and the city engineer shall not exceed eight thousand dollars.

The authority granted by this section shall in no case be construed to deprive any class I city of any authority under its existing charter to fix the salary of the officers named above in excess of the limits imposed by this section.

This section shall not be construed to prohibit a class I city from paying salaries to its mayor, city manager, city attorney and city engineer in excess of the maximum salaries hereinabove provided, if such city adopts a charter under the provisions of the home rule act.

CHAPTER 119

(House Bill No. 439—By Mr. Holderby and Mr. Kincaid)

AN ACT to amend and reenact section twenty, article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, duties and allied relations of municipal corporations.

[Passed March 8, 1955; in effect from passage. Approved by the Governor.]

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section

20. Special charges for municipal services.

Be it enacted by the Legislature of West Virginia:

That section twenty, article four, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 20. Special Charges for Municipal Services.—

The governing authority of every municipal corporation that furnishes any essential or special municipal service, including police and fire protection, parking facilities on the streets or otherwise, recreational facilities, street cleaning, sewerage and sewage disposal, and the collection and disposal of garbage, ashes or other waste materials, may by ordinance provide for the continuance, maintenance, installation or improvement of such service, may make reasonable regulations with respect thereto, may impose upon the users of such service reasonable rates, fees and charges to be collected in the same manner as municipal taxes are collected or in some other manner specified in the ordinance, and may provide penalties for any violation of such ordinance. The municipal corporation shall not, however, have a lien on any property as security for payments due under such ordinance: Provided, however, That any ordinance enacted under the provisions of this section shall be published at least once a week for two successive weeks in two newspapers published in such municipality, or if there be only one newspaper published therein then in that newspaper, or if there be no such newspaper published then by posting copies of such ordinance for a like period in at least ten conspicuous places in such municipality, and in the event ten per cent of the registered voters by written petition duly signed by them and filed with the municipal authority within fifteen days after the expiration of such publishing or posting protest against such ordinance, the ordinance shall not become effective until it shall be ratified by a majority of the votes cast by the duly qualified voters of such municipality at an election duly and regularly held as provided by the laws and ordinances of the municipality and the result of such election ascertained and declared. Such election shall be held after notice of such submission shall be given by publication or posting of the same for two successive weeks next prior to the date of such election as above provided for the
publication of the ordinance when adopted. The powers
hereby given to such municipalities and to the authorities
thereof are in addition to and supplemental of the powers
named in the respective charters thereof: Provided,
That in the event fees and charges herein provided for,
shall be imposed by the governing body of any municipal
corporation for the purpose of, and in amounts approxi-
mately sufficient, to replace in its general fund such
amounts as shall be appropriated to be paid out of ad
valorem taxes upon property within the municipality
pursuant to an election duly called and held under the
constitution and laws of the state to authorize the issuance
and sale of general obligation bonds of the municipality
for public improvement purposes, in the call for which
election it shall be stated that the governing body of the
municipality proposes to impose fees and charges in speci-
fied amounts under this section for the use of one or more
of the services above specified, which shall be related to
the public improvement proposed to be made with the
proceeds of the bonds, no notice, publication or posting of
notice, or referendum or election or other condition or
prerequisite to the imposition of such rates shall be re-
quired or necessary, other than the legal requirements
for the issuance and sale of such general obligation bonds.

CHAPTER 120

(Com. Sub. for House Bill No. 309—Originating in the House Committee on
Counties, Districts and Municipalities)

AN ACT to amend article four, chapter eight of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section, designated sec-
tion twenty-one-a, authorizing municipalities owning a
waterworks system or sewerage system or combined water-
works and sewerage system, or hereafter acquiring such
waterworks system or sewerage system or combined water-
works and sewerage system, to provide pension plan or
plans on behalf of employees.
Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

Section 21-a. Pension plans for employees of municipal waterworks systems or sewerage systems or combined waterworks and sewerage systems.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-one-a, to read as follows:

Section 21-a. Pension Plans for Employees of Municipal Waterworks Systems or Sewerage Systems or Combined Waterworks and Sewerage Systems.—Any city in West Virginia which owns the waterworks system or sewerage system or combined waterworks and sewerage system, is hereby authorized to provide a pension plan or plans on behalf of and pertaining to all, or part, of the employees of said waterworks system or sewerage system or combined waterworks and sewerage system. Said pension plan or plans shall be financed from the general operation funds of said waterworks system or sewerage system or combined waterworks and sewerage system. Said pension plan or plans shall be composed of such members as shall be approved by the governing body of the municipality and shall give proper representation to the employees of such waterworks system or sewerage system or combined waterworks and sewerage system. The chief financial executive officer or treasurer of such board or commission shall give bond with a surety company in an amount equal to the value of any funds or securities in the control of or owned by the board or commission. After reserving such funds as may be deemed necessary by the board or commission to provide such amounts...
26 as may be required to meet temporary commitments,  
27 the remainder shall be invested in bonds of the govern-  
28 ment of the United States, the state of West Virginia,  
29 or any political subdivision thereof.

CHAPTER 121
(Senate Bill No. 293—By Mr. Hedrick)

AN ACT to amend and reenact section one, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred thirty-six, acts of the Legislature, regular session, one thousand nine hundred fifty-one, relating to definitions, including the definition of municipal public works.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 4-a. Municipal Public Works; Bonds.

Section
1. Definitions.

Be it enacted by the Legislature of West Virginia:

That section one, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by chapter one hundred thirty-six, acts of the Legislature, regular session, one thousand nine hundred fifty-one, be amended and reenacted to read as follows:

Section 1. Definitions.—(a) The term “municipality”,  
 as used in this article, shall be construed to mean any city  
 or incorporated town in the state of West Virginia; (b)  
 the term “municipal authorities”, as used in this article  
 shall be construed to mean the mayor and council, or  
 similar governing body, board or commission of any city  
 or incorporated town; (c) the term “municipal public  
 works”, as used in this article, shall be construed to mean
and include cemeteries, incinerator plants, land fill or other garbage disposal systems, hospitals, piers, docks, terminals, airports, drainage systems, flood control systems, the construction, reconstruction and alteration of intracity bridges, including approaches, causeways, viaducts, underpasses and connecting roadways, public markets, automobile parking facilities (including parking lots, buildings, ramps, curb-line parking, meters and other facilities deemed necessary or incidental to the regulation, control and parking of automobiles), stadiums, public recreation parks, swimming pools, tennis courts, golf courses, polo grounds, public buildings, including libraries and museums, common jails, grading and/or paving, and/or repaving streets, avenues and alleys; where such works or projects will be made self-supporting, and the construction and/or acquisition cost thereof, together with interest thereon, will be returned within a reasonable period, not exceeding thirty years, by means of tolls, fees, rents, special assessments or charges other than taxation, and shall mean and include such system, building, plant or project in its entirety, and all integral parts thereof, including all necessary appurtenances and equipment in connection with any one or more of the above: Provided, that when such municipal public works consist of grading and/or paving and/or repaving streets, avenues, and alleys the cost of which is to be paid by special assessment against the abutting property, represented by paving certificates which constitute a lien upon such property and said paving certificates are pledged by any municipality to retire revenue bonds issued and sold to pay the cost of such construction, the payor of such paving certificate shall have the right to pay the same at any time before maturity, together with interest thereon to date of payment, and upon the payment of such paving certificate the treasurer of such municipality shall deliver to the payor a release for such lien, and the funds received therefrom shall by said treasurer be deposited in a special fund to be expended only in the payment of such revenue bonds.
CHAPTER 122
(House Bill No. 266—By Mr. Adams)

AN ACT to amend and reenact section one-a, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the financing of municipal parking facilities.

[Passed March 7, 1955; in effect from passage. Approved by the Governor.]

Article 4-a. Municipal Public Works; Bonds.

Section
1-a. Municipal parking facilities.

Be it enacted by the Legislature of West Virginia:

That section one-a, article four-a, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1-a. Municipal Parking Facilities.—Every municipality shall have the authority to establish, operate and finance under the provisions of this article automobile parking facilities, including buildings, lots and other facilities appropriate for that purpose and such facilities shall be public works within the meaning of this article.

Whenever any municipality shall establish any such parking facility, then in order to help finance the same, such municipality shall have the authority to use any revenue derived from parking meters or other parking facilities, unless such revenue is otherwise pledged to pay for such meters or parking facilities.

CHAPTER 123
(House Bill No. 147—By Mr. Andrews)

AN ACT to amend and reenact section nine, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the maximum
hours of duty by members of fire departments in municipal corporations in the state of West Virginia, and determining the schedule of hours to be worked by such firemen.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Fire Department, Fire Companies, and Firemen's and Policemen's Pensions or Relief Funds.

Section 9. Maximum hours of duty for firemen.

Be it enacted by the Legislature of West Virginia:

That section nine, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 9. Maximum Hours of Duty for Firemen.—In any municipal corporation in this state having or which may hereafter have, a fire department supported in whole or in part by public expenses, the members of the fire department shall not be required to remain on duty in excess of one hundred twenty hours during any fourteen consecutive days period. The members of such fire department shall, by majority vote, determine the schedule of hours to be worked in any twenty-four hour period:

Provided, however, That the members of said fire department shall not remain on duty for more than twenty-four consecutive hours except in case of a conflagration requiring the service of more than one half of the department. The chief executive officer of the department is hereby authorized and directed to make the necessary assignments as provided in this section.

Nothing in this section shall apply to any town which does not maintain and pay for a fire department and employees thereof for full time or on a full time basis.
CHAPTER 124

(House Bill No. 71—By Mr. Goshorn)

AN ACT to amend and reenact section fourteen, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to fire department, fire companies, and firemen’s and policemen’s pensions or relief funds.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Fire Department, Fire Companies, and Firemen’s and Policemen’s Pensions or Relief Funds.

Section 14. Levy to maintain fund; gifts, etc.; assessments on members of departments; return of assessments.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 14. Levy to Maintain Fund; Gifts, etc.; Assessments on Members of Departments; Return of Assessments.—In every municipality there shall be a firemen’s pension or relief fund and a policemen’s pension or relief fund, which shall be maintained as follows: The council or other governing body of each municipality shall levy annually and in the manner provided by law for other municipal levies, and include within the maximum levy or levies permitted by law, and if necessary in excess of any charter provisions, a tax of not less than one cent on each one hundred dollars of all real and personal property as listed for taxation in such municipality, and, if necessary, in excess of one cent, but not in excess of three and one-half cents so as to meet the estimated expenditures of the boards of trustees of the respective funds, for the firemen’s pension or relief fund and a like levy on all real and personal property as listed for taxation in such municipality,
for a policemen's pension fund: Provided, That in any city or municipality of eight thousand three hundred population or less the laying of the levies herein provided for shall be within the discretion of the common council or other body of like power and duties in such city or municipality. The levies authorized under this section, or any part of them, may by the council or other governing body be laid in addition to all other municipal levies, and to that extent beyond the limit of levy imposed by the charter of such municipality; and such levies shall supersede and if necessary exclude levies for other purposes if such priority or exclusion is necessary under limitation upon taxes or tax levies imposed by law.

Such corporations are authorized to take by gift, grant, devise or bequest, any money or real or personal property, upon such terms as to the investment and expenditure thereof as may be fixed by the grantor or determined by said trustees.

In addition to all other sums provided for pensions in this section, it shall be the duty of every municipal corporation to assess and collect from each member of such fire department and police department each month, the sum of three per cent of the monthly basic pay of such fire or police department, that is, the monthly basic pay for all equally and regardless of rank or position of the member of such department and so that the amount of such deduction shall be the same for all members of such fire department and the same for all members of such police department, which amount so to be deducted shall be deducted from the monthly pay of such person; and the amount so collected shall become a regular part of the firemen's pension fund, if collected from a fireman, and of the policemen's pension fund, if collected from a policeman.

Any member of a municipal fire or police department who is released or who before retirement on any pension severs his connection with said department, provided he has served two full years or more, shall, upon request, be refunded all deductions made from his salary, but without interest. In event such refund is made and such
member subsequently reenters the department no credit shall be allowed him for any former service, unless any such member of a municipal fire or police department repays to the pension fund all sums refunded to him within one year from the date he reenters the department with interest at the rate of six per cent per annum: And provided further, That any member who, at the time this amendment becomes effective, has already reentered the department, he shall be allowed credit for any former service upon repaying all sums withdrawn or refunded to him within one year from the date this amendment becomes effective with interest at the rate of six per cent per annum, but in no case shall interest be charged for more than three years.

CHAPTER 125

( House Bill No. 453—By Mr. Tucker )

AN ACT to amend and reenact section twenty-one, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to payments from firemen's and policemen's pension or relief funds to certain surviving dependents.

[Passed March 11, 1955; in effect from passage. Approved by the Governor.]

Article 6. Fire Department, Fire Companies, and Firemen's and Policemen's Pensions or Relief Funds.

Section

Be it enacted by the Legislature of West Virginia:

That section twenty-one, article six, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 21. Payments in Case of Death.—In case any such municipal employee who has been in continuous
service for more than five years shall die while in service, leaving surviving him a dependent wife, or any dependent minor child or children, or dependent mother and/or father, or any dependent brothers and/or sisters under the age of sixteen years, or in case any such former municipal employee who is receiving or is entitled to receive a pension under the provisions of this article, or on a disability basis after he shall have been in continuous service for more than five years, shall die, leaving surviving him a dependent wife to whom he was married prior to the date of his retirement, or any dependent minor child or children who were born prior to or within ten months after such retirement, or dependent mother and/or father, or any dependent brothers and/or sisters under the age of sixteen years, then, and in either of such cases, the board of trustees of such pension fund shall pay to or for each of such entitled surviving dependents the following pensions, viz: To such dependent widow, the sum of fifty dollars per month until her death or remarriage; for the support and maintenance of each such dependent child the sum of fifteen dollars per month until such child shall attain the age of eighteen years, or marry, whichever first occurs: Provided, however, That the sum of twenty dollars per month shall be paid for each such surviving orphaned child; to each such dependent mother or father the sum of fifteen dollars per month, or if either of them be dead or die, then the sum of twenty dollars per month to the survivor thereof; to each such dependent brother or sister the sum of five dollars per month until such person shall attain the age of sixteen years or marry, whichever first occurs, but in no event shall the aggregate amount paid to such brothers and sisters exceed thirty dollars per month. But if at any time, because of the number of dependents, all such dependents cannot be paid in full as herein provided, then each dependent shall receive his pro rata share of such payments: Provided, however, That in no case shall the payments to the widow and children be cut below sixty per cent.

The dependent wife, child or children, or dependent father or mother, brothers or sisters, of any such municipal
employee who shall be killed in the performance of his
duties shall, regardless of the length of his service, receive
a pension as provided for in that portion of this section
fixing the amount to be paid to the dependents.

Absence from service because of sickness or injury shall
not be construed as time out of service.

The dependent wife, child or children, or dependent
father or mother, brothers or sisters of any such munici-
pal employee or former municipal employee, who at the
time this section takes effect is receiving any pension,
payment or benefit from the firemen’s or policemen’s
pension or relief funds, shall continue to receive a
pension as provided in the portion of this section fixing
the amount to be paid to such dependents.

The provisions of this section shall not be construed
as creating or establishing any contractual or vested rights
in favor of any person who may be or become qualified
as a beneficiary of the payments herein authorized to be
made, all the provisions of this article and benefits pro-
vided for hereunder being expressly subject to such
subsequent legislative enactments as may provide for any
change, modification or elimination of the beneficiaries
or benefits specified herein.

CHAPTER 126
(House Bill No. 60—By Mr. Francis)

AN ACT to amend and reenact section two, article seven, chap-
ter eight of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to the collection
of municipal taxes, fines and assessments.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]

Article 7. Taxation and Finance.

Section
2. Collection of municipal taxes, fines and assessments; duties of
sergeant.
Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Collection of Municipal Taxes, Fines and Assessments; Duties of Sergeant.—It shall be the duty of the sergeant or such other officer as may be designated by the municipal council to collect and promptly pay into the treasury all taxes, special assessments, fines and other moneys due the municipality. All taxes, special assessments (except assessments for permanent or semi-permanent public improvements), fines and other moneys due the municipality are hereby declared to be debts owing to the municipality, for which the debtor shall be personally liable, and the sergeant or other officer may enforce this liability by appropriate action, including an action in assumpsit or notice of motion for judgment, in any court of competent jurisdiction, and is hereby vested with the same rights to distrain for the same as is vested in the sheriff for the collection of taxes. Such officer shall give bond, conditioned according to law, in such penalty and with such security as the council may require.

CHAPTER 127
(House Bill No. 335—By Mr. Bowles)

AN ACT to amend and reenact section six, article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assessments to improve streets, sidewalks and sewers.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 8. Assessments to Improve Streets, Sidewalks and Sewers.

Section

Be it enacted by the Legislature of West Virginia:

That section six, article eight, chapter eight, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Apportionment and Assessment of Cost.—The cost of the entire project, including the cost of all improvements at and within intersections, shall be apportioned to, and assessed against and borne by the properties abutting upon the streets, public ways, alleys or easements upon which the improvements involved in the project shall have been made. Each lot or parcel of land so abutting shall be assessed with that portion of the total cost of the entire project which is represented by the proportion which the abutting frontage in feet of such lot or parcel bears to the total abutting frontage in feet of all the lots or parcels of land abutting on the streets, public ways, alleys or easements so improved: Provided however, That if the character of the improvements shall be substantially different upon different streets, public ways, easements or alleys, or portions thereof, the cost may be equitably apportioned to the respective streets, public ways, alleys, easements, or portions thereof, in proportion to the character and cost of the improvements respectively thereon; and as the part of the cost so apportioned to each respective street, public way, easement, or alley, or portion thereof, shall be apportioned to and assessed against the respective lots or parcels of land abutting thereupon in the proportion as hereinabove provided: Provided further, That if any part of the street, alley, easement or public way improved is used by a railway then the cost of the portion of the improvements between the rails and for two feet outside said rails shall be assessed against and wholly borne by the owner of the railway: Provided further, That if there be any land or other property abutting on the portion of the street or alley so improved which it has been determined by the governing body of the municipality, and shown in the ordinance or resolution authorizing the improvement, not to be specially benefited by the improvement, or for other reasons would not be liable to assessment for any of the cost of improve-
ment, then the cost of improvements abutting such part of said street or alley, as is so determined to be nonassessable shall be apportioned among, assessed and borne by the remaining property abutting upon the portion of the street, alley, public way or easement improved in proportion to the frontage of such remaining abutting property as hereinabove provided: Provided further, That if there be any land or other property abutting on the portion of the street or alley so improved which it has been determined by the governing body of the municipality, and shown in the ordinance or resolution, not to be benefited to the extent of the cost of the improvement, then the cost of the improvements abutting such part of said street or alley shall be prorated. The property so benefited shall be assessed for only that part of the cost to the extent of which it has been benefited, and the remainder of the cost shall be apportioned among, assessed and borne by the remaining property abutting upon the portion of the street, alley, public way or easement improved in proportion to the frontage of such remaining abutting property as hereinabove provided: Provided further, That if such improvement include the construction or reconstruction of sidewalks on only one side of a street, alley, public way or easement, then the cost of such sidewalk shall be assessed only on the property abutting on that side where the sidewalks are so constructed: Provided further, That in apportioning and assessing the cost of sewers or sewer systems the provisions of section four hereof shall be observed: Provided, further, That if there be land or other property abutting the street, alley, easement or public way so improved which is owned by the United States of America, and, for that reason; not legally subject to assessment, then the municipality shall pay the proportionate part of the cost of the improvement which otherwise would be assessable against such federally owned land or property.
CHAPTER 128
(House Bill No. 315—By Mr. Adams)

AN ACT to amend and reenact section nine, article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to assessments to improve streets, sidewalks and sewers.

[Passed March 8, 1955; in effect from passage. Approved by the Governor.]

Article 8. Assessments to Improve Streets, Sidewalks and Sewers.

Section 9. Assessment certificates; issuance, sale and negotiation; recording assessing resolution or ordinance.

Be it enacted by the Legislature of West Virginia:

That section nine, article eight, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 9. Assessment Certificates; Issuance, Sale and Negotiation; Recording Assessing Resolution or Ordinance.—Immediately on laying of the assessment against the abutting property, certificates shall be issued evidencing said assessments and each installment of principal and interest payable. Said certificates may be payable to the municipality or to the bearer and be signed by the mayor and clerk or other equivalent officers of the municipality, and shall refer to the ordinance or resolution laying the assessments; shall show the amount and date of the assessment and describe the property against which the assessment is laid, describe the same as to ownership, amount, frontage and briefly as to location. Said certificates shall also show the dates on which principal and interest payments are due, and shall contain a provision that in event of default in the payment of any one of such installments, and such default continuing for a period of sixty days, then all unpaid installments shall become due...
and payable at the election of the certificate holder and
the holder may proceed to collect all of the unpaid
balances of installments, with interest until paid. Said
certificates may be issued to the contractor making the
improvements in payment therefor, upon the contractor's
reimbursing the municipality for those items of the cost
and expense advanced by the municipality and mentioned
in section five hereof. Said certificates payable to the
bearer shall be assignable by delivery of the certificates
and be enforceable by the holder. The municipality
issuing such certificates shall not be held as guarantor or
in any way liable for the payment of bearer certificates. A
notice of the lien of said assessment, referring to the assess-
ing ordinance or resolution, and setting forth a list of the
property assessed, described respectively as to amounts
of assessment, frontage, location and ownership of the
property, shall be certified by the clerk or recorder of
the municipality to the clerk of the county court of the
county wherein the improvement is located. The county
clerk shall record the same in a proper trust deed book
and index the same in the name of each owner of abutting
property assessed.

CHAPTER 129

(House Bill No. 343—By Mr. Beneke and Mr. Adams)

AN ACT to amend and reenact sections two, four, five, six,
seven, eight and nine, article fifteen, chapter eight of the
code of West Virginia, one thousand nine hundred thirty-
one, as amended, relating to employees retirement and
benefit fund of municipal corporations having a population
in excess of fifteen thousand.

[Passed March 11, 1955; in effect from passage. Approved by the Governor.]

Article 15. Employees’ Retirement and Benefit Fund.

Section
2. Definitions.
4. Employees eligible for participation in fund.
5. Prior, earned and total service credits; service breaks.
6. Retirement age and benefits.
7. Disability retirement payments.
8. Death benefits.
9. Contributions by the municipality.

Be it enacted by the Legislature of West Virginia:

That sections two, four, five, six, seven, eight and nine, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Definitions.—For the purpose of this article:
2 (a) "Prior service credit" shall mean the number of years that the member has been in the service of the city prior to the effective date of the retirement and benefit fund.
2 (b) "Earned service credits" shall mean the number of years that the member has contributed to the retirement and benefit fund.
2 (c) "Total service credit" shall mean a total of all prior service credit and all earned service credit.
2 (d) "Fund" shall mean the employees' retirement and benefit fund.
2 (e) "Board" shall mean the board of trustees of the employees' retirement and benefit fund.
2 (f) "Member" shall mean an eligible employee of the city, who is a member of the employees' retirement and benefit fund.
2 (g) "Total disability in line of duty" shall mean total and permanent disablement from performing any work for pay, whether for the municipality or other employer, that shall be caused by injury sustained in the course of the operations usual to his employment, and shall include all operations necessary, incident or appurtenant thereto, or connected therewith, whether such operations are conducted at the usual place of employment or elsewhere in connection with or in relation to his usual and customary employment.
2 (h) The pronoun "he" shall mean both masculine and feminine.
(i) "Mayor" shall mean the chief executive officer of the city.

(j) The term "actuarial equivalent" shall mean an annuity of equal value to the accumulated contributions, annuity or benefit when computed upon the basis of the actuarial tables in use by the fund.

(k) "Salary" shall mean the amount earned by a member as an employee of a municipality, provided that the maximum amount of salary to be considered hereunder for purposes of contributions and in the computation of benefits, shall be four hundred dollars per month.

(l) "Average salary" shall mean the highest annual average rate of salary earnable by a member during a period of five consecutive years within the total service of the member subject to a maximum amount of four hundred dollars per month.

Sec. 4. Employees Eligible for Participation in Fund.

Employees eligible for participation in the fund shall include all employees who are employed by the municipality on a permanent basis. The following employees, however, shall not be eligible for participation in the fund:

1. Appointive members of administrative boards and commissions, except employees of such boards and commissions;
2. Persons employed under contract for a definite period or for the performance of a particular, special service;
3. Employees serving on a part-time basis of less than one-half time;
4. Policemen and firemen who are now covered by a pension or relief fund;
5. Employees who are paid in part by the county, state or other governmental agency, and only in part by the municipality;
6. Employees who are past sixty years of age who entered the service of the city after the effective date of the retirement and benefit fund;
7. Persons employed after the establishment date of the fund who are over fifty years of age.
In case of doubt, the board of trustees of the fund may make determination as to any person's eligibility to become a member of the fund. All employees eligible for participation at the effective date of the fund shall become members of the fund, unless they file a written election not to become a member within thirty days after the effective date of the fund.

Sec. 5. Prior, Earned and Total Service Credits; Service Breaks.—(1) For prior service, each participating employee, on the effective date, shall be credited, as of such date, with a prior service credit equal to the period or periods of service that the member has rendered to the city prior to the effective date of the fund.

(2) Each member shall pay into the fund six per cent of his salary up to four hundred dollars a month. Unless the members' percentage of contributions is changed as hereinafter provided, no member shall be required to contribute more than twenty-four dollars per month.

These contributions shall continue until such time as the member has twenty-three years of earned service credit; he shall continue to contribute to the fund until he retires or until he has contributed to the fund for a period of twenty-three years, that is, has twenty-three years of "earned service credit." However, a member who has prior service credit shall be entitled to a full retirement payment when his prior service credit and his earned service credit totals twenty-three years of total service credit, if he has reached compulsory retirement age, or when he becomes so physically or mentally disabled as to render him unfit for the performance of the duties of the position he occupies.

Whenever it is found that the total contributions are more than necessary to adequately maintain the fund, upon recommendation of a reputable actuary, a proper reduction shall be made of an equal percentage from the contributions by the members and from the contributions by the municipality.

(3) In order to participate one hundred per cent in the retirement fund the member must have a total service credit of twenty-three years which may be composed of
either prior service credit or earned service credit, or both. At retirement, because of having reached the compulsory retirement age, the member shall participate in the fund only to the extent of his total service.

A person who is employed by the municipality at the time of the effective date of the fund and becomes a member of the fund shall be entitled to prior service credit even though such prior service was not continuous.

A person who is not employed by the municipality at the time of the effective date of the fund, but who has been employed in the past, shall be entitled to prior service credit if he returns to the service within two years from the date of his termination of service and becomes a member of the fund within such two-year period.

A member upon separation from the service without right to a retirement benefit shall be entitled to withdraw his contributions without interest. If such employee returns to the service of the municipality within two years and becomes a member of the fund, he shall be considered as a new employee and shall have lost all prior service credits unless he shall repay to the fund in cash at the time of reemployment the amount of money which he has withdrawn plus two per cent interest compounded annually on said amount during the time he was separated from the service.

If, however, the service breaks of such member is more than two years, he shall not be entitled to any prior service credits nor shall he be entitled to redeposit withdrawals but he shall reenter the fund as a new member.

Sec. 6. Retirement Age and Benefits.—After the effective date of the fund any member of the fund who has had at least twenty-three years service and has reached the age of sixty years while in service may, at his option, retire from the service of the city upon a retirement payment as hereinafter provided.

Retirement for all members of the fund shall be compulsory at the age of sixty-five, subject to the following conditions:

The employee may be permitted to continue in the
service if he so desires; if his services are still valuable to the municipality.

Whether an employee’s services are valuable at the age of sixty-five shall be determined by the appointing officer of the municipality. If he determines that such services are valuable, his determination must be certified to the board for approval. If the board approves, the employee may continue in the service of the municipality. The appointing officer shall annually certify to the board relative to the ability and competency of all employees over sixty-five years. A member of the fund, upon retirement, shall be entitled to the following retirement payment:

A member with at least ten years of service credits, who has attained age sixty or over or who has become so physically or mentally disabled as to render him unfit for the performance of the duties of the position he occupies shall upon retirement be paid according to the following table:

<table>
<thead>
<tr>
<th>Service Credits</th>
<th>Retirement Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twenty-three or more</td>
<td>Fifty per cent of average salary: Provided, That if a member has twenty-three years of total service credits he shall be entitled to a minimum retirement payment of one hundred dollars per month.</td>
</tr>
<tr>
<td>Twenty-two years</td>
<td>Forty-nine per cent of average salary.</td>
</tr>
<tr>
<td>Twenty-one years</td>
<td>Forty-eight per cent of average salary.</td>
</tr>
<tr>
<td>Twenty years</td>
<td>Forty-seven per cent of average salary.</td>
</tr>
<tr>
<td>Nineteen years</td>
<td>Forty-five per cent of average salary.</td>
</tr>
<tr>
<td>Eighteen years</td>
<td>Forty-three per cent of average salary.</td>
</tr>
<tr>
<td>Seventeen years</td>
<td>Forty-one per cent of average salary.</td>
</tr>
<tr>
<td>Sixteen years</td>
<td>Thirty-nine per cent of average salary.</td>
</tr>
<tr>
<td>Fifteen years</td>
<td>Thirty-six per cent of average salary.</td>
</tr>
</tbody>
</table>
Fourteen years of total service credits, thirty-three per cent of average salary.

Thirteen years of total service credits, thirty-one per cent of average salary.

Twelve years of total service credits, twenty-nine per cent of average salary.

Eleven years of total service credits, twenty-seven per cent of average salary.

Ten years of total service credits, twenty-five per cent of average salary.

Sec. 7. Disability Retirement Payments.—(1) If a member becomes disabled by bodily injury effected directly or independently of all other causes through accidental means while engaged in the course of his employment with the city and while in line of duty, and is totally disabled from performing any work for pay, whether for the municipality or other employer, he shall be entitled during the time of his disability to a retirement payment equal to fifty per cent of the rate of salary of the member at date of disability: Provided, That the minimum payment shall be one hundred dollars per month.

(2) If a member becomes disabled while an employee of the municipality after he has had at least ten years of total service credits, and before he has reached age sixty, but such disability is not incurred in the line of duty during the course of his employment, he shall be entitled to one-half of the benefit provided for service retirement during the time of his disability: Provided, That he shall be entitled to a minimum payment of twenty-five dollars per month and a maximum payment of one hundred dollars per month.

(3) When a member has reached the retirement age or has become so physically or mentally disabled as to render him unfit for the performance of the duties of the position he occupies and who has less than ten years service credits, he shall be entitled to an annuity which shall be the actuarial equivalent of his total accumulation account at the time of his retirement.

(4) The board of trustees of the employees' retirement and benefit fund may order a reexamination of members
Sec. 8. Death Benefits.—(1) A member who dies after he has had ten or more years total service credits shall be entitled, for a period not to exceed ten years, to a retirement payment in accordance to the table contained in section six of this article. The payments shall be made to the person having an insurable interest in his life, as he shall nominate to the board. If the beneficiary is a widow, marriage shall have occurred at least one year prior to the death of the member in order that the widow may be eligible for a benefit under this paragraph.

Upon death of a member prior to the completion of ten years of total service, the designated beneficiary of the member, or the estate of the member, shall be entitled to a return of his total contributions to the fund, without interest.

(2) Death benefits after retirement shall be the same as death before retirement except a widow shall not be entitled to benefits unless she has been married to the member before the date of his retirement. Payment shall be made for the remaining period of ten years from the date of the member's retirement. If a widow of a member remarryes, her retirement payments shall be terminated.

(3) If a member dies as a result of personal injury or disease arising out of and in the course of his employment with the city, the surviving widow shall be entitled during her widowhood to a benefit equal to thirty-three and one third per cent of the final rate of salary of the member, subject to the maximum rate herein prescribed, but not to exceed one hundred and twenty-five dollars per month. In the event there be no widow, or if remarriage occurs before the youngest child attains age eighteen, each child shall be entitled to twenty per cent of the member's final rate of salary, subject to a total payment to all children of fifty per cent of salary, or one hundred twenty-five dollars per month, whichever is the lesser. If there be no widow or minor children, the dependent father and/or mother, as the board shall determine, shall each be en-
Sec. 9. Contributions by the Municipality.—The council or other governing body shall annually provide sufficient funds in the budget, on an actuarially funded basis, to take care of the estimated cost of the employees' retirement and benefit fund over and above the amount contributed by the members.

The municipality shall also contribute not less than the amount contributed by the members of the fund, plus an amount required, at three per cent interest per annum, to amortize, over the remainder of the period of forty years following the effective date, the amount as of the beginning of such year, of the obligation for the prior service credits granted to the employees, and a sufficient amount to pay the cost of the administration of the fund.

CHAPTER 130

(Senate Bill No. 309—By Mr. Ballard)

AN ACT to amend and reenact section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment and operation of flood control project by counties and municipalities.

[Passed March 2, 1955: in effect from passage. Approved by the Governor.]

Article 16. Flood Control Project.

Section 1. Establishment and operation of flood control project by counties and municipalities.

Be it enacted by the Legislature of West Virginia:

That section one, article sixteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 1. Establishment and Operation of Flood Control Project by Counties and Municipalities. — Any county, city, or town in this state may establish, construct, maintain, and operate for such county, city, or town, a flood control project, including the removal of accumulated snags and other debris, and clearing and straightening the channel of navigable streams and tributaries thereof, and such county, city, or town may accept all benefits, moneys, services, and assistance from the federal government in connection with any agreement as authorized by federal statutes and laws relating to flood control, and such county, city, or town, under such agreements as required by Section 701c, Title 33, United States Code Annotated, or other federal statutes, shall be authorized to give assurances satisfactory to the secretary of the army or other proper federal authority that such county, city, or town will provide: (a) Without cost to the United States all lands, easements and rights of way necessary for the construction of the project; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with the regulations prescribed by the secretary of the army. Any such county, city, or town is further empowered to levy, within the constitutional and statutory limitations, for the maintenance or operation of flood control project, and to purchase land situate therein for the same, and is empowered to institute condemnation proceedings for the acquiring of any such land required under the flood control project, and may authorize the issuance and sale of bonds within constitutional and statutory limitation, as is provided under the general provisions of law for the issuance and sale of bonds by counties and municipalities for public purposes generally, and any county, city, or town, shall have authority to adopt zoning ordinances restricting the use of the lands and construction of buildings and structures within the flood control area and one hundred feet on each side thereof and to enforce such ordinances by fine or imprisonment, or both, or by injunction proceedings, in the circuit court of the county in which the offense occurred. Real or personal property
or moneys may also be acquired for such purpose by gifts by such county, city or town. The authority granted by this section may be exercised by any county, city or town in this state in cooperation with each other or separately where such flood control project is located regardless of the sponsoring agency of such project.

CHAPTER 131

( House Bill No. 222—By Mr. Burke)

AN ACT to amend and reenact section two, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend said article thirteen by adding thereto three new sections, to be designated sections eleven-a, eleven-b, and eleven-c, all relating to combined municipal waterworks and sewerage systems, so as to provide for the acquisition, construction, extension and improvement of combined waterworks and sewerage systems and the issuance of revenue bonds in connection therewith and providing for the rights and remedies of the holders of said bonds.

[Passed March 2, 1955; in effect ninety days from passage. Approved by the Governor.]


Section

2. General powers.
11-a. Operating contract.
11-b. Exemption from taxation.
11-c. Covenants with bond holders.

Be it enacted by the Legislature of West Virginia:

That section two, article thirteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article thirteen be amended by adding thereto three new sections, to be designated sections eleven-a, eleven-b and eleven-c, all to read as follows:
Section 2. General Powers.—Any municipality may acquire or construct and thereafter maintain and operate a combined waterworks and sewerage system either within or partly without the corporate limits thereof, under the provisions of this article, and any municipality owning and operating either a waterworks or a sewerage system, but not both, may acquire or construct the waterworks or sewerage system which it does not then own and operate, and in either of such cases such municipality may provide by ordinance that when such waterworks or sewerage system, or both, shall have been acquired or constructed, same shall thereafter be owned, maintained and operated as a combined undertaking under the provisions of this article, and any municipality already owning and operating an existing waterworks system and an existing sewerage system may by ordinance combine the same into a single undertaking under the provisions of this article. Any municipality which has combined its waterworks and sewerage system under the provisions of this article, or pursuant to provisions of any other law, may thereafter construct extensions and improvements to either the waterworks system or the sewerage system of said combined waterworks and sewerage system, or both, and may finance the construction or acquisition of any such waterworks or sewerage system, or both, or the construction of extensions and improvements to either the waterworks system or the sewerage system of such combined waterworks and sewerage system, or both, by the issuance of revenue bonds under the provisions of this article. Notwithstanding the provisions of any other law or laws to the contrary, any such municipality may serve and supply the area included within twenty miles outside its corporate limits with the water or sewer services and facilities, or both, of its combined waterworks and sewerage system: Provided, however, That such water or sewer services and facilities shall not be served or supplied within the corporate limits of any other municipality without the consent of the governing body thereof.
Sec. 11-a. Operating Contract.—Any such municipality may enter into contracts or agreements with any persons, firms or corporations for the operation and management of the facilities and properties of said combined water-works and sewerage system, or any part thereof, for such period of time and under such terms and conditions as shall be agreed upon between such municipality and such persons, firms or corporations. Such municipality shall have power to provide in the resolution authorizing the issuance of bonds hereunder, or in any trust indenture securing such bonds, that such contracts or agreements shall be valid and binding upon the municipality as long as any of said bonds, or interest thereon, are outstanding and unpaid.

Sec. 11-b. Exemption From Taxation.—Said bonds and the interest thereon, together with all properties and facilities of said municipality owned or used in connection with said combined waterworks or sewerage system, and all the moneys, revenues and other income of such municipality derived from such combined waterworks and sewerage system shall be exempt from all taxation by the state of West Virginia or any county, municipality, political subdivision or agency thereof.

Sec. 11-c. Covenants With Bond Holders.—Any resolution authorizing the issuance of bonds hereunder, or any trust indenture with any bank or trust company within or without the state, for the security of said bonds, which any such municipality is hereby authorized to enter into and execute, may contain covenants with the holders of such bonds as to:

(a) The purpose or purposes to which the proceeds of sale of such bonds, or the revenues derived from said combined waterworks and sewerage system, may be applied and the securing, use and disposition thereof, including, if deemed desirable, the appointment of a trustee or depositary for any of such funds;

(b) The pledging of all or any part of the revenues derived from the ownership, operation or control of such combined waterworks and sewerage systems, including any part thereof heretofore or hereafter constructed or
acquired or derived from any other sources, to the pay-
ment of the principal of or interest thereon of bonds issued
hereunder and for such reserve or other funds as may
be deemed necessary or desirable;

(c) The fixing, establishing and collecting of such fees,
rentals or other charges for the use of the services and
facilities of the combined waterworks and sewerage sys-
tem, including the parts thereof heretofore or hereafter
constructed or acquired and the revision of same from
time to time, as will always provide revenues at least
sufficient to provide for all expenses of operation, main-
tenance and repair of such combined waterworks and
sewerage system, the payment of the principal of and
interest on all bonds or other obligations payable from
the revenues of such combined waterworks and sewerage
system, and all reserve and other funds required by the
terms of the ordinance authorizing the issuance of such
bonds;

(d) The transfer from the general funds of the munici-
pality to the account or accounts of the combined water-
works and sewerage system of an amount equal to the cost
of furnishing the municipality or any of its departments,
boards or agencies with the services and facilities of such
combined waterworks and sewerage system;

(e) Limitations or restrictions upon the issuance of
additional bonds or other obligations payable from the
revenues of such combined waterworks and sewerage
system, and the rank or priority, as to lien and source
and security for payment from the revenues of such com-
bined waterworks and sewerage system, between bonds
payable from such revenues;

(f) The manner and terms upon which all bonds and
other obligations issued hereunder may be declared im-
mediately due and payable upon the happening of a
default in the payment of the principal of or interest
thereon, or in the performance of any covenant or agree-
ment with bondholders, and the manner and terms upon
which such defaults may be declared cured and the ac-
celeration of the maturity of such bonds rescinded and
repealed;
(g) Budgets for the annual operation, maintenance and repair of such combined waterworks and sewerage system and restrictions and limitations upon expenditures for such purposes, and the manner of adoption, modification, repeal or amendment thereof, including the approval of such budgets by consulting engineers designated by holders of bonds issued hereunder;

(h) The amounts of insurance to be maintained upon such combined waterworks and sewerage system, or any part thereof, and the use and disposition of the proceeds of any insurance;

(i) The keeping of books of account, relating to such undertakings and the audit and inspection thereof, and the furnishing to the holders of bonds issued hereunder or their representatives, reports prepared, certified, or approved by accountants designated or approved by the holders of bonds issued hereunder;

(j) Such other additional covenants as shall be deemed necessary or desirable for the security of the holders of bonds issued hereunder, notwithstanding that such other covenants are not expressly enumerated hereunder, it being the intention hereof to grant to such municipalities the power to make any and all covenants or agreements necessary in order to secure greater marketability for bonds issued hereunder as fully and to the same extent as such covenants or agreements could be made by a private corporation rendering similar services and facilities and to grant such municipalities full and complete power to enter into any contracts, covenants or agreements with holders of bonds issued hereunder not inconsistent with the constitution of the state of West Virginia.

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CHAPTER 132

(House Bill No. 223—By Mr. Burke)

AN ACT to amend and reenact section one, chapter twenty-five, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended, and to further amend said chapter
twenty-five by adding thereto three new sections, to be designated sections twenty-two-e, twenty-two-f and twenty-two-g, all relating to municipal sewerage systems, so as to provide for the acquisition, construction, extension and improvement of municipal sewerage systems and the issuance of revenue bonds in connection therewith and providing for the rights and remedies of the holders of said bonds.

[Passed March 3, 1955; in effect ninety days from passage. Approved by the Governor.]

Section

1. Acquisition, operation, etc.; issuance of bonds.
22-e. Operating contract.
22-f. Exemption from taxation.
22-g. Covenants with bond holders.

Be it enacted by the Legislature of West Virginia:

That section one, chapter twenty-five, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended, be amended and reenacted, and that said chapter twenty-five be further amended by adding thereto three new sections, to be designated sections twenty-two-e, twenty-two-f and twenty-two-g, all to read as follows:

Section 1. Acquisition, Operation, Etc.; Issuance of Bonds.—Any municipal corporation and/or sanitary district in the state of West Virginia is hereby authorized and empowered to own, acquire, construct, equip, operate and maintain within and/or without the corporate limits of such municipal corporations, a sewage collection system and/or a sewage treatment plant or plants, intercepting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary or useful and convenient for the collection and/or treatment, purification and disposal, in a sanitary manner, of the liquid and solid waste, sewage, night soil and industrial waste of such municipal corporation and/or sanitary district, and shall have authority to acquire by gift, grant, purchase, condemnation, or otherwise, all necessary lands,
rights-of-way and property therefor, within and/or without the corporate limits of such municipal corporation and/or sanitary district, and to issue revenue bonds to pay the cost of such works and property; and any such municipality may serve and supply the facilities of such sewerage system within the corporate limits of such municipality and within the area extending twenty miles beyond the corporate limits of such municipality: Provided, however, That such municipality shall not serve or supply the facilities of such sewerage system within the corporate limits of any other municipality without the consent of the governing body thereof. No obligations shall be incurred by any such municipality and/or sanitary district in such construction or acquisition except such as is payable solely from the funds provided under the authority of this article.

Sec. 22-e. Operating Contract.—Any such municipality may enter into contracts or agreements with any persons, firms or corporations for the operation and management of the facilities and properties of said sewerage system, or any part thereof, for such period of time and under such terms and conditions as shall be agreed upon between such municipality and such persons, firms or corporations. Such municipality shall have power to provide in the resolution authorizing the issuance of bonds hereunder, or in any trust indenture, securing such bonds, that such contracts or agreements shall be valid and binding upon the municipality as long as any of said bonds, or interest thereon, are outstanding and unpaid.

Sec. 22-f. Exemption From Taxation.—Said bonds and the interest thereon, together with all properties and facilities of said municipality owned or used in connection with sewerage system, and all the moneys, revenues and other income of such municipality derived from such sewerage system shall be exempt from all taxation by the state of West Virginia or any county, municipality, political subdivision or agency thereof.

Sec. 22-g. Covenants With Bond Holders.—Any resolution authorizing the issuance of bonds hereunder, or any
trust indenture with any bank or trust company within or without the state, for the security of said bonds, may contain covenants with the holders of such bonds as to:

(a) The purpose or purposes to which the proceeds of sale of such bonds, or the revenues derived from said sewerage system, may be applied and the securing, use and disposition thereof, including, if deemed desirable, the appointment of a trustee or depository for any of such funds;

(b) The pledging of all or any part of the revenues derived from the ownership, operation or control of such sewerage systems, including any part thereof heretofore or hereafter constructed or acquired or derived from any other sources, to the payment of the principal of or interest thereon of bonds issued hereunder and for such reserve or other funds as may be deemed necessary or desirable;

(c) The fixing, establishing and collecting of such fees, rentals or other charges for the use of the services and facilities of such sewerage system, including the parts thereof heretofore or hereafter constructed or acquired and the revision of same from time to time, as will always provide revenues at least sufficient to provide for all expenses of operation, maintenance and repair of such sewerage system, the payment of the principal of and interest on all bonds or other obligations payable from the revenues of such sewerage system, and all reserve and other funds required by the terms of the ordinance authorizing the issuance of such bonds;

(d) The transfer from the general funds of the municipality to the account or accounts of such sewerage system of an amount equal to the cost of furnishing the municipality or any of its departments, boards or agencies with the services and facilities of such sewerage system;

(e) Limitations or restrictions upon the issuance of additional bonds or other obligations payable from the revenue of such sewerage system, and the rank or priority, as to lien and source and security for payment from the revenues of such sewerage system, between bonds payable from such revenues;

(f) The manner and terms upon which all bonds and
other obligations issued hereunder may be declared im-
mediately due and payable upon the happening of a de-
fault in the payment of the principal of or interest there-
on, or in the performance of any covenant or agreement
with bondholders, and the manner and terms upon which
such defaults may be declared cured and the acceleration
of the maturity of such bonds rescinded and repealed;
(g) Budgets for the annual operation, maintenance
and repair of such sewerage system and restrictions and
limitations upon expenditures for such purposes, and the
manner of adoption, modification, repeal or amendment
thereof, including the approval of such budgets by con-
sulting engineers designated by holders of bonds issued
hereunder;
(h) The amounts of insurance to be maintained upon
such sewerage system, or any part thereof, and the use
and disposition of the proceeds of any insurance;
(i) The keeping of books of account, relating to such
undertakings and the audit and inspection thereof, and
the furnishing to the holders of bonds issued hereunder
or their representatives, reports prepared, certified, or
approved by accountants designated or approved by the
holders of bonds issued hereunder;
(j) Such other additional covenants as shall be deemed
necessary or desirable for the security of the holders of
bonds issued hereunder, notwithstanding that such other
covenants are not expressly enumerated hereunder, it be-
ing the intention hereof to grant to such municipalities
the power to make any and all covenants or agreements
necessary in order to secure greater marketability for
bonds issued hereunder as fully and to the same extent
as such covenants or agreements could be made by a pri-
ivate corporation rendering similar services and facilities
and to grant such municipalities full and complete power
to enter into any contracts, covenants or agreements with
holders of bonds issued hereunder not inconsistent with
the constitution of the state of West Virginia.
CHAPTER 133

(House Bill No. 224—By Mr. Burke)

AN ACT to amend and reenact sections one and three, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended, and to further amend said chapter twenty-six by adding thereto three new sections, to be designated sections nine-a, nine-b and nine-c, all relating to municipal waterworks systems, so as to provide for the acquisition, construction, extension and improvement of municipal waterworks systems and the issuance of revenue bonds in connection therewith and providing for the rights and remedies of the holders of said bonds.

(Passed March 3, 1955; in effect ninety days from passage. Approved by the Governor.)

Section 1. Acquisition and operation of municipal waterworks; extension beyond corporate limits.

3. Estimate of cost and ordinance for issuance of revenue bonds; interest, etc.

9-a. Discontinuance of water service.
9-b. Operating contract.
9-c. Covenants with bond holders.

Be it enacted by the Legislature of West Virginia:

That sections one and three, chapter twenty-six, acts of the Legislature of West Virginia, first extraordinary session, one thousand nine hundred thirty-three, as amended, be amended and reenacted, and that said chapter twenty-six be further amended by adding thereto three new sections, to be designated sections nine-a, nine-b and nine-c, all to read as follows:

Section 1. Acquisition and Operation of Municipal Waterworks; Extension Beyond Corporate Limits.—Subject to, and in accordance with the provisions of this article, any municipal corporation in the state of West Virginia may purchase, construct, extend and operate, or lease to others for operation, a waterworks system, or construct and operate additions, betterments, and im-
provements to an existing waterworks system, within the corporate limits of said municipality and within the area extending twenty miles beyond the corporate limits of such municipality, notwithstanding any provision or limitation to the contrary in any other general law or municipal charter: Provided, however, That such municipality shall not serve or supply water facilities or services within the corporate limits of any other municipality without the consent of the governing body thereof.

Sec. 3. Estimate of Cost and Ordinance for Issuance of Revenue Bonds; Interest, Etc.—Whenever the municipality shall determine to acquire (by purchase or otherwise), improve or construct a waterworks system under the provisions of this article, it shall cause an estimate to be made of the cost thereof, and shall, by ordinance, provide for the issuance of revenue bonds under the provisions of this article, which ordinance shall set forth a brief description of the contemplated improvement, the estimated cost thereof, the amount, rate or rates of interest, time and place of payment, and other details in connection with the issuance of the bonds. Such bonds shall be in such form and shall be negotiated in such manner and upon such terms as the governing body of such municipality may by ordinance specify. All such bonds and the interest thereon, and all properties and revenues and income derived from such waterworks system, shall be exempt from all taxation by the state of West Virginia, or any county, municipality, political subdivision or agency thereof. Such bonds shall bear interest at not more than six per centum per annum, payable semiannually, and shall be payable at such times, not exceeding forty years from their date, and at such place or places, within or without the state, as shall be prescribed in the ordinance providing for their issuance. Such ordinance shall also declare that a statutory mortgage lien shall exist upon the property so to be acquired, improved or constructed, fix a minimum rate or rates for water to be collected prior to the payment of all of said bonds and shall pledge the revenues derived from the waterworks system for the purpose of paying
such bonds and interest thereon, which pledge shall
definitely fix and determine the amount of revenues which
shall be necessary to be set apart and applied to the pay-
ment of the principal of, and interest on the bonds and
the proportion of the balance of such revenues and in-
come which are to be set aside as a proper and adequate
depreciation account, and the remainder shall be set
aside for the reasonable and proper operation thereof.
The rates to be charged for the services from such water-
works shall be sufficient at all times to provide for the
payment of interest upon all bonds and to create a sink-
ing fund to pay the principal thereof as and when the
same become due, and reasonable reserves therefor, and
to provide for the operation and maintenance of the sys-
tem, and to provide an adequate depreciation fund, and
to make any other payments which shall be required or
provided for in the ordinance authorizing the issuance of
said bonds.

Sec. 9-a. Discontinuance of Water Service.—Any such
municipality shall also have power, and may covenant
with the holders of any bonds issued hereunder, to shut
off and discontinue the supplying of water services of
said waterworks system for the nonpayment of charges
for said water services.

Sec. 9-b. Operating Contract.—Any such municipality
may enter into contracts or agreements with any persons,
firms or corporations for the operation and management
of the facilities and properties of said waterworks system,
or any part thereof, for such period of time and under
such terms and conditions as shall be agreed upon be-
tween such municipality and such persons, firms or cor-
porations. Such municipality shall have power to provide
in the resolution authorizing the issuance of bonds here-
under, or in any trust indenture, securing such bonds,
that such contracts or agreements shall be valid and
binding upon the municipality as long as any of said
bonds, or interest thereon, are outstanding and unpaid.

Sec. 9-c. Covenants With Bond Holders.—Any reso-
lution authorizing the issuance of bonds hereunder, or
any trust indenture with any bank or trust company, within or without the state, for the security of said bonds, which any such municipality is hereby authorized to enter into and execute, may contain covenants with the holders of such bonds as to:

(a) The purpose or purposes to which the proceeds of sale of such bonds, or the revenues derived from said waterworks system may be applied and the securing, use and disposition thereof, including, if deemed desirable, the appointment of a trustee or depositary for any of such funds;

(b) The pledging of all or any part of the revenues derived from the ownership, operation or control of such waterworks systems, including any part thereof heretofore or hereafter constructed or acquired or derived from any other sources, to the payment of the principal of or interest thereon of bonds issued hereunder and for such reserve or other funds as may be deemed necessary or desirable;

(c) The fixing, establishing and collecting of such fees, rentals or other charge for the use of the services and facilities of the waterworks system, including the parts thereof heretofore or hereafter constructed or acquired and the revision of same from time to time, as will always provide revenues at least sufficient to provide for all expenses of operation, maintenance and repair of such waterworks system, the payment of the principal of and interest on all bonds or other obligations payable from the revenues of such waterworks system, and all reserve and other funds required by the terms of the ordinance authorizing the issuance of such bonds;

(d) The transfer from the general funds of the municipality to the account or accounts of the waterworks system of an amount equal to the cost of furnishing the municipality or any of its departments, boards or agencies with the services and facilities of such waterworks systems;

(e) Limitations or restrictions upon the issuance of additional bonds or other obligations payable from the revenues of such waterworks system, and the rank or
priority, as to lien and source and security for payment
from the revenues of such waterworks system, between
bonds payable from such revenues;
(f) The manner and terms upon which all bonds and
other obligations issued hereunder may be declared im-
mediately due and payable upon the happening of a
default in the payment of the principal of or interest
thereon, or in the performance of any covenant or agree-
ment with bondholders, and the manner and terms upon
which such defaults may be declared cured and the ac-
celeration of the maturity of such bonds rescinded and
repealed;
(g) Budgets for the annual operation, maintenance
and repair of such waterworks system and restrictions
and limitations upon expenditures for such purposes, and
the manner of adoption, modification, repeal or amend-
ment thereof, including the approval of such budgets by
consulting engineers designated by holders of bonds
issued hereunder;
(h) The amounts of insurance to be maintained upon
such waterworks system, or any part thereof, and the
use and disposition of the proceeds of any insurance;
(i) The keeping of books of account, relating to such
undertakings and the audit and inspection thereof, and
the furnishing to the holders of bonds issued hereunder
or their representatives, reports prepared, certified, or
approved by accountants designated or approved by the
holders of bonds issued hereunder;
(j) Such other additional covenants as shall be deemed
necessary or desirable for the security of the holders of
bonds issued hereunder, notwithstanding that such other
covenants are not expressly enumerated hereunder, it
being the intention hereof to grant to such municipalities
the power to make any and all covenants or agreements
necessary in order to secure greater marketability for
bonds issued hereunder as fully and to the same extent
as such covenants or agreements could be made by a
private corporation rendering similar services and facili-
ties and to grant such municipalities such full and com-
plete power to enter into any contracts, covenants or
agreements with holders of bonds issued hereunder not inconsistent with the constitution of the state of West Virginia.

CHAPTER 134
(Senate Bill No. 140—By Mr. Smith)

AN ACT to amend and reenact section three, article five, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the license and privilege taxes which may be imposed by a city under the provisions of a home rule charter, and providing for the imposition by a city of an annual privilege tax upon businesses and occupations as authorized by general law and under a special charter prior to the adoption of a home rule charter.

[Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 5. Taxation and Finance.

Section 3. License and privilege taxes.

Be it enacted by the Legislature of West Virginia:

That section three, article five, chapter eight-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. License and Privilege Taxes.—A city may levy and collect an annual license tax upon businesses, occupations, or economic activities regularly conducted within the city, and a special license tax upon an itinerant or transitory business, occupation or economic activity conducted within the city, as follows:

1. Upon any public utility business exercising a franchise from the city. The annual tax shall not exceed five hundred dollars in class I cities, three hundred fifty dol-
lars in class II cities, and two hundred dollars in class III cities;

(2) Upon any manufacturing or other production business or activity. The annual tax shall not exceed two hundred dollars in class I cities, one hundred fifty dollars in class II cities, and one hundred dollars in class III cities;

(3) Upon any wholesale or other intermediate distribution business or activity. The annual tax shall not exceed one hundred fifty dollars in class I cities, one hundred twelve dollars fifty cents in class II cities and seventy-five dollars in class III cities;

(4) Upon any amusement or entertainment business or activity, other than literary, dramatic, musical, or benevolent societies not conducted for private profit or gain. The annual tax shall not exceed two hundred dollars in class I cities, one hundred fifty dollars in class II cities, and one hundred dollars in class III cities;

(5) Upon the business of selling tangible personal property at retail, except farmers selling products produced by them, and upon any service, business, agency or calling. The annual tax shall not exceed one hundred dollars in class I cities, seventy-five dollars in class II cities, and fifty dollars in class III cities;

(6) Upon any profession, recognized and regulated as such by the laws of this state. The annual tax shall not exceed twenty-five dollars in a class I or class II city and fifteen dollars in a class III city;

(7) If the business, occupation, or activity taxed under this section is conducted at two or more separate places, or locations, each of which is a distinct branch or business unit, a separate license tax may be imposed and collected for each place or location;

(8) A license tax levied under this section may be further classified within the classes for which maximum amounts of taxes are fixed to the extent that such further classifications are not unreasonable or discriminatory in effect;

(9) Notwithstanding the foregoing provisions of this section, a city under a home rule charter may exercise
50 the power to levy and collect an annual privilege tax  
51 upon businesses and occupations as authorized by section  
52 thirteen-b, article four, chapter eight of this code.

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CHAPTER 135

(Com. Sub. for House Bill No. 438—Originating in the House Committee on  
the Judiciary)

AN ACT to amend article thirteen, chapter sixteen of the code  
of West Virginia, one thousand nine hundred thirty-one,  
as amended, by adding thereto a new section, to be desig­  
nated section twenty-three-a, relating to municipal sew­  
erage systems, so as to provide for the acquisition, con­  
struction and operation of municipal sewerage systems by  
an alternative method of financing.

[Passed March 8, 1955; in effect from passage. Approved by the Governor.]

Article 13. Sewage Works of Municipal Corporations and San­  
itary Districts.

Section 23-a. Acquisition, operation, etc.; alternative method of finance.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter sixteen of the code of West  
Virginia, one thousand nine hundred thirty-one, as amended,  
be amended by adding thereto a new section, to be designated  
section twenty-three-a to read as follows:

Section 23-a. Acquisition, Operation, Etc.; Alternative  
Method of Finance.—Notwithstanding any other pro­  
vision contained in this article, and in addition thereto,  
the governing body of any municipal corporation which  
has received or which hereafter receives an order is­  
sued by the state water commission requiring such mu­  
nicipal corporation to cease the pollution of any stream  
or waters, is hereby authorized and empowered to fix,  
establish and maintain, by ordinance, just and equitable  
rates or charges for the use of the services and facilities
of the existing sewer system of such municipal corpora-
tion, and/or for the use of the services and facilities to
be rendered upon completion of any works and system
necessary by virtue of said order, to be paid by the owner,
tenant or occupant of each and every lot or parcel of
real estate or building that is connected with and uses
any part of such sewer system, or that in any way uses or
is served thereby, and may change and readjust such
rates or charges from time to time. Such rates or charges
shall be sufficient for the payment of all the proper and
reasonable costs and expenses of the acquisition and
construction of plants, machinery and works for the
collection and/or treatment, purification and disposal
of sewage, and the repair, alteration and extension of
existing sewer facilities, as may be necessary to comply
with such order of the state water commission, and for the
operation, maintenance and repair of the entire works
and system; and the governing body shall create, by
ordinance, a sinking fund to accumulate and hold any
part or all of the proceeds derived from rates or
charges until completion of said construction, to be
remitted to and administered by the state sinking fund
commission by expending and paying said costs and
expenses of construction and operation in the manner
as provided by said ordinance; and after the com-
pletion of the construction such rates or charges shall
be sufficient in each year for the payment of the proper
and reasonable costs and expenses of operation, main-
tenance, repair replacement, and extension from time to
time, of the entire sewer and works. No such rates
or charges shall be established until after a public hear-
ing, at which all the potential users of the works and
owners of property served or to be served thereby and
others interested shall have an opportunity to be heard
concerning the proposed rates or charges. After intro-
duction of the ordinance fixing such rates or charges,
and before the same is finally enacted, notice of such
hearing, setting forth the proposed schedule of such
rates or charges, shall be given by publication once
each week for two consecutive weeks in two newspa-
pers of opposite political faith published and having
general circulation in such municipality, or in one news-
paper, if only one political faith is represented by news-
papers in the said municipality, the first publication of
which notice shall be at least ten days before the date
fixed therein for the hearing, and if there be no news-
paper published in said municipality, then notice shall
be given by posting a copy of the same in each of at
least ten conspicuous places in the municipality at least
ten days before said hearing date. After such hearing,
which may be adjourned from time to time, the ordi-
nance establishing the rates or charges, either as origi-
nally introduced or as modified and amended, may be
passed and put into effect. A copy of the schedule of such
rates and charges so established shall be kept on file
in the office of the sanitary board having charge of the
construction and operation of such works, and also in
the office of the clerk of the municipality, and shall
be open to inspection by all parties interested. The rates
or charges so established for any class of users or prop-
erty served shall be extended to cover any additional
premises thereafter served which fall within the same
class, without the necessity of any hearing or notice.
Any change or readjustment of such rates or charges
may be made in the same manner as such rates or charges
were originally established as hereinbefore provided: Pro-
vided, however, That if such change or readjustment be
made substantially pro rata, as to all classes of service,
no hearing or notice shall be required. If any rate or
charge so established shall not be paid within thirty
days after the same is due, the amount thereof, together
with a penalty of ten per cent, and a reasonable attorney’s
fee, may be recovered by the sanitary board of such mu-
unicipal corporation in a civil action in the name of the
municipality. Any municipal corporation exercising the
powers given herein shall have authority to construct,
acquire, improve, equip, operate, repair and maintain
any plants, machinery or works necessary to comply
with such order of the state water commission, and the
authority provided herein to establish, maintain and col-
lect rates or charges shall be construed as a further ad-
ditional and alternative method of financing such works
and matters, and shall be independent of any other provision of this article insofar as such article provides for or requires the issuance of revenue bonds or the imposition of rates and charges in connection with such bonds: Provided, however, That except for the method of financing such works and matters, the construction, acquisition, improvement, equipment, custody, operation, repair and maintenance of any plants, machinery or works in compliance with an order of the state water commission, and the rights, powers, and duties of such municipal corporation and the respective officers and departments thereof, including the sanitary board, shall be governed by the provisions of this article.

CHAPTER 136
(House Bill No. 73—By Mr. Maxwell)

AN ACT to amend and reenact section two, article two, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the practice of law in West Virginia of attorneys from other jurisdictions.

[Passed March 1, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Attorneys at Law.
Section
2. Attorneys from other jurisdictions.

Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Attorneys from Other Jurisdictions.—Any person duly authorized to practice as an attorney at law
in any jurisdiction other than this state may be admitted to practice as such in the courts of this state, as a visiting attorney, or as a resident attorney, upon first complying with the rules and regulations applicable thereto prescribed by the supreme court of appeals of West Virginia, without being required to take the bar examinations of this state, if the other jurisdiction in which such person is already authorized to practice allows attorneys of this state to be admitted to the bar or to practice law in such jurisdiction without making it one of the necessary requirements that attorneys of this state take the bar examinations of such jurisdiction. The supreme court of appeals of West Virginia shall prescribe specific rules and regulations dealing with the admission of such person from another jurisdiction to practice law in this state either as a visiting attorney or as a resident attorney; and no person from another jurisdiction shall be permitted to practice in the courts of this state in either classification until he has complied with the rules and regulations pertaining to such classification established by the supreme court of appeals. Nothing herein contained shall affect the right or status of attorneys admitted to practice in this state prior to the enactment of this section.

CHAPTER 137
(Senate Bill No. 154—By Mr. Vassar)

AN ACT to amend and reenact sections three, four, five, six, seven, eleven, thirteen, fourteen and eighteen, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto three new sections, designated sections four-a, seventeen-a and seventeen-b, all relating to dentists and dental hygienists.

[Passed February 15, 1955; in effect ninety days from passage. Approved by the Governor.]
Article 4. Dentists and Dental Hygienists.

Section

3. Who deemed practitioner of dental hygiene; scope of practice.
4. Board of dental examiners.
4-a. Powers and duties.
5. License required as prerequisite to practice dentistry; exceptions.
6. Qualifications of applicant for license; examinations; examination fee; licensing.
7. Refusal to issue, suspension or revocation of license; grounds.
11. Right of dentist to prescribe drugs and perform surgical operations; sign death certificates; prescriptions.
13. Dental hygienists; permitted operations; revocation of license.
14. Prerequisites to practice dental hygiene; examination fee; licensing.
17-a. Specialties; qualifications; application fee; limitation of practice.
17-b. Annual information and renewal fee; notice; reinstatement; penalty fee; waiver of payment of fee on retirement or disability; change of address.
18. Practicing dentistry or dental hygiene without complying with provisions of this article; penalty; injunction.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, six, seven, eleven, thirteen, fourteen and eighteen, article four, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto three new sections, designated sections four-a, seventeen-a and seventeen-b, all to read as follows:

Section 3. Who Deemed Practitioner of Dental Hygiene; Scope of Practice.--A person shall be deemed to be practicing dental hygiene within the meaning of this article, who, under the supervision of a licensed dentist, removes deposits, accretions and stains from the surface of the teeth, makes topical applications of drugs to the exposed surfaces of the teeth, takes dental x-rays and instructs patients in the practice of dental hygiene procedures.

Sec. 4. Board of Dental Examiners.—There shall be a state board of dental examiners, known as the “West Virginia Board of Dental Examiners”, which shall consist of five practicing dentists, who shall be appointed by the governor, by and with the advice and consent of the Senate. Each member of the board at the time
of his appointment, and during his term as such member, shall be both a resident and licensed dentist of this state, and shall have been both such resident and licensed dentist, for a period of not less than five years immediately preceding his appointment: Provided, however, that no person shall be eligible for appointment to said board who is in any way connected with or interested in any dental college or dental department of any institution of learning or in a dental supply business.

The members of the board in office on the date this section takes effect shall, unless sooner removed, continue to serve until their respective terms expire and until their successors have been appointed and have qualified. On or before the first day of July, after this section takes effect, and on or before the first day in July in each year thereafter, the governor shall appoint one member to serve a term of five years commencing on the said first day of July and any member shall be eligible for reappointment for one additional consecutive term.

Sec. 4-a. Powers and Duties.—The West Virginia board of dental examiners shall examine all qualified applicants for license to practice dentistry or dental hygiene, and it shall license all such applicants who are qualified under applicable statutes and who pass the examinations that may be required by statute or by any legally adopted rule or regulation.

The said board shall have the power to make such examination of all applicants appearing before it for any type of license as may be necessary to determine that the applicant is qualified. The said board shall also have the power to revoke or suspend any license issued by it, for cause, after having given the person whose license is sought to be revoked or suspended, an opportunity to be heard in the manner provided by section eight, article one, chapter thirty of this code. It shall have the power to reinstate any license revoked or suspended by it.

The said board is authorized and empowered to hold and conduct hearings and investigations on the issuance, suspension, revocation, or reinstatement of licenses and
on charges of unauthorized practice of dentistry or dental hygiene.

The said board shall have the power to hire, fix the compensation of, and discharge such employees as are necessary for the performance of the powers and duties vested in the said board by law and to expend such sums as said board may deem necessary to maintain an office and to carry out and enforce the provisions of this article.

Sec. 5. License Required as Prerequisite to Practice Dentistry; Exceptions.—Except as otherwise provided in this section, no person shall practice or offer to practice dentistry or dental hygiene in this state until a license for such purpose shall be issued to him by the board of dental examiners, nor shall any person so practice after the first anniversary of the issuance of such license until he shall have in his possession a current renewal certificate issued by the board.

The board of dental examiners under such regulations as it may prescribe may issue a temporary permit to practice dentistry or dental hygiene to graduates of schools of dentistry or dental hygiene approved by the board who are certified to the board of directors of dental clinics established by law, by the chief executive of any hospital or sanitarium licensed or operated by the state or by the chief dental officer of the health department of the state. Such permits shall expire thirty days after the date of the next examination given by the board for licenses in dentistry or dental hygiene and shall not be subject to renewal. Such permits shall terminate when the holder thereof ceases to be employed by the person certifying him. A fee of five dollars shall be paid to the board upon issuance of such permit by the person certifying the applicant.

The board of dental examiners under such regulations as it may prescribe may issue a dental intern or dental residency permit to graduates of dental schools approved by the board who are not licensed to practice dentistry in this state and who have not failed an examination for a license to practice dentistry in this state. Applicants for such permits shall be certified to the board by the
director of a hospital operated or licensed by the state which maintains a dental intern or residency program. Such permits shall authorize the holder thereof to serve as a dental intern or a dental resident for a period of not more than one year in any hospital licensed or operated by the state which maintains an established dental department under the supervision of a licensed dentist. The holder of such a permit shall function under the supervision of the dental staff of the hospital and shall limit his practice to patients selected by the hospital. The holder of such a permit shall not be entitled to receive any fee or other compensation other than such salary as may be paid by such hospital. Permits may be revoked by the board for cause and shall expire at the end of one year or on the date the dental internship or residency is discontinued, whichever first occurs. A fee of five dollars shall be paid to the board upon the issuance of such a permit by the hospital nominating him.

The board of dental examiners under such regulations as it may prescribe may issue teaching permits to persons who are graduates of a school of dentistry or dental hygiene approved by the board where such persons are not licensed to practice dentistry or dental hygiene in this state. Such permits shall be issued only upon the certification of the dean of a dental school located in this state that the applicant is a bona fide member of the staff of that school. Such permits shall be valid for one year and may be reissued by the board in its discretion. The holder of such a permit shall be entitled to perform all operations which a person licensed to practice dentistry or dental hygiene in this state would be entitled to perform, but only within the facilities of the dental school and as an adjunct to his teaching functions in such school. A fee of five dollars shall be paid to the board on the issuance of a teaching permit or upon each renewal thereof by the school nominating the applicant.

Nothing in this article shall be deemed to prohibit the practice of dentistry or dental hygiene by persons licensed in another state who, at the request of an approved dental school or any regularly organized dental society, may give a clinic at such school or at a scientific
meeting of such dental society for the purpose of advancing the professional knowledge of members of the dental profession or members of the student body of a dental school.

Sec. 6. Qualifications of Applicant for License; Examinations; Examination Fee; Licensing.—An applicant for a dental license shall be of good moral character, at least twenty-one years of age at the time of making application, and be a graduate of, and possess an acceptable dental diploma from the faculty of, a dental school approved by the board. The board may require the application to be accompanied by sufficient evidence of these qualifications.

The applicant shall transmit with his application an examination fee of thirty-five dollars, which sum the board is authorized to expend in an investigation of the applicant's qualifications.

An applicant whose application has been accepted by the board shall be given an examination on subjects selected by the board from among those currently being taught in approved dental schools which shall test the qualifications of the applicant to practice dentistry. Such examinations shall be given by the board under rules and regulations promulgated by it.

The board may recognize a certificate granted by the national board of dental examiners in lieu of the written portion of the required examination.

An applicant obtaining a satisfactory grade on such examination and otherwise fulfilling the requirements of the board shall be granted a license by the board to practice dentistry, which license shall bear a serial number, the full name of the licensee, the date of issuance of the license, the seal of the board and the signatures of a majority of the members of the board.

The board shall not issue a license to any person found guilty of cheating, deception or fraud in the examination or on any part of the application. All manuscripts used in any examination and all applications for licensure shall be filed for a period of two years by the secretary of the board for the purpose of reference and inspection.
Sec. 7. Refusal to Issue, Suspension or Revocation of License; Grounds.—The state board of dental examiners may refuse to issue a license to practice dentistry or dental hygiene in this state, or after issuance may suspend or revoke the same, for any of the following causes:

(1) The presentation to the board of any diploma, license or certificate illegally or fraudulently obtained, or one obtained from an institution which is not reputable, or one obtained from an unrecognized or irregular institution or state board.

(2) Be guilty of gross ignorance or gross inefficiency in his profession.

(3) Conviction of a felony; and a certified copy of the record of the court of conviction shall be sufficient proof of such conviction.

(4) Announcing or otherwise holding himself out to the public as a specialist or as being specially qualified in any particular branch of dentistry or as giving special attention to any branch of dentistry or as limiting his practice to any branch of dentistry without first complying with the requirements established by the board of dental examiners for such specialty and having been issued a certificate of qualification in such specialty by the board.

(5) Be guilty of unprofessional conduct. The following acts or any of them shall be conclusively presumed to be unprofessional conduct:

(a) Be guilty of any fraud or deception.

(b) The commission of a criminal operation or conviction of a crime involving moral turpitude.

(c) Chronic or persistent inebriety or addiction to narcotics or drugs.

(d) Be guilty of the violation of any professional confidence or be guilty of disclosing any professional secret.

(e) Be grossly immoral.

(f) Be guilty of employing what are known as “cappers” or “steerers” to obtain business.

(g) The obtaining of any fee by fraud or misrepresentation.

(h) Employ directly or indirectly, or direct or permit any suspended or unlicensed person so employed, to per-
form operations of any kind or to treat lesions of the
human teeth or jaws or correct malimposed formations
thereof.

(i) Practice, or offer or undertake to practice, dentistry
under any firm name or trade name or under any name
other than his own true name: Provided, That any
licensee may practice under a firm name or partnership
name containing nothing but the surname of every mem-
ber of such firm or partnership.

(j) Professional connection or association with, or
lending his name to another, for the illegal practice of
dentistry, or professional connection or association with
any person, firm, or corporation, holding himself, them-
selves, or itself out in any manner contrary to this article.

(k) Make use of any advertising relating to the use
of any drug or medicine of unknown formula.

(l) Advertise to practice dentistry or perform any
operation thereunder without causing pain.

(m) Advertise professional superiority or the per-
formance of professional services in a superior manner.

(n) Advertise prices charged for professional service.

(o) Advertise by means of large display, flickering, or
glaring light signs, or contain as a part thereof the repre-
sentation of a tooth, teeth, or bridge work, or any portion
of the human head.

(p) Employ or make use of advertising solicitors or
free publicity press agents.

(q) Advertise to guarantee any dental service.

(r) Advertise in any manner calculated to, or tending
to, deceive or mislead the public: Provided, That such
licensee may announce, by way of a professional card
containing not more than his name, title, degree, office
location, office hours, business telephone number, and
residence address and telephone number, if desired, and
if he limits his practice to a specialty he may announce
it, but such card shall not be greater in any case than
sixteen inches by twenty-two inches in size, and such
information may be inserted in public print when not
more than eight newspaper columns in width and
twenty-five inches in depth; and he may announce his
change of place of business, absence from, or return to,
business in the same manner, and issue appointment
cards to his patients, when the information thereon is
limited to matter pertaining to the time and place of
appointment and that permitted on the professional card,
and he may display his name, title, and degree upon the
windows or doors of his office and by a door plate or
name plate or office directory when the information is
limited to not more than that contained on the profes-
sional card, but the name, title and degree of the licensee
shall not be displayed on said doors, windows, door plates,
and name plates or office directory in lettering greater
in height than seven inches.

The term advertising, as used in this section, shall be
construed to include the use of radio or any loud speaking
device or any other similar method or agency.

This entire section is passed in the interest of the pub-
ic health, safety and welfare, and its provisions shall be liberally construed to carry out its object and purpose.

Each and every provision of this section is hereby de-
clared to be independent and severable, and should any portion or provision or provisions of this section be held unconstitutional or for any other reason invalid, the re-
maining portion or portions, or provision or provisions,
shall not be thereby affected.

Sec. 11. Right of Dentist to Prescribe Drugs and Per-
form Surgical Operations; Sign Death Certificates; Pre-
scriptions.—A licensed dentist shall have the same rights
to prescribe drugs or medicines, perform such surgical
operations, administer general or local anaesthetics and
use such appliances as may be necessary to the proper
treatment of the special class of diseases mentioned in
this article as are enjoyed by registered physicians in
this state. A licensed dentist shall have the same right to
execute and sign a death certificate when such is required
in the course of his practice as is given to licensed physi-
cians by the laws of this state. Druggists of this state
shall fill prescriptions of licensed dentists in this state
for any drugs necessary for the practice of dentistry.

Sec. 13. Dental Hygienists; Permitted Operations;
Revocation of License.—A licensed dentist, or the direc-
tor of any industrial clinic, school clinic or state industrial clinic, having a dental program under the supervision of a licensed dentist, may employ dental hygienists who shall practice under the supervision of a licensed dentist.

Under such supervision, a dental hygienist may (1) remove deposits, accretions and stains from the surfaces of the teeth, (2) make topical application of drugs to the exposed surface of the teeth, (3) take dental x-rays, and (4) instruct patients in the practice of dental hygiene procedures, but shall not perform any other operation on the teeth or other tissues of the oral cavity.

The state board of dental examiners may suspend or revoke the license of any dental hygienist who shall perform any operation other than those permitted under the provisions of this section, who shall violate any provision of this article relating to dental hygienists or who shall be found guilty of any of the acts enumerated in section seven of this article.

Sec. 14. Prerequisites to Practice Dental Hygiene; Examination Fee; Licensing.—No person who has not been licensed as a dental hygienist in this state on or before the first day of September, one thousand nine hundred thirty-seven, shall practice as a dental hygienist until he has first passed an examination given by the West Virginia board of dental examiners and otherwise qualifies under such rules and regulations as the board may establish.

The fee for the examination shall be twenty dollars and shall accompany the application. An applicant failing to pass the first examination shall be entitled to one reexamination at next regular meeting of the board without additional cost. The fee for every reexamination after that shall be ten dollars.

The board of dental examiners shall issue a license to practice dental hygiene in this state to any person who has passed such an examination and who has otherwise qualified to practice dental hygiene under the rules and regulations established by the board: Provided, however, That no person shall be entitled to such dental hygiene
license unless he be: (a) at least eighteen years of age, (b) of good moral character, (c) a graduate of a first class high school of this state or its equivalent and (d) be a graduate of, and possess an acceptable diploma in dental hygiene from a school having a course in dental hygiene approved by the board of dental examiners.

Sec. 17-a. Specialties; Qualifications; Application Fee; Limitation of Practice.—No licensee shall announce or otherwise hold himself out to the public as a specialist or as being specially qualified in any particular branch of dentistry, or as giving special attention to any branch of dentistry, or as limiting his practice to any branch of dentistry, unless he has first complied with the requirements established by the board of dental examiners for such specialty and has been issued a certificate of qualification authorizing him so to do.

The board of dental examiners may establish higher standards and additional requirements for any licensee who desires to announce or otherwise hold himself out to the public as being specially qualified in a branch or specialty of dentistry recognized by the board. The board may give such examinations and secure such assistance as it may deem necessary in determining the qualifications of applicants.

Application to the board for a certificate of qualification in a specialty of dentistry shall be upon such form and contain such information as the board may require and shall be accompanied by a fee of fifty dollars. A licensee found by the board to be qualified under the standards and other requirements promulgated by the board in the specialty indicated in his application shall be issued a certificate of qualification authorizing the licensee to announce or otherwise hold himself out to the public as specially qualified in the indicated specialty under such terms and in a manner approved by the board.

Sec. 17-b. Annual Information and Renewal Fee; Notice; Reinstatement; Penalty Fee; Waiver of Payment of Fee on Retirement or Disability; Change of Address.—On or before the first day of February of each year, every dentist licensed to practice dentistry in this state, and
every dental hygienist licensed to practice dental hygiene in this state, shall transmit to the secretary of the board, upon a form prescribed by the board, his signature, post office address, office address, the serial number of his license certificate, whether he has been engaged during the preceding year in the active and continuous practice of dentistry or dental hygiene, as the case may be, whether within or without this state, and such other information as may be required by the board, together with an information and renewal fee herein provided for. The annual information and renewal fee for a dentist shall be three dollars and for a dental hygienist shall be two dollars.

Upon receipt of the required information and the payment of the proper renewal fee, the licensee shall be issued a renewal certificate authorizing him to continue the practice of dentistry or the practice of dental hygiene in this state for a period of one year from the first day of February.

A license to practice dentistry or dental hygiene granted under the authority of this article shall be cancelled on the first day of May if the holder thereof fails to secure a current renewal certificate by that date. Any licensee whose license is thus cancelled by reason of the failure, neglect or refusal to secure the proper renewal certificate may be reinstated by the board at any time within six months from the date of the cancellation of said license upon the payment of the proper renewal fee and an additional fee of fifteen dollars. If the licensee shall not apply for renewal of his license as herein required within the said six months, that person shall, at the discretion of said board, be required to file an application for and take the examination provided in this article should he desire to practice dentistry or dental hygiene in this state.

Upon failure of any licensee to submit the required information and pay the annual renewal fee as herein required by the statutory date, the board shall attempt to notify such licensee in writing by mailing to his last registered address a notice of the requirements of this section apprising him of the fact that his license to
practice will be cancelled on the statutory date: Provided, however, That failure to mail or receive such notice shall not affect the cancellation of his license. The board may waive the annual payment of the renewal fee herein required, and issue a renewal certificate to any West Virginia licensee who has held a West Virginia license for at least twenty-five years and is presently retired from active practice, or to any West Virginia licensee who has retired for reasons of physical disability, so long as such retirement continues: Provided, That the licensee provides the board with the information required by this section.

Every licensed dentist within thirty days of changing his place of practice or establishing additional offices shall furnish the secretary of the board with his new professional address.

Every licensed dental hygienist within thirty days of changing his place of employment shall furnish the secretary of the board with his new professional address and the name of his employer.

Sec. 18. Practicing Dentistry or Dental Hygiene without Complying with Provisions of This Article; Penalty; Injunction.—Any person who shall practice or offer to practice dentistry or dental hygiene in this state without first having complied with the provisions of this article, or who shall violate any of its provisions for which no specific penalty has been provided, shall be guilty of a misdemeanor, and upon conviction thereof of a first offense against this article, shall be fined not less than three hundred dollars nor more than one thousand dollars, or confined in jail not less than three months nor more than six months, or both fined and imprisoned at the discretion of the court.

A person convicted of a second subsequent offense against this article shall be guilty of a misdemeanor and shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or confined in jail for not less than six months nor more than twelve months, or both fined and imprisoned, at the discretion of the court.

Each act of dentistry or dental hygiene shall be deemed
21 a separate offense and shall constitute a practice of dentistry or dental hygiene within the meaning of this section, and each day that a person may hold himself out as practicing in his own name or any name shall be deemed a separate offense.

26 Notwithstanding the existence of any other remedy, the board may, in the manner provided by law, maintain an action for an injunction against any person, partnership or association to restrain or prevent the practice of dentistry and/or dental hygiene when such person, partnership or association repeatedly refuses to obtain registration or license therefor and continues the practice of dentistry and/or dental hygiene without first obtaining registration or license therefor in the manner hereinbefore provided.

CHAPTER 138

(Senate Bill No. 136—By Mr. Amos)

AN ACT to amend and reenact section six, article thirteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to engineers and their qualifications for registration.

[Passed February 28, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 13. Engineers.

Section

6. Qualifications to practice professional engineering.

Be it enacted by the Legislature of West Virginia:

That section six, article thirteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Qualifications to Practice Professional Engineering.—The following facts, established in the application, shall be regarded as minimum evidence satisfactory
to the board, that the applicant is qualified to practice as
a professional engineer, to-wit:

(a) A specific record of eight or more years of active
practice in engineering work of a character satisfactory to
the board and indicating that the applicant is competent
to be placed in responsible charge of such work; or,

(b) Graduation from a school or college approved by
the board as of satisfactory standing, having a course in
engineering of not less than four years; and a specific
record of an additional four years of active practice in
engineering work of a character satisfactory to the board,
and indicating that the applicant is competent to be
placed in responsible charge of such work: Provided,
That no person shall be eligible for registration as a
professional engineer who is not of good character and
repute.

In considering the qualifications of applicants, responsi-
ble charge of engineering teaching may be construed as
responsible charge of work. Graduation in engineering
from a school of recognized standing shall be considered
as equivalent to four years of active practice and the sat-
isfactory completion of each year of work in such school
without graduation shall be considered as equivalent to a
half year of active practice. Graduation in a course other
than engineering from a college or university of recog-
nized standing shall be considered as equivalent to two
years of active practice: Provided, however, That no ap-
plicant shall receive credit for more than four years of
active practice because of educational qualifications.

In cases where the evidence presented in the application
does not appear to the board to be conclusive or to war-
rant the issuing of a certificate of registration, the appli-
cant may be required to present further evidence for the
consideration of the board, and may also be required to
pass an oral or written examination, or both, as the board
may determine.
CHAPTER 139

(House Bill No. 174—By Mr. Fumich and Mr. Goshorn)

AN ACT to amend and reenact section two, article sixteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, pertaining to the application, examination and license to practice chiropractic in this state and the rights incident thereto.

[Passed February 24, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 2. Application for license; qualifications of applicant.

Be it enacted by the Legislature of West Virginia:

That section two, article sixteen, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Application for License; Qualifications of Applicant.—Any person wishing to practice chiropractic in this state shall apply to the secretary of the medical licensing board for a license so to practice. Each applicant shall establish the fact to the medical licensing board that he has satisfied the following requirements: (a) that he is twenty-one years of age or over; (b) that he is of good moral character; (c) that he is a graduate of an accredited high school giving a four year course or has an education equivalent to the same; (d) that he has attended for at least two academic years an academic college equal in standing to the West Virginia University; (e) that he is a graduate of a chiropractic school or college approved by the West Virginia chiropractor's society, incorporated, which requires for graduation a resident course of not less than four academic years of nine months each, and active attendance at the same for a minimum of four thousand hours of fifty minutes each of classroom and
laboratory instruction: *Provided, however,* That this re-
requirement shall not be construed to disqualify applicants
that graduate from chiropractic schools or colleges be-
fore passage of this act which taught a resident course
of at least three academic years of eight months each and
required active attendance upon the same. Attendance
at the academic college as set forth in requirement (d)
shall be prior to completion of the chiropractic training
as set forth in requirement (e): *Provided, however,* This
requirement of sequence of attendance at an academic
college and chiropractic school or college shall not apply
to those applicants who at the time of passage of this act
have completed, or are in the process of fulfilling, the
requirements set forth in (e) above; nor shall such re-
quirement of sequence of attendance at academic college
and chiropractic school or college apply to such appli-
cants who have subsequent to the passage of this act
commenced the fulfillment of requirement (e) under the
educational provisions of the federal servicemen's re-
adjustment act now in force or as may hereafter be
amended, or such federal act of similar effect, benefit or
purpose as may be hereafter enacted by Congress.

### CHAPTER 140

*House Bill No. 170—By Mr. Bowles*

AN ACT to amend and reenact section fourteen, article one,
chapter sixteen of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to coop-
eration by the state board of health with the federal gov-
ernment in survey and construction programs for hospitals
and other health facilities.

*Passed March 9, 1955; in effect ninety days from passage. Approved by the
Governor.*


Section
14. Board of health authorized to cooperate with federal government
in hospital and other health facility programs; advisory council.
Be it enacted by the Legislature of West Virginia:

That section fourteen, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 14. Board of Health Authorized to Cooperate with Federal Government in Hospital and Other Health Facility Programs; Advisory Council.—The state board of health is hereby designated as the sole state agency to cooperate with the federal government in its programs for construction of public or private hospitals, diagnostic or treatment centers, chronic disease hospitals, rehabilitation facilities, nursing homes, and similar or related facilities and institutions; and is hereby designated as the sole state agency authorized to make such inventories of existing public health centers, public and private hospitals, diagnostic or treatment centers, chronic disease hospitals, rehabilitation facilities, nursing homes, and similar or related facilities and institutions, and the laboratory and other facilities thereof, to make surveys of the need for construction of such health facilities, and to adopt, develop, and supervise the administration of such state wide plans or programs for the construction of additional public and private hospitals, public health centers, public or private diagnostic or treatment centers, chronic disease hospitals, rehabilitation facilities, nursing homes, and similar or related facilities and institutions, as may be necessary to comply with the requirements and conditions of federal law in respect to the granting of federal aid for such purposes under all acts of Congress now in force and all subsequent acts of Congress amending or supplementing those acts of Congress now in force.

The governor shall have authority to appoint such an advisory council to consult with the state board of health as may be necessary under federal law to effectuate the purposes of this section. The members of any such advisory council shall serve without compensation, but shall be paid the amount of their traveling and other expenses necessarily incurred in the performance of their duties.
AN ACT to amend and reenact section three, article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the creation, organization, powers and duties of combined local boards of health.

[Passed March 8, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Local Health Officers.

Section 3. Counties, or counties and municipalities, may combine in employment of officers and installation and maintenance of equipment; combined local boards of health.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Counties, or Counties and Municipalities, May Combine in Employment of Officers and Installation and Maintenance of Equipment; Combined Local Boards of Health.—Any two or more counties, or any county or counties and any one or more municipalities within the said county or counties, may combine to cooperate with the state department of health, by vote of the county court in the case of a county; and by vote of the council or other governing body in the case of a municipality, and may participate in the employment of trained health officers and other agents and employees, or in the installation and maintenance of a common laboratory and other equipment. Whenever any such units shall decide so to cooperate and shall appropriate a sum or sums of money for such joint or cooperative action, a sum equal to two-fifths of the total amount contributed by the cooperating units, shall be added thereto from the appropriation made
for the state department of health: Provided, That the
genral plan of cooperation, as well as the principal health
officer, executive agent or laboratory director employed
by the cooperating units, shall first have been approved
by the state board of health.

Each county or municipality participating in any such
cooperative action shall select and appoint by vote of
the county court in the case of a county, and by vote
of the council or other governing body in the case of a
municipality, not less than one nor more than three per-
sons to be members of a combined board of health. No
such person shall be selected by, nor represent on any
such combined board, more than one such county or
municipality. The number of persons to be selected by
each participating county or municipality as members of
such board, subject to the limitation contained in the two
preceding sentences, shall be agreed upon by the several
counties or municipalities participating.

All members of such combined board of health shall be
appointed for terms of five years each, except that the
persons first appointed pursuant to the provisions of this
section, if more than one such person is appointed at the
same time by any one county court or municipal governing
body, shall be individually designated to serve for terms of
one, two, and three years, respectively, and if only one
such person is appointed at such time by each participating
county or municipality, the several participating counties
or municipalities shall initially appoint such persons to
serve for individually designated terms, which shall be
agreed upon by the several appointing authorities, of one,
two, three, four and five years, respectively. Upon the
expiration of the term of such initial appointments the
term of each new appointee shall be five years. Any
vacancy on such board shall be filled by appointment, by
the original appointing authority, for the unexpired term.
All members shall serve until their duly qualified suc-
cessors have been appointed. The number of members of
such board belonging to one political party shall not
exceed by more than one the number of members of such
board belonging to any other political party.
All members of any such board shall be citizens and residents of the county or municipality they are appointed to represent. All members shall be eligible for reappointment.

No member of such board may be removed from office during the term for which he is appointed except for official misconduct, incompetence, neglect of duty or gross immorality.

No member of such board shall receive any compensation for his services but each may be reimbursed for actual and necessary travel and other expenses necessarily incurred by him in the performance of his duties as a member of such board.

Any such combined board of health shall consist of the several members so selected. Such board shall organize by electing a chairman from among its members. It shall have the power to adopt, and from time to time amend, such rules and regulations as it may deem necessary concerning the time and place of its meetings, the procedure and method of conducting its meetings or business, and any other matters affecting, or necessary to, the orderly and efficient discharge of its duties or exercise of its powers. All powers and duties belonging to or vested in county boards of health or municipal boards of health under any provision of this code are hereby vested in, conferred upon, and declared to be, the powers and duties of any combined board of health created pursuant to the provisions of this section. All powers and duties belonging to or vested in county or municipal health officers, so far as they are applicable and not in conflict with the provisions of this section, are hereby vested in, conferred upon, and declared to be, the powers and duties of any health officer appointed and employed by any combined board of health. Any health officer or other employee appointed or employed by any combined board of health shall be employed and serve, and may be discharged, at the will and pleasure of such board. The territorial jurisdiction of any such combined board of health shall be coextensive with the boundaries of all of the counties and municipalities which have been combined to cooperate as herein provided.
Upon the formation of a combined local board of health as herein provided, and during the period that it continues to exist, there shall be no separate county board of health or municipal board of health in any county or municipality represented on the combined board of health.

CHAPTER 142
(House Bill No. 50—By Mrs. Walker)

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article two-a, relating to an alternative method of organizing local boards of health, levy for local health purposes, and the employment, powers and duties of local health officers and other persons employed by such local health agencies.

[Passed March 9, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2-a. Alternative Method of Organizing Local Health Agencies.

Section
1. County and municipal boards of health authorized; jurisdiction.
2. Membership and organization of county and municipal boards of health; appointment and qualification.
4. County or municipal health officers, health personnel and other employees; appointment or employment, term, qualification and compensation.
5. Powers and duties of county or municipal health officers; reporting contagious or infectious diseases.
6. County and municipal health officers, levy; receipt and disposition of funds by local boards of health.
7. Charges by local boards of health for inspection of milk distribution, production or pasteurization facilities outside of state.
8. State board of health may supplant local health authority; removal of delinquent local officers.
9. Obstructing health officers and others in enforcement of health laws; penalty.
10. Penalties for violating provisions of article; jurisdiction of justices.
11. Severability.
Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article two-a, to read as follows:

Section 1. County and Municipal Boards of Health Authorized; Jurisdiction.—Any county or municipality may in its discretion, and in lieu and instead of the local board of health provided for in article two of this chapter, create, establish and maintain a county board of health or a municipal board of health organized pursuant to, and with the powers and duties prescribed by, the provisions of this article. Such county board of health may be created and established by the county court, and such municipal board of health may be created and established by the governing body of the municipality. The jurisdiction of such county board of health shall be coextensive with the territorial limits of the county and shall include every city, town, and village therein which does not have a full time health officer of its own employed in the manner, for the purpose, and to perform the duties set forth in this article. The jurisdiction of such municipal board of health shall be coextensive with the territorial limits of the municipality and an area including all points within a distance of one mile from the limits of the municipality. The jurisdiction of any county board of health, or of any combined local board of health established pursuant to the provisions of section three, article two of this chapter, shall not extend to or include any area within the jurisdiction of any municipal board of health which has established and is maintaining a separate full time municipal health department under the supervision of a municipal health officer.

In any county in which there is created and established a county board of health pursuant to the provisions of this article, the county board of health provided for in article two of this chapter shall cease to exist and shall be abolished during such period of time as the county board of health provided for in this article is maintained and continued in existence.
Sec. 2. Membership and Organization of County and Municipal Boards of Health; Appointment and Qualification.—A county board of health or municipal board of health created and established under the provisions of this article shall be composed of five members appointed by the county court or the governing body of the municipality. Where any county board of education contributes funds to a county court or a municipality, which creates such board of health, for health purposes, such board of education may nominate one member of such local board of health. Such nominee shall be appointed to such board of health by the appointing authority, if otherwise qualified. In the event such nominee is rejected by the appointing authority, or in the event his position on the board of health is vacated during the term for which he is appointed, such county board of education may nominate another person, who, if otherwise qualified, shall be appointed to the board of health by the appointing authority. In the event such county board of education fails or refuses to nominate some person for such appointment within thirty days of the date of the receipt of a request, in writing, from the appointing authority, for a nomination, the appointing authority shall proceed to make such appointment without any nomination by the county board of education.

All members of any such board of health shall be citizens and residents of the county or municipality they are appointed to represent. No more than three of the members of such board shall belong to the same political party, nor shall more than two of such members be residents of the same magisterial district or municipal ward, nor shall more than two such members be personally and individually licensed in, engaged in, or actively participating in or carrying on, the same business, profession, or occupation. All members shall be eligible for reappointment.

All members of such board shall be appointed for terms of five years each, except that the persons appointed when the board is initially created shall be individually desig-
nated to serve for terms of one, two, three, four and five years, respectively. Upon the expiration of such initial appointments the term for each new appointee shall be five years. Each member shall serve until the appointment of his duly qualified successor. Any vacancy on such board shall be filled by appointment for the unexpired term.

Such county or municipal board of health shall organize by electing from its members a chairman who shall serve as such for a period of one year. Such chairman shall have the power to sign documents, execute contracts and otherwise act for and in the name of such board in all matters within its lawful powers and duly authorized by a majority of its members.

No member of such board may be removed from office during the term for which he is appointed except for official misconduct, incompetence, neglect of duty or gross immorality: Provided, however, That the revocation of a professional license issued by this state to any such member shall be sufficient reason and cause for the removal of such member from office.

No member of such board shall receive any compensation for his services but each may be reimbursed for actual and necessary travel and other expenses incurred by him in the performance of his duties as a member of such board.

Sec. 3. Powers and Duties of County and Municipal Boards of Health.—County or municipal boards of health created and established pursuant to the provisions of this article shall direct, supervise, and control all matters relating to the general health and sanitation of their respective counties or municipalities, and shall possess and exercise such power in relation thereto as may be exercised and is possessed by the state board of health, so far as such powers are applicable to such county or municipality. Such local boards of health shall also have the power and authority to adopt and promulgate and from time to time amend such rules and regulations, consistent with the laws of this state and the rules and regulations of the state board of health, as may be necessary and
proper for the protection of the general health of the
county or municipality and the prevention of the intro-
duction, propagation and spread of disease therein. All
such rules and regulations shall be filed, in the case of a
county board, with the clerk of the county court, and in
the case of a municipal board, with the clerk, recorder, or
similar officer of the municipality. Such rules and regu-
lations shall be kept by such clerk or recording officer in
a separate book and shall be public records.

It shall be the duty of such local boards of health to
protect the general health and supervise and control the
sanitation of their respective counties and municipalities;
to enforce the laws of this state pertaining to public health,
and the rules and regulations of the state board of health,
insofar as they are applicable to such counties or munici-
palities, and to perform such duties in relation to public
health as may be prescribed by order of the county courts
of such counties or ordinances of such municipalities,
consistent with the public health laws of this state and
the regulations duly adopted by the state board of health.
All such local boards of health receiving state or federal
funds for health purposes shall first receive approval by
the state board of health of their general plans of opera-
tion for health purposes. The state board of health may,
if deemed necessary or expedient by it, act through any
county or municipal board of health created, established
and operated pursuant to the provisions of this article.

Sec. 4. County or Municipal Health Officers, Health
Personnel and Other Employees; Appointment or Em-
ployment, Term, Qualification and Compensation.—A
county or municipal board of health, created and main-
tained pursuant to the provisions of this article, shall have
the power to appoint a health officer to serve for an indefi-
nite term at the pleasure of the appointing county or mu-
icipal board of health. Such health officer shall be a phy-
sician licensed or eligible for licensure as a physician in
this state. He shall be skilled in the science of preventive
medicine and sanitation. He shall receive such compen-
sation, to be paid out of the county or municipal treasury,
as may be determined by such county or municipal board
of health, and approved by the county court or municipal governing body.

Any such county or municipal board of health as is mentioned in the preceding paragraph shall have the power to employ such technical, administrative, clerical, and other employees as such board may deem necessary. All such employees shall be employed for such period of time as may be determined by such board, and shall be suitably trained in public health practices. Such employees shall perform such duties in relation to public health as may be prescribed by any order, rule or regulation of the county or municipal board of health, the public health laws of this state or the regulations of the state board of health.

Any such county or municipal board of health may, with the consent and approval of the county court or municipal governing body creating and maintaining such local board of health, establish and adopt a merit system for any or all employees of the county or municipal health department. Such merit system may be similar to the state merit system and may be established by the local board by its order, subject to the approval of the county court or municipal governing body, adopting and making applicable to the local health department all, or such portion, of any order, rule, standard, or compensation rate in effect in the state merit systems as may be desired by the local board of health and as it may consider properly applicable to the local health department.

Sec. 5. Powers and Duties of County or Municipal Health Officers; Reporting Contagious or Infectious Diseases.—The county or municipal health officer appointed by any local board of health created pursuant to the provisions of this article shall be the executive officer of such board of health. Under the supervision of the board he shall administer the provisions of this article, all other laws of this state relating to public health and applicable to his county or municipality, and the rules, regulations and orders of such county or municipal board of health, and of the state board of health, so far as such rules, regu-
lations and orders are applicable to his county or munici-

apality.

Such health officer shall attend, but not vote, at all
meetings of his county or municipal board of health. He
shall act as secretary of such board and shall be in charge
of its offices. He shall supervise and direct the activities
of county or municipal health services, employees, and
facilities: *Provided, however,* That the duties of such
health officer shall not include the rendering of medical
or surgical services on an individual basis to wards of the
county or municipality or to inmates of any public insti-
tution operated or maintained by any county court or
municipality.

It shall be the duty of every practicing physician to re-
port to the municipal health officer, where there is such
official, immediately on diagnosis, every case of commu-
icable or infectious disease that may arise or come under
his treatment within the municipality, and to the county
health officer cases occurring outside of the municipality,
and also, where there is no municipal health officer, cases
occurring within such municipality. Any health officer
receiving such reports shall make to the state director
of health a weekly report of all such cases, stating the
number of each kind of disease reported, the action taken
to arrest the infection and spread of the disease, and the
result.

Sec. 6. *County and Municipal Health Officers, Levy;*
*Receipt and Disposition of Funds by Local Boards of
Health.*—The county court of any county or the governing
body of any municipality in which a county or municipal
health officer is appointed pursuant to the provisions of
this article, shall have the power and authority to provide
funds for the payment of such health officer and the ex-
penses of his administration, and for that purpose may
levy a county or municipal tax, as the case may be, of not
exceeding three cents on each one hundred dollars' assessed valuation of the taxable property in such county
or municipality according to the last assessment thereof.

Any county or municipality may, whether it has exer-
cised the power to lay the special levy hereinbefore pro-
provided for or not, appropriate and expend money from the
county or municipal general fund for public health pur-
poses and to pay the expenses of operation and administra-
tion of a county or municipal board of health and the pub-
lic health facilities operated thereby or in conjunction
therewith.

Any county or municipality in which there is a board
of health created and maintained pursuant to the pro-
visions of this article, may accept, receive and receipt for
money or property from any federal, state, or local gov-
ernmental agency, or from any public or private source,
to be used for public health purposes, or for the estab-
lishment or construction of public health facilities. All
moneys accepted by any county or municipality pursuant
to the provisions of this paragraph shall be deposited in
the county or municipal treasury, and unless otherwise
prescribed by the authority from which the money is re-
ceived, shall be kept in separate funds, designated ac-
cording to the purposes for which the money was made
available, and held by the county or municipality in trust
for such purposes: Provided, however, That nothing con-
tained in this section shall be construed to conflict with
the provisions of section fifteen, article one, chapter six-
teen of this code.

Sec. 7. Charges by Local Boards of Health for Inspec-
tion of Milk Distribution, Production or Pasteurization
Facilities Outside of State.—Any local board of health,
whether created and maintained pursuant to the pro-
visions of this article or article two of this chapter, may
cause an inspection to be made of the physical plant and
facilities of any distributor, producer, or pasteurizer of
milk whose milk distribution, production, or pasteuriza-
tion plant or facilities are located outside of this state
but who sells or distributes in this state, or transports, or
causes or permits to be transported into this state, milk,
or milk products, for resale, use or consumption in this
state and within the territorial jurisdiction of such local
board of health. The local board of health may charge
to, and collect from, such distributor, producer, or pas-
teurizer of milk, all of the expense of such inspection.
The amount of such charge for expense of inspection shall be based on the number of inspections made, mileage traveled, and time consumed by the inspecting official in traveling to and from the place of the inspection and in actually making the inspection.

Provided, however, That in any case in which such milk distribution, production, or pasteurization plant or facilities are regularly inspected in the course of a regular inspection schedule or itinerary by any duly authorized representative of any agency of this state or its governmental subdivisions, or any agency of any other state or its governmental subdivisions, which has been certified as an approved inspection agency by the state board of health of this state, no charge for expense of inspection shall be made by any local board of health unless it is the agency making the regular inspection. In any event, not more than one local board of health shall act as, and be deemed, the regular inspection agency for any such milk distribution, production, or pasteurization plant or facility. Where two or more agencies each include any such plant or facility in a regular inspection schedule or itinerary the state board of health shall designate one of such agencies as the regular inspection agency for such plant or facility.

Sec. 8. State Board of Health May Supplant Local Health Authority; Removal of Delinquent Local Officers.

When, in the opinion of the state board of health, any local health authority shall fail or refuse to enforce laws and regulations necessary to prevent and control the spread of communicable or infectious disease declared to be dangerous to the public health, or when, in the opinion of the state board, a public health emergency exists, the state board may enforce its rules and regulations within the territorial jurisdiction of such local health authority, and for that purpose shall have and may exercise all the powers given by law to local health authorities. All expenses so incurred shall be a charge against the counties, cities, or towns concerned. And in such cases the failure or refusal of any local health officer or local health body to carry out the lawful orders and regulations of the state board of health shall be sufficient cause for the removal
of such local health officer, or local health body or its
members, from office, and upon such removal a successor
or successors to the person or persons removed shall im-
mediately be appointed in the manner, and for the term,
provided for in this article.

Sec. 9. Obstructing Health Officers and Others in En-
forcement of Health Laws; Penalty.—Every person who
wilfully opposes or obstructs any health officer, public
health nurse, sanitarian, or any other person charged with
the enforcement of any health law, in the performance of
such officer or person's legal duty in enforcing such law,
shall be guilty of a misdemeanor, and upon conviction
shall be punished by a fine of not more than two hundred
dollars or by imprisonment for not more than thirty days
or both.

Sec. 10. Penalties for Violating Provisions of Article;
Jurisdiction of Justices.—Any person wilfully violating
any of the provisions of this article, for which a penalty
is not otherwise provided, or any of the rules, regulations
or orders adopted or issued pursuant thereto, shall be
guilty of a misdemeanor, and upon conviction shall be
punishable by a fine of not more than two hundred dollars
or by imprisonment for not more than thirty days or both.

Justices of the peace shall have concurrent jurisdiction
with circuit and criminal courts for the enforcement of
the provisions of this article and any rules, regulations, or
orders, lawfully adopted, promulgated or issued pursuant
thereto.

Sec. 11. Severability.—If any provision of this article,
or the application thereof to any person or circumstance,
shall be held to be invalid or unconstitutional, such in-
validity or unconstitutionality shall not affect the other
provisions or applications of this article which can be
given effect without the invalid or unconstitutional pro-
vision or application, and to this end the provisions of this
article are declared to be severable.
CHAPTER 143
(House Bill No. 52—By Mrs. Walker)

AN ACT to amend and reenact section three, article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the sanitary disposition of decayed or putrid organic and food materials.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 9. Offenses Generally.
Section
3. Depositing dead animals or offensive substance in or near waters or on or near roads, or on public grounds; penalty; failure to bury or destroy offensive substance after conviction; successive offenses; jurisdiction of justices.

Be it enacted by the Legislature of West Virginia:
That section three, article nine, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Depositing Dead Animals or Offensive Substance in or Near Waters or on or Near Roads, or on Public Grounds; Penalty; Failure to Bury or Destroy Offensive Substance After Conviction; Successive Offenses; Jurisdiction of Justices.—Any person who shall place, cast, discharge, or deposit the carcass of any dead animal or the putrescible waste from food processing plants, or garbage, or slop, or spoiled meat, or putrid organic substances, or the contents of privy vaults, or septic tanks, or cesspools, into any river, creek or other stream, or upon the surface of any land adjacent to such river, creek or other stream in such a location that high water or normal drainage conditions will cause such offensive material to be washed, drained or cast into the river, creek or other stream; or any person who shall place, cast, discharge or deposit such offensive material upon the surface of any public road, street, alley, city or town lot, public ground, market space, or common, or
upon the surface of any land within one hundred yards of a public street or road; or any person, who, being the owner, lessee or occupant of any such city or town lot, public ground, market space, common, or land within one hundred yards of a public street or road, shall knowingly permit any of the offensive materials hereinbefore named to remain thereon, to the annoyance of any of the citizens of this state, or shall neglect or refuse to remove or abate the nuisance occasioned thereby, within twenty-four hours after such person has knowledge of the existence of such nuisance upon any of the above described premises owned, leased, or occupied by him, or within twenty-four hours of service of notice thereof in writing from the health officer of the county, or the mayor or health officer of the municipal corporation, as the case may be, in which any such nuisance exists, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than one hundred dollars.

Upon a conviction for any such offense, the person convicted shall, within twenty-four hours after such conviction, bury or cause to be buried at least three feet under the ground, or destroy or cause to be destroyed by fire or as otherwise directed by the health officer within whose jurisdiction the offense may have occurred, any of the offensive materials or substances hereinbefore named which the person so convicted has placed or knowingly permitted to remain upon such city or town lot, public ground, market space, common, or land, contrary to the provisions of this section, and his failure to do so shall constitute a misdemeanor and a second offense against the provisions of this section. The continued failure or refusal of such convicted person to bury or destroy such offensive materials and substances as provided herein shall constitute a separate, distinct and additional offense for each successive twenty-four hour period of such failure and refusal. Any person convicted of any offense described in this paragraph shall be fined not less than five nor more than one hundred dollars.

A justice of the peace shall have jurisdiction of any offense under the provisions of this section committed within his county.
AN ACT to amend and reenact section seven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the rank and qualifications of the adjutant general.

[Passed February 3, 1955; in effect from passage. Approved by the Governor.]

Article 1. National Guard.

Section 7. Governor's staff; adjutant general.

Be it enacted by the Legislature of West Virginia:

That section seven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 7. Governor's Staff; Adjutant General.—The staff of the governor shall consist of one adjutant general with the rank of brigadier general or such higher rank as determined by the governor, an assistant adjutant general with rank not above that of colonel, and, in addition thereto, such other officers as may be currently prescribed by existing tables of organizations as established by federal authority. The governor may also appoint and commission an honorary staff to serve during his term of office, of such number as he may deem advisable, with such rank as he may fix, which honorary staff will not be held to be a part of the regularly organized militia.

The adjutant general shall be appointed and commissioned by the governor, but no person shall be appointed adjutant general unless such person has had at least six years' commissioned service in the national guard of this or some other state.

In time of peace he shall perform the duties of chief of

*Reenacted by Chapter 145.
the pay, quartermaster and ordnance departments unless
otherwise ordered by the governor, and shall give bond
in such sum as the governor may require, such bond to
be provided in like manner as the bonds of other officers.
He shall receive a compensation of seven thousand dollars
per annum, which shall be paid to him in equal monthly
installments, and his term of office shall be for four years.
He shall attest, record, and seal with the seal of the state
all commissions issued by the governor, and keep a regis-
ter of all commissioned officers, with dates of commission,
and all changes occurring in the commissioned force, and
shall keep a full and complete record at all times of the
organized militia of the state. He shall, as soon as possible
after the first day of July in even years, make a biennial
report to the governor of the transactions and the ex-
penditures of his department and the condition of the
national guard. Such report shall show all receipts into
the military or militia fund of the state from every source,
including fines, appropriations from the state, and all
money received from the federal government and from
every other source. All such funds and moneys shall be
paid into the state treasury as soon as received, and shall
be credited to the military fund. Such report shall also
show in detail all expenditures made from each fund, and
the purpose of the expenditures, and shall state such
other details as the governor may order; and the report
shall be communicated by the governor to the next session
of the Legislature. He shall also make such other reports
and returns as may be required by the governor from
time to time. He shall cause to be procured, prepared and
issued to the different organizations of the national guard
all necessary books and blanks for reports, records, returns
and general administration, and shall, at the expense of
the state, cause the military laws, military code, and
rules and regulations in force to be printed, bound in
proper form, and distributed, one copy to each commis-
sioned officer, and one each to all the circuit, intermediate
and criminal court judges, sheriffs, assessors, and justices
of the peace in the state requiring them; and shall pro-
cure and supply all necessary textbooks of drill and
instruction. He shall keep in his office an accurate account of all state and United States property issued to the state. He shall keep on file in his office all official bonds, except the bond of the adjutant general, which shall be filed with the auditor of the state; the reports and returns of troops and heads of military departments; and all other writings and papers which are required to be transmitted to and preserved at the general headquarters of the state militia. He shall employ such clerical force and assistants as may be required in the military department, in addition to the assistant adjutant general herein authorized. He shall keep records of all service personnel from the state of West Virginia, commissioned or enlisted, in any of the wars of the United States, and of individual claims of citizens of West Virginia for service rendered in such wars. He shall assist all persons residing in this state having claims against the United States for pension, bounty or back pay, or such claims as have arisen out of, or by reason of, service in any of said wars. To this end he shall cooperate with the agents or attorneys of such claimants, furnish to claimants only all necessary certificates or certified abstracts from, or copies of, records or documents in his office, and shall in all practicable ways seek to secure speedy and just action in all claims now pending or which may hereafter be filed: Provided, That any and all of the above services shall be rendered without charge to the claimant. He shall establish and maintain as a part of his office a bureau of records of the services of the West Virginia troops during such wars, and shall keep arranged in proper and convenient form all records and papers pertaining thereto.

CHAPTER 145

(House Bill No. 433—By Mr. Francis)

AN ACT to amend and reenact section seven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by House Bill No. 59, an act of the Legislature, regular session, one thousand
Be it enacted by the Legislature of West Virginia:

That section seven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended by House Bill No. 59, an act of the Legislature, regular session, one thousand nine hundred fifty-five, be amended and reenacted to read as follows:

Section 7. Governor's Staff; Adjutant General.—The staff of the governor shall consist of one adjutant general with the rank of brigadier general or such higher rank as determined by the governor, an assistant adjutant general with rank not above that of colonel, and, in addition thereto, such other officers as may be currently prescribed by existing tables of organizations as established by federal authority. The governor may also appoint and commission an honorary staff to serve during his term of office, of such number as he may deem advisable, with such rank as he may fix, which honorary staff will not be held to be a part of the regularly organized militia.

The adjutant general shall be appointed and commissioned by the governor, but no person shall be appointed adjutant general unless such person has had at least six years' commissioned service in the national guard of this or some other state, or in the armed forces of the United States, or in all combined.

In time of peace he shall perform the duties of chief of the pay, quartermaster and ordnance departments unless otherwise ordered by the governor, and shall give bond in such sum as the governor may require, such bond to be provided in like manner as the bonds of other
officers. He shall receive a compensation of seven thousand dollars per annum, which shall be paid to him in equal monthly installments, and his term of office shall be for four years. He shall attest, record, and seal with the seal of the state all commissions issued by the governor, and keep a register of all commissioned officers, with dates of commission, and all changes occurring in the commissioned force, and shall keep a full and complete record at all times of the organized militia of the state. He shall, as soon as possible after the first day of July in even years, make a biennial report to the governor of the transactions and the expenditures of his department and the condition of the national guard. Such report shall show all receipts into the military or militia fund of the state from every source, including fines, appropriations from the state, and all money received from the federal government and from every other source. All such funds and moneys shall be paid into the state treasury as soon as received, and shall be credited to the military fund. Such report shall also show in detail all expenditures made from each fund, and the purpose of the expenditures, and shall state such other details as the governor may order; and the report shall be communicated by the governor to the next session of the Legislature. He shall also make such other reports and returns as may be required by the governor from time to time. He shall cause to be procured, prepared and issued to the different organizations of the national guard all necessary books and blanks for reports, records, returns and general administration, and shall, at the expense of the state, cause the military laws, military code, and rules and regulations in force to be printed, bound in proper form, and distributed, one copy to each commissioned officer, and one each to all the circuit, intermediate and criminal court judges, sheriffs, assessors, and justices of the peace in the state requiring them; and shall procure and supply all necessary textbooks of drill and instruction. He shall keep in his office an accurate account of all state and United States property issued to the state. He shall keep on file in his office all
official bonds, except the bond of the adjutant general, which shall be filed with the auditor of the state; the reports and returns of troops and heads of military departments; and all other writings and papers which are required to be transmitted to and preserved at the general headquarters of the state militia. He shall employ such clerical force and assistants as may be required in the military department, in addition to the assistant adjutant general herein authorized. He shall keep records of all service personnel from the state of West Virginia, commissioned or enlisted, in any of the wars of the United States, and of individual claims of citizens of West Virginia for service rendered in such wars. He shall assist all persons residing in this state having claims against the United States for pension, bounty or back pay, or such claims as have arisen out of, or by reason of, service in any of said wars. To this end he shall cooperate with the agents or attorneys of such claimants, furnish to claimants only all necessary certificates or certified abstracts from, or copies of, records or documents in his office, and shall in all practicable ways seek to secure speedy and just action in all claims now pending or which may hereafter be filed: Provided, That any and all of the above services shall be rendered without charge to the claimant. He shall establish and maintain as a part of his office a bureau of records of the services of the West Virginia troops during such wars, and shall keep arranged in proper and convenient form all records and papers pertaining thereto.

CHAPTER 146

(House Bill No. 43—By Mr. Francis)

AN ACT to amend and reenact section eleven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the resignation and removal of national guard officers.

[Passed February 3, 1955; in effect from passage. Approved by the Governor.]
Be it enacted by the Legislature of West Virginia:

That section eleven, article one, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 11. Resignation of Officers; Removal.—No resignation shall be accepted unless the officer tendering the same shall furnish to the adjutant general a certificate from each property accounting officer that he has delivered all books and other property of the state in his possession to the officer authorized to receive the same, and that his accounts for money or public property are correct, and that he is not indebted to the state or federal military authorities. No commissioned officer shall be removed from office, unless by the Senate on recommendation of the governor, stating the grounds on which such removal is recommended, or by the decision of a court-martial, or an examining board, or as provided in federal laws or regulations pertaining to the national guard or air national guard, or pursuant to law.

CHAPTER 147
(House Bill No. 210—By Mr. Bowles)

AN ACT to amend and reenact section two, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the appointment of an inspector, other commissioned officers, noncommissioned officers, troopers and civilian employees.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Department of Public Safety.
Section
2. Appointment of inspector, other commissioned officers, noncommissioned officers, troopers and civilian employees.
Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Appointment of Inspector, other Commissioned Officers, Noncommissioned Officers, Troopers and Civilian Employees.—The superintendent shall appoint, from the enlisted membership of the department, an inspector with the rank of major who shall be next in authority to the superintendent, and for the purpose of operating and maintaining the executive offices, training school, scientific laboratory, keeping records relating to crimes and criminals, coordinating traffic safety activities and maintaining a system of supplies and accounting and carrying on other necessary services, he shall appoint not more than one captain, four lieutenants, two master sergeants, four sergeants, three corporals and six troopers. In addition the superintendent may appoint, from the enlisted membership of the department, not more than four other lieutenants for duties consisting of technical or scientific examination of evidence in criminal cases, but no member shall be appointed to fill these vacancies in the grade of lieutenant unless (1) he shall have completed four year's study at a recognized college or university and hold a bachelor's degree from such college or university and (2) such member shall have actually conducted numerous examinations of physical evidence in criminal cases and have been qualified in a court of record of this state to testify as an expert witness with respect thereto. Any or all the four vacancies for lieutenants described immediately preceding may be filled by the appointment of a member of lesser grade, but no member above the grade of trooper may be appointed to any of such vacancies unless he shall be qualified as above set forth.

The superintendent shall appoint such civilian employees as may be necessary whose salaries shall be fixed by the board of public works.

The inspector, captains, lieutenants, master sergeants, sergeants, corporals and troopers shall be enrolled and
AN ACT to amend and reenact section three, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the department of public safety.

[Passed February 25, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 2. Department of Public Safety.

Section 3. Companies and Platoons and How constituted; training of members and other peace officers; salaries and bonds of members.

Be it enacted by the Legislature of West Virginia:

That section three, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Companies and Platoons and How constituted; Training of Members and Other Peace Officers; Salaries and Bonds of Members.—The superintendent shall create, appoint and equip a department of public safety which shall, in addition to the personnel provided for in section two of this article, consist of four companies or platoons. Each company or platoon shall be composed of one captain, one lieutenant, one first sergeant, five sergeants, ten corporals and such number of troopers as the superintendent may decide best, but such number of troopers in any company or platoon shall not at any time be less than twenty-five nor more than sixty-five.

The superintendent shall provide adequate facilities for the training of all members of the department and shall prescribe a basic training course for newly enlisted members. He shall also provide advanced or in service
training from time to time for all members of the department. The superintendent may, in his discretion, hold training classes for other peace officers in the state without cost to such officers, except actual expenses for food, lodging and school supplies.

Members of the department shall receive salaries, as follows:

The inspector shall receive an annual salary of four thousand nine hundred twenty dollars; captains shall receive an annual salary of four thousand one hundred forty dollars; lieutenants shall each receive an annual salary of three thousand eight hundred forty dollars; the master sergeants, master technical sergeants and first sergeants shall each receive an annual salary of three thousand four hundred eighty dollars; technical sergeants shall each receive an annual salary of three thousand four hundred twenty dollars; sergeants and sergeant technicians shall each receive an annual salary of three thousand three hundred dollars; corporals and corporal technicians shall each receive an annual salary of three thousand one hundred eighty dollars; and each newly enlisted trooper shall receive a salary of one hundred seventy-five dollars during the period of his basic training, and upon the satisfactory completion of such training and assignment to active duty each such trooper shall receive, during the remainder of his first year's service, a salary of two hundred twenty-five dollars monthly. During the second year of his service in the department each trooper shall receive an annual salary of two thousand eight hundred twenty dollars; during the third year of his service each trooper shall receive an annual salary of two thousand nine hundred forty dollars; and during the fourth and fifth years of his service each trooper shall receive an annual salary of three thousand sixty dollars.

Each member of the department entitled thereto by the provisions hereof shall receive an increase in salary over that hereinbefore set forth in this section, for grade and rank, based on length of service, including that heretofore and hereafter served, with the department, as follows: For each five year period of service with the department from
the date of first enlistment, each member of the department shall receive a salary increase of one hundred twenty dollars per year to be effective during his next five years of service, which increases shall be successive and cumulative until a total of five such increases shall be received.

In applying the foregoing salary schedule where salary increases are provided for length of service, members of the department in service at the time this article becomes effective shall be given credit for prior service and shall be paid such salaries as the same length of service will entitle them to receive under the provisions hereof.

Each member of the department of public safety, except the superintendent and civilian employees, shall, before entering upon the discharge of his duties, execute a bond with security in the sum of three thousand five hundred dollars payable to the state of West Virginia, conditioned for the faithful performance of his duties as such, and such bond shall be approved as to form by the attorney general, and as to sufficiency by the board of public works, and the same shall be filed with the secretary of state and preserved in his office.

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CHAPTER 149

(House Bill No. 209—By Mr. Bowles)

AN ACT to amend article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto two new sections, designated sections three-a and three-b, relating to chaplain, turnpike, technical and other personnel of the department of public safety.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Department of Public Safety.

Section

3-a. Superintendent may appoint chaplains.
3-b. Superintendent may assign members of the department to perform police duty on any turnpike.
Be it enacted by the Legislature of West Virginia:

That article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto two new sections, to be designated sections three-a and three-b, to read as follows:

Section 3-a. Superintendent May Appoint Chaplains.—
2 The superintendent may also appoint for each company not more than two chaplains, residing within the state of West Virginia, who shall serve without pay, and may not be required to perform any duties of members of the department, nor shall any bond be required. The superintendent is authorized to furnish each such chaplain one official uniform, with proper chaplain insignia, to be worn at any ceremonious occasion conducted officially by the department where the presence of a minister is customary. Such chaplains may be reimbursed by the superintendent from the department appropriation for actual expenses incurred while traveling from their homes to such ceremonies and return.

Sec. 3-b. Superintendent May Assign Members of the Department to Perform Police Duty on Any Turnpike.—
2 The superintendent may also assign members of the department to perform police duties on any turnpike, or toll road, or any section thereof, operated by the West Virginia turnpike commission, provided that such turnpike commission shall reimburse the department for salaries paid to such members, and shall either pay directly or reimburse the department for all other expenses of such group of members in accordance with actual or estimated costs determined by the superintendent. The superintendent may appoint commissioned and noncommissioned officers of such group of members, but no greater number of commissioned or noncommissioned officers of the various ranks or grades shall be appointed than the number prescribed in each rank or grade for any state police company: Provided, however, That the provisions of section three of this article as relate to the maximum and minimum number of troopers in any state police company or platoon shall not apply to this section.
CHAPTER 150

(House Bill No. 211—By Mr. Bowles)

AN ACT to amend and reenact section twenty-eight-a, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to credit on service required for retirement to be allowed members for time served in the armed forces.

[Passed February 16, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Department of Public Safety.

Section 28-a. Credit on service required for retirement to be allowed members for time served in armed forces during World War II and Korean conflict.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight-a, article two, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 28-a. Credit on Service Required for Retirement to Be Allowed Members for Time Served in Armed Forces During World War II and Korean Conflict.—Any member of the department of public safety who was commissioned, enlisted or inducted into the armed forces of the United States or, being a member of the reserve officers' corps, was called to active duty in said armed forces between the first day of September, one thousand nine hundred forty and the close of hostilities in World War II, or between the twenty-seventh day of June, one thousand nine hundred fifty and the close of the armed conflict in Korea on the twenty-seventh day of July, one thousand nine hundred fifty-three, shall be entitled to and receive credit on the minimum period of service required by law for retirement pay from the service of the department of public safety for a period equal to the full time he has or shall, pursuant to such commission, enlistment, induc-
tion or call, have served with said armed forces: Provided, That such member has been or shall (1) be honorably discharged from said armed forces, and (2) within ninety days after honorable discharge from said armed forces shall present himself to the superintendent and offer to resume service as an active member of the department: Provided, however, That no such member shall be entitled to any credit, privilege or benefit under the provisions of this section who shall by any voluntary act on his part, whether by reenlistment, waiver of discharge, acceptance of commission or otherwise, extend or participate in extension of the period of service of such member with such armed forces beyond the period of service therewith for which such member was originally commissioned, enlisted, inducted or called: Provided further, That the amount of retirement pay to which any such member shall be entitled shall be calculated and determined as if such member has continued in the active service of the department at the rank or grade to him appertaining at the time of such commission, induction, enlistment or call, during a period coextensive with the time such member shall have served with said armed forces pursuant to such commission, induction, enlistment or call. The superintendent of said department is authorized to transfer and pay each month into said death, disability and retirement fund from moneys that shall be appropriated for said department a sum equal to eighteen per cent of the aggregate of salary which all said members would have been entitled to receive had they continued in the active service of said department during a period coextensive with the time such members shall have served with said armed forces pursuant to said commission, induction, enlistment or call.

CHAPTER 151
(Senate Bill No. 5—By Mr. Vassar)

AN ACT to repeal section nineteen, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred
thirty-one, as amended, and to amend and reenact section three of said article, relating to civil defense and to the establishment of a state civil defense agency.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the Governor.]


Section

3. State civil defense agency.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that section three of said article be amended and reenacted to read as follows:

Section 3. State Civil Defense Agency.—There is hereby created within the adjutant general’s department a division of civil defense, hereinafter called the civil defense agency. A director of civil defense, hereinafter called the director, shall be appointed by the adjutant general to serve during the pleasure of the adjutant general. The director may employ such technical, clerical, stenographic and other personnel and fix their compensation, and may make such expenditures within the appropriation therefor, or from other funds made available to him for the purpose of civil defense, as may be necessary to carry out the purpose of this article. The director and other personnel of the civil defense agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other state agencies. The director, subject to the direction and control of the adjutant general, shall be the executive head of the civil defense agency and shall be responsible to the adjutant general for carrying out the program for civil defense of this state. He shall coordinate the activities
of all organizations for civil defense within the state, 
and shall maintain liaison with and cooperate with civil 
defense agencies and organizations of other states and 
of the federal government, and shall have such additional 
authority, duties, and responsibilities authorized by this 
article as may be prescribed by the adjutant general. 
The director shall have the power to acquire in the 
name of the state by purchase, lease or gift, real property 
and rights or easements necessary or convenient to con-
struct thereon the necessary building or buildings for 
housing a civil defense control center.

CHAPTER 152
(Senate Bill No. 129—By Mr. Jackson, of Logan)

AN ACT to amend and reenact section two, article two, chapter 
fourty-seven of the code of West Virginia, one thousand 
nine hundred thirty-one, relating to trade-marks in gen­
eral, and to filing and recording fees in particular.

[Passed February 14, 1955; in effect from passage. Approved by the Governor.]

Article 2. Trade-Marks in General.

Section

2. Registration; certificates of recordation.

Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter forty-seven of the code 
of West Virginia, one thousand nine hundred thirty-one, be 
amended and reenacted to read as follows:

Section 2. Registration; Certificates of Recordation.—

2 Every such person, firm, corporation, association or union 
3 that has heretofore adopted or used, or shall hereafter 
4 adopt or use, a label, trade-mark, term, design, device or 
5 form of advertisement as provided in the preceding sec-
6 tion may register the same by filing the same for record 
7 in the office of the secretary of state by leaving two 
8 copies, counterparts or facsimiles thereof, with said sec-
retary and by filing therewith a sworn application specifying the name or names of the person, association or union on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, the class of merchandise and a description of the goods to which it has been or is intended to be appropriated, stating that the party so filing, or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, has the right to the use of the same, that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the facsimiles or counterparts filed therewith are true and correct. There shall be paid for such filing and recording a fee of five dollars. The secretary of state shall deliver to such person, firm, corporation, association, or union, so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement, so many duly attested certificates of the recording of the same as such person, firm, corporation, association or union may apply for, for each of which certificates said secretary shall receive a fee of five dollars. Any such certificates of record shall in all suits and prosecutions under this article be sufficient proof of the adoption and registry of such label, trade-mark, term, design, device or form of advertisement. The secretary of state shall not record for any person, firm, corporation, union or association, any label, trade-mark, term, design, device or form of advertisement, that would probably be mistaken for any label, trade-mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, firm, corporation, union or association.

CHAPTER 153
(House Bill No. 419—By Mr. Sapp)

AN ACT to amend chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article

Section
1. Pre-need contracts against public policy.
2. All money paid on pre-need contracts to be deposited within ten days.
3. Funds shall remain on deposit unless withdrawn by purchaser.
4. Payment of funds by bank, trust company or savings and loan association.
5. Provisions of this article cannot be waived by contract.
6. Article not applicable to sale of lots or graves.
7. Penalties.
8. Additional remedies.

Be it enacted by the Legislature of West Virginia:

That chapter forty-seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article fourteen, to read as follows:

Section 1. Pre-need Contracts Against Public Policy.—
2 Any agreement, contract or plan requiring the payment of money in a lump sum or installments which is made or entered into with any person, association, partnership, firm or corporation for the final disposition of a dead human body, or for funeral or burial services, or for the furnishing of personal property or funeral or burial merchandise, wherein the delivery of the personal property or the funeral or burial merchandise or the furnishing of professional services by a funeral director or embalmer is not immediately required, is hereby declared to be against public policy and void, unless all money paid thereunder shall be paid to and held by a bank, trust
company, or savings and loan association, insured by an agency of the federal government, and which is authorized to do business in this state, and subject to the terms of an agreement for the benefit of the purchaser of said agreement, contract or plan.

Sec. 2. *All Money Paid on Pre-need Contracts to be Deposited within Ten Days.*—All such money shall be deposited with such bank, trust company or savings and loan association, within ten days of payment, and shall be held by such bank, trust company or savings and loan association in a separate account in the name of the funeral director, embalmer or supplier of said merchandise and services under said agreement, contract or plan, as trustees for the purchaser until said fund is released as herein provided.

Sec. 3. *Funds Shall Remain on Deposit unless Withdrawn by Purchaser.*—All payments made under said agreement, contract or plan and any earnings or interest thereon shall remain with such bank, trust company, or savings and loan association until the death of the person for whose service the funds were paid: Provided, however, That said funds shall be released to the purchaser of the merchandise or services under said agreement, contract or plan, who shall be entitled to receive the same, at any time, upon demand upon said bank, trust company, or savings and loan association, and upon three days notice to the other party to the agreement. The funds deposited shall not be partially withdrawn at any time by the purchaser, but shall be entirely withdrawn, if withdrawn at any time before the completion of the agreement or contract.

Sec. 4. *Payment of Funds by Bank, Trust Company or Savings and Loan Association.*—If any balance remains in said account upon the death of the purchaser, the same shall not be paid by such bank, trust company or savings and loan association, to the trustee until the expiration of at least five days after the death of the purchaser for whom such funds were deposited. Such funds shall not be paid by said bank, trust company or savings and loan
association until a certified copy of the death certificate of such person shall have been furnished to said bank, trust company or savings and loan association. The payment of such funds and accumulated interest pursuant to sections three or four of this article shall relieve the bank, trust company or savings and loan association of any further liability for such funds or interest. Any balance remaining in said fund after payment for the merchandise and services as set forth in said agreement, contract or plan shall inure to the benefit of the estate of the purchaser or undersaid agreement, contract or plan, and shall be paid over to the estate by the trustee, aforesaid.

Sec. 5. Provisions of this Article Cannot be Waived by Contract.—Any provision of any such agreement or contract whereby a person who pays money under or in connection therewith waives any provision of this article shall be void.

Sec. 6. Article not Applicable to Sale of Lots or Graves.—This article shall not apply to the sale of lots or graves by a cemetery.

Sec. 7. Penalties.—Every person who shall violate any provision of this article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars, nor more than five hundred dollars, or shall be imprisoned for not less than ten days nor more than ninety days, or both. There shall be a separate fine and/or imprisonment for each violation of this article.

Sec. 8. Additional Remedies.—In addition to other remedies, an action of injunction may be brought and maintained by the state of West Virginia to enjoin the violation of this article.

Sec. 9. Constitutionality.—The provisions of this act shall be separable, and in case any provision or part thereof shall be held to be unconstitutional or invalid for any reason, the same shall not be held to affect any other paragraph, provision or part of this act.
CHAPTER 154

(House Bill No. 415—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact section fifteen, chapter one hundred thirty-nine, acts of the Legislature, one thousand nine hundred forty-seven, relating to the administration, policing and general supervision and control of turnpike projects, and providing penalties for violations of the provisions hereof.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]

West Virginia Turnpike Commission

Section 15. Miscellaneous; damage to property; other public agencies and political subdivisions; policing turnpike projects by department of public safety; avoidance of tolls and trespassing a misdemeanor.

Be it enacted by the Legislature of West Virginia:

That section fifteen, chapter one hundred thirty-nine, acts of the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Section 15. Miscellaneous; Damage to Property; Other Public Agencies and Political Subdivisions; Policing Turnpike Projects by Department of Public Safety; Avoidance of Tolls and Trespassing a Misdemeanor.—All private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act.

All counties, cities, villages, townships and other political subdivisions and all public agencies and commissions of the state of West Virginia, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the commission at its request upon such terms and conditions as the proper authorities of such counties, cities, villages, townships, other political subdivisions or public agencies and
commissions of the state may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

Each turnpike project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the commission. The turnpike commission and the superintendent of the department of public safety may by agreement provide that such project or projects shall be policed by members of the department under such terms and conditions as they may determine, excepting that all costs thereof, either direct or indirect, including overhead costs attributable thereto, shall be paid unto the department by the commission at regular intervals not to exceed one year.

Whoever shall knowingly or intentionally defraud or attempt to defraud the commission, any of its tolltakers or employees in regard to the payment of toll established by the commission for the use of any such project or evade or attempt to evade or whoever shall aid another to evade or attempt to evade the payment of such toll or whoever shall intentionally and knowingly trespass upon such a turnpike project shall be guilty of a misdemeanor; and for every such offense shall upon conviction thereof be fined not in excess of fifty dollars. Justices of the peace shall have jurisdiction of misdemeanors created by this paragraph concurrently with circuit courts.

CHAPTER 155

(House Bill No. 416—By Mr. Bowles)

AN ACT to amend and reenact section sixteen, chapter one hundred thirty-nine, acts of the Legislature, regular session, one thousand nine hundred forty-seven, and to add a new section to said chapter, to be designated section seven-
teen-a, relating to turnpike project finances, including cessation or continuation of tolls when turnpikes are transferred to state road commission, and authorizing state road commission to pledge annual payments from state road fund to cover bond payment deficits on turnpike projects hereafter constructed as a part of the state road system.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

**West Virginia Turnpike Commission**

**Section**


17-a. Turnpike part of state road system; pledge of limited funds by state road commission in case of deficit.

**Be it enacted by the Legislature of West Virginia:**

That chapter one hundred thirty-nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-seven, be amended by amending and reenacting section sixteen thereof and by adding thereto a new section, designated section seventeen-a, all to read as follows:

Section 16. **Cessation of Tolls.**—When all bonds issued under the provisions of this article in connection with any turnpike project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair to the satisfaction of the state road commission, shall be transferred to the state road commission and shall thereafter be maintained by the state road commission free of tolls: **Provided, however,** That the commission may thereafter charge tolls for the use of any such project and pledge such tolls to the payment of bonds issued under the provisions of this article in connection with another turnpike project or projects, but any such pledge of tolls of a turnpike project to the payment of bonds issued in connection with another project or projects shall not be effectual until the prin-
Sec. 17-a. Turnpike Part of State Road System; Pledge of Limited Funds by State Road Commission in Case of Deficit.—It is hereby declared that any turnpike or turnpike project constructed under the provisions of this article shall be a part of the state road system, although subject to the provisions of this article and of any bonds or trust agreements entered into pursuant thereto, and that the construction of such turnpikes or turnpike projects shall be considered as developments of the state road system. Any other provisions of this article to the contrary notwithstanding, in order to encourage the development of the state road system, the state road commission is authorized in its discretion to pledge by resolution and agreement annually to pay from the state road fund, subject to all prior commitments of such fund which shall be stated in the resolution and agreement, the amount of any yearly deficit between the principal and interest requirements of any turnpike project or portion thereof hereafter constructed and the amount available in the hands of the turnpike commission to pay such requirements, up to three fourths of one per cent of the estimated or actual construction cost of the turnpike project or portion thereof for which such pledge is made, until any bonds issued and interest due upon the basis of such a pledge have been fully paid and satisfied: Provided, however, That the state road commission shall enter into no agreement with underwriters on any bond issue for the purpose of constructing or aiding in the construction of any toll road unless and until there is filed with the commission a report and finding of reputable traffic engineers of national standing, showing that the earnings from the proposed toll road will be sufficient to provide annual income in an amount at least large enough to cover the annual cost of retiring the indebtedness, including interest, sinking fund and operating costs of such toll highway.
AN ACT to amend and reenact section two, chapter one hundred seventy, acts of the Legislature, regular session, one thousand nine hundred fifty-one, relating to the West Virginia section of the proposed Crozet superhighway.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

West Virginia Turnpike Commission
Section
2. West Virginia turnpike commission authorized to secure preliminary work on and construct the West Virginia section of proposed Crozet superhighway.

Be it enacted by the Legislature of West Virginia:

That section two, chapter one hundred seventy, acts of the Legislature, regular session, one thousand nine hundred fifty-one, be amended and reenacted to read as follows:

Section 2. *West Virginia Turnpike Commission Authorized to Secure Preliminary Work on and Construct the West Virginia Section of Proposed Crozet Superhighway.*

—The West Virginia turnpike commission is hereby authorized in its discretion to expend such of its funds and any funds made available to the state of West Virginia under the federal highway act or any other law of the United States which makes funds available to the state for highway purposes, and which may be properly so used under the laws of the United States, as may be advisable to obtain the preliminary surveys and advance engineering which shall determine the practicality of constructing, and if deemed practical, the construction of, as part of the proposed transcontinental Crozet superhighway, a four lane divided highway along the West Virginia sections of the route and according to the general specifications described in the recitals hereinafore, either as a toll road or as a freeway, as may in the course of events seem advisable, and which shall determine the exact suitable
20 location of said highway if it be deemed practical to
21 construct.
22 The state road commissioner may make available funds
23 for the necessary practicality surveys for the West Vir-
24 ginia section of said superhighway from Harpers Ferry
25 to the Kentucky state line near Huntington, West Vir-
26 ginia. Such funds as are made available as above provided
27 shall be refunded to the state road commission from the
28 sale of revenue bonds or, at the discretion of the West
29 Virginia turnpike commission, from toll funds. The con-
30 struction of the West Virginia section of the Crozet super-
31 highway shall not commence until after the practicality
32 of such superhighway has been determined, beginning
33 first that section from Harpers Ferry to the vicinity of
34 Heaters, then beginning, within a reasonable time, the
35 second section of said superhighway, which shall ex-
36 tend from Heaters to the vicinity of Charleston. The sec-
37 tion from Charleston to the Kentucky state line near
38 Huntington, West Virginia, may be completed after the
39 first and second sections of said superhighway have been
40 completed.
41 The provisions of chapter one hundred thirty-nine, acts
42 of the Legislature, regular session, one thousand nine hun-
43 dred forty-seven, relating to the survey and construction
44 of the West Virginia section of the Crozet superhighway,
45 shall apply to this section insofar as they do not conflict
46 with this act.

CHAPTER 157

(House Bill No. 408—By Mr. Speaker, Mr. Flannery)

AN ACT to repeal chapter one hundred ten, acts of the Legis-
lature, regular session, one thousand nine hundred thirty-
ine, relating to freeways, which said act purported to
amend article four, chapter seventeen of the code of West
Virginia, one thousand nine hundred thirty-one, as
amended, by adding four new sections to said article four,
to be designated sections twenty-one, twenty-two, twenty-
three and twenty-four, and which said designation was er-
roneous, since in fact there already existed in said article four other sections twenty-one, twenty-two, twenty-three and twenty-four, and which said erroneously designated sections have for many years been listed in Michie's code of West Virginia as sections thirty-nine, forty, forty-one and forty-two of said article; and to amend said article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto seven new sections, to be designated sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four and forty-five, relating to the planning, construction, designation, establishment, use, regulation, alteration, improvement, maintenance and vacation of controlled-access highway facilities as part of the state road system, the acquisition of lands and property rights required therefor, the restriction of intersections and control of approaches and the establishment of local service roads in connection therewith.

[Passed March 10, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 4. State Road System; Primary and Secondary Roads.

Section
39. Definition of a controlled-access facility.
40. Authority to establish controlled-access facilities.
41. Design of controlled-access facilities.
42. Acquisition of property and property rights.
43. New and existing facilities; grade crossing eliminations.
44. Authority to contract with other governmental agencies.
45. Local service roads.

Be it enacted by the Legislature of West Virginia:
That chapter one hundred ten, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be repealed; and that article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto seven new sections, to be designated sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four and forty-five, to read as follows:

Section 39. Definition of a Controlled-Access Facility.—

2 For the purpose of this chapter, a controlled-access facility
is defined as a highway or portion of a highway especially
designed for through traffic, and over, from, or to which
owners or occupants of abutting land or other persons
have no right or only a controlled right or easement of
access, light, air, or view by reason of the fact that their
property abuts upon such controlled-access facility or for
any other reason. Such highways may be freeways open
to use by all customary forms of highway traffic; or they
may be parkways from which trucks, buses, and other
commercial vehicles shall be excluded.

Sec. 40. Authority to Establish Controlled-Access Fa-
cilities.—The state road commissioner is hereby authorized
to plan, construct, designate, establish, regulate, vacate,
alter, improve, maintain, and provide controlled-access
facilities for public use as a part of the state road system
wherever present or reasonably anticipated future traffic
conditions render such special facilities necessary. The
commissioner, in addition to specific powers granted in
connection with controlled-access facilities, shall also
have and may exercise, relative to such controlled-access
facilities, any and all additional authority now or here-
after vested in him relative to highways or the state road
system. He may also regulate, restrict, or prohibit the
use of such controlled-access facilities by the various
classes of vehicles or traffic in a manner consistent with
section thirty-nine of this article.

Sec. 41. Design of Controlled-Access Facilities.—The
state road commissioner is authorized to so design any
controlled-access facility and to so regulate, restrict or
prohibit access as to best serve the traffic for which such
facility is intended. In this connection the commissioner
is authorized to divide and separate any controlled-access
facility into separate roadways by the construction of
raised curbings, central dividing sections, or other physi-
cal separations, or by designating such separate roadways
by signs, markers, or stripes, and the proper lane for such
traffic by appropriate curbs, barriers, signs, markers,
stripes or other devices. No person shall have any right
of ingress or egress to, from, or across controlled-access
facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified by the commissioner.

Sec. 42. Acquisition of Property and Property Rights.—The state road commissioner may acquire private or public property rights or any interests in lands for controlled-access facilities and service roads, including existing and vested rights of access, air, view and light, by grant, gift, devise, purchase or condemnation in the same manner as the commissioner is now or may hereafter be authorized by law to acquire such property or property rights in connection with the highways of the state road system. In connection with the acquisition of such property or property rights for any controlled-access facility or portion thereof, or service road in connection therewith, the commissioner may, in his discretion, acquire an entire lot, block, or tract of land, if by so doing, the interests of the public will best be served even though said entire lot, block, or tract is not immediately needed for the right of way proper.

Sec. 43. New and Existing Facilities; Grade Crossing Eliminations.—The state road commissioner may designate and establish controlled-access highways as new and additional facilities, or he may designate and establish an existing street or highway as a controlled-access facility or as a part of a controlled-access facility, and in the event such existing street or highway be so designated, the commissioner may acquire, by grant, gift, purchase or if the exercise of the right of eminent domain be necessary for acquisition purposes, shall condemn existing and vested access rights of abutting landowners to such existing street or highway if such access rights are taken or destroyed. The commissioner is authorized to provide for the elimination of intersections at grade of controlled-access facilities with existing state roads, city streets or other public or private roads or ways by grade separation or service road, or by closing off such roads and streets at the right of way boundary line of such.
19 controlled-access facility. No city street, state road or
20 other public or private road or way shall be opened into
21 or connected with any such controlled-access facility with-22 out the written consent and previous approval of the
23 state road commissioner, which consent and approval
24 shall be given only if the public interest shall be served
25 thereby.

Sec. 44. Authority to Contract with other Governmental
2 Agencies.—The state road commissioner is authorized to
3 enter into agreements with municipalities, counties or
4 other political subdivisions of the state, or with the
5 federal government or any agency thereof, respecting the
6 financing, planning, establishment, improvement, maint-
7 enance, use, regulation or vacation of controlled-access
8 facilities or other public ways to facilitate the establish-
9 ment of such controlled-access facilities.

Sec. 45. Local Service Roads.—In connection with the
2 development of any controlled-access facility the state
3 road commissioner is authorized to plan, designate, estab-
4 lish, use, regulate, alter, improve, maintain and vacate
5 local service roads and streets or to designate as local
6 service roads and streets any existing road or street, and
7 to exercise jurisdiction over said local service roads as a
8 part of the state road system, in the same manner as is
9 authorized over controlled-access facilities under the
terms of this article, if, in his opinion, such local service
11 roads and streets are necessary or desirable. Such local
12 service roads or streets shall be of appropriate design,
13 and shall be separated from the controlled-access facility
14 proper by all devices designated as necessary or desirable
15 by the commissioner.

CHAPTER 158

(House Bill No. 133—By Mr. Adams and Mr. Beneke)

AN ACT to amend and reenact section thirty, article seventeen,
chapter seventeen of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, relating to the
construction, reconstruction, maintenance and operation of
toll bridges and tunnels by cities and counties.

[Passed February 4, 1955; in effect from passage. Approved by the Governor.]

Article 17. Toll Bridges.

Section 30. Construction, reconstruction and operation of toll bridges or tun­nels by counties and cities; borrowing money for this purpose; consent of federal government and state road commission.

Be it enacted by the Legislature of West Virginia:

That section thirty, article seventeen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty­one, as amended, be amended and reenacted to read as follows:

Section 30. Construction, Reconstruction and Operation of Toll Bridges or Tunnels by Counties and Cities; Borrowing Money for This Purpose; Consent of Federal Government and State Road Commission.—Any incorporated city, in which or adjoining which there is a portion of a navigable or non-navigable river or stream, either wholly within the state of West Virginia, or partly within the said state, and another state or states, or between the state of West Virginia and any other state, including the Ohio river in this state, from its intersection with the Penn­sylvania state line, to the mouth of the Big Sandy river, is hereby authorized and empowered, in its corporate ca­pacity, or through and by means of a bridge commission or other agency to be created or appointed by it, to con­struct, reconstruct, maintain and operate a highway toll bridge or tunnel, or combination thereof, over or under and across such river or stream, from such a point within the corporate limits of such city, to such point on the opposite side of such river or stream, either within or without said city, as the said city, through its proper au­thorities, shall designate and select, for public use in travel, passage and transportation, over or under and across such river or stream, and any such city may also construct, reconstruct, maintain and operate a highway toll tunnel under or through any mountain, hill or em­
26 bankment, together with any bridges, causeways, fills or
27 other approaches thereto, from a point within the corpor-
28 ate limits of such city to any other point either within or
29 without the corporate limits of such city: Provided, how-
30 ever, That no bridge or tunnel shall be constructed, recon-
31 structed, established or operated, over or under and across
32 any navigable river, or under any mountain, hill or other
33 embankment, without compliance with the requirements,
34 conditions and provisions provided by the Congress of
35 the United States and the laws of the United States, nor
36 without approval of the state road commission of this
37 state; and such city is authorized and empowered to bor-
38 row money by means of bonds payable from revenues, or
39 otherwise, and/or to accept grants in part payment there-
40 for from any state or federal governmental agency au-
41 thorized to make loans, a sum of money sufficient and nec-
42 essary to pay all costs of construction or reconstruction of
43 such bridge or tunnel, or combination thereof, including
44 approaches thereto, the acquisition of all necessary rights-
45 of-way and all engineering, legal and other expenses
46 necessary thereto or connected therewith, including in-
47 terest during construction, or reconstruction, as a self-
48 liquidating enterprise or project, within the meaning of
49 the state or federal laws authorizing loans by any such
50 governmental agency. And the county court of any county,
51 in which there is a portion of such river or stream, or on
52 which its county abuts or borders, is likewise authorized
53 and empowered to construct, reconstruct, maintain and
54 operate a highway toll bridge or bridges, or tunnel or tun-
55 nels, over or under and across such river or stream, and to
56 construct, reconstruct, maintain and operate a highway
57 toll tunnel under any mountain, hill or other embankment,
58 and to borrow money, as aforesaid, for the construction or
59 reconstruction thereof, in like manner and to the same
60 extent as such city, and to construct, reconstruct, main-
61 tain and operate such bridge or tunnel subject to the same
62 limitations as are hereby imposed in the case of such
63 cities.

64 Wherever the words "bridge", "toll bridge" or "highway
65 toll bridge" are used in sections thirty-one, thirty-two,
CHAPTER 159

(House Bill No. 94—By Mr. Andrews)

AN ACT to amend article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section numbered three, relating to the filing in the office of the secretary of state and the taking effect of rules lawfully adopted by each agency of the government of the state of West Virginia authorized by law to make rules, except the state Legislature and the state courts.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Secretary of State.

Section 3. Filing of rules of state agencies in the office of the secretary of state.

Be it enacted by the Legislature of West Virginia:

That article two, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section, numbered three, to read as follows:

Section 3. Filing of Rules of State Agencies in the Office of the Secretary of State.—Each state agency shall compile and index all of its lawfully adopted rules which are in force on the effective date of this section and shall file in the office of the secretary of state two certified copies of such compilation and index. If any agency shall fail to file such certified copies on or before July one, one thousand nine hundred fifty-five, then the rules of such
9 agency which are not so filed shall become void and
10 unenforceable and shall be of no legal force and effect.
11 Each rule, amendment, modification or repeal of a rule
12 lawfully adopted by any agency after the effective date
13 of this section, shall neither be enforced nor enforceable
14 unless and until two certified copies of such rule, amend-
15 ment, modification or repeal of a rule have been on file
16 in the office of the secretary of state for thirty consecutive
17 days. It shall be the duty of the secretary of state to keep
18 such rules filed in his office in a manner which shall be
19 available and convenient for public inspection.
20 For the purpose of this section “agency” means any
21 authority, department, commission, board, or officer of
22 the government of the state of West Virginia authorized
23 by law to make rules, but this section shall not apply to
24 the Legislature or to the courts of the state of West
25 Virginia. The word “rule” includes every regulation,
26 standard, or statement of policy or interpretation of
27 general application and future effect, including the amend-
28 ment or repeal thereof adopted by any agency, as herein
29 defined, to implement or make specific the law enforced
30 by or administered by it, or to govern its organization
31 or procedure, but does not include regulations concerning
32 only the internal management of the agency and not
33 directly affecting the rights of or procedures available
34 to the public.

CHAPTER 160
(Senate Bill No. 52—By Mr. Stemple and Mr. Martin)

AN ACT to amend and reenact section two, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the compensation of certain state officers.

[Passed February 16, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 7. Compensation and Allowances.
Section
2. Salaries of certain state officers.
Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Salaries of Certain State Officers.—Effective from and after the first Monday after the second Wednesday in January, one thousand nine hundred fifty-seven, the salary of the governor shall be seventeen thousand five hundred dollars per year.

Effective from and after the first Monday after the second Wednesday in January, one thousand nine hundred fifty-three, the salary of the attorney general shall be seven thousand five hundred dollars per year; the salary of the auditor, the secretary of state, the treasurer, the commissioner of agriculture, and the superintendent of free schools, shall be each seven thousand two hundred fifty dollars per year.

The salary of each of the judges of the supreme court of appeals shall be seventeen thousand five hundred dollars per year.

CHAPTER 161

(Senate Bill No. 210—By Mr. Martin)

AN ACT to amend and reenact sections one, two and six, article one-a, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to trustees of security trusts and the residence thereof and the procedures incident thereto.

[Passed March 11, 1955; in effect ninety days from passage. Approved by the Governor.]


Section

1. Security trust defined.
2. Nonresident of state not to be named trustee; corporations.
6. Residence address of trustee required; sufficiency thereof.
Be it enacted by the Legislature of West Virginia:

That sections one, two and six, article one-a, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Security Trust Defined.—For the purposes of this article, the term “security trust” shall include a deed of trust, mortgage, bond or other instrument, entered into after the effective date of this article under which the title to real and personal property, or either of them, wholly situate in and including no property situate outside of the state of West Virginia, is conveyed, transferred, encumbered or pledged to secure the payment of money or the performance of an obligation: Provided, however, That the provisions of this article shall not apply to supplements to existing security trust instruments now of record executed pursuant to the provisions of said existing security trust instruments.

Sec. 2. Nonresident of State Not to Be Named Trustee; Corporations.—No person not a resident of this state may be named or act, in person or by agent or attorney, as the trustee of a security trust, either individually or as one of several trustees, the other or others of which are residents of this state. No corporation may be named or act as the trustee or as one of the trustees of a security trust unless it is chartered under the laws of this state or of the United States of America, and unless its principal office is within this state.

Sec. 6. Residence Address of Trustee Required; Sufficiency Thereof.—No county clerk shall hereafter admit any security trust for recordation or filing which does not state the residence address of the trustee or trustees named therein: Provided, however, That the county in this state in which the said trustee resides shall be sufficient statement of the residence address thereof.
AN ACT to amend and reenact section twelve, article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appeals from the assessment by the board of public works of public service corporations.

[Passed February 28, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 6. Assessment of Public Service Corporations.

Section

12. Appeal from valuation by board.

Be it enacted by the Legislature of West Virginia:

That section twelve, article six, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 12. Appeal from Valuation by Board.—Any owner or operator claiming to be aggrieved by any such decision may, within the time aforesaid, apply by petition in writing, duly verified, to the circuit court of the county in which the property so assessed is situated, or, if such property be situated in more than one county, then in the county in which the largest assessment of such owner or operator was made in the next preceding year, for an appeal from the assessment and valuation so made of all such property, and jurisdiction is hereby conferred upon and declared to exist in the court, to which such application is made, to grant, docket and hear such appeal; and such appeal, as to all of the property so assessed, as well as that situated in the county of the court so applied to, as that situated in the several other counties, shall forthwith be allowed by such court so applied to, and be heard by such court as to all of such property as soon as possible after the appeal is docketed;
but notice in writing of such petition shall be given to the secretary of state, as secretary of the board of public works, by mailing a copy of the petition for an appeal filed as aforesaid, which said petition shall recite the fact that copies of such petition have been sent by registered mail. Notice in writing of the hearing upon such petition shall be given to the state tax commissioner at least fifteen days beforehand. Likewise, the state tax commissioner may, by giving notice in writing at least fifteen days beforehand to the petitioner, bring on such appeal for hearing. Upon such hearing the court shall hear all such legal evidence as shall be offered on behalf of the state or any county, district or municipal corporation interested, or on behalf of the appealing owner or operator. If the court be satisfied that the value so fixed by the board of public works is correct, it shall confirm the same, but if it be satisfied that the value so fixed by said board is either too high or too low, the court shall correct the valuation so made and shall ascertain and fix the true and actual value of such property according to the facts proved, and shall certify such value to the auditor and to the secretary of the board of public works. The state or the owner or operator may appeal to the supreme court of appeals if the assessed value of the property be fifty thousand dollars or more.

If the court to which an application for appeal would properly be made as aforesaid shall not be in session, the judge thereof in vacation shall forthwith allow the appeal, and if the judge thereof be disqualified or for any reason not be available, the filing of the aforesaid petition in the office of the clerk of the circuit court of the county in which the largest assessment of such owner or operator was made in the preceding year, within the time aforesaid, shall constitute sufficient compliance with this section, and the appeal shall thereafter be proceeded with as otherwise provided in this section.
CHAPTER 163
(Senate Bill No. 209—By Mr. Chenoweth)

AN ACT to repeal section twenty-nine, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to non-resident fur dealers.

[Passed March 5, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 12. License Taxes.

Section 1. Annual license fee on nonresident fur dealers repealed.

Be it enacted by the Legislature of West Virginia:

Section 1. Annual License Fee on Nonresident Fur Dealers Repealed.—That section twenty-nine, article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be, and the same is, hereby repealed.

CHAPTER 164
(Senate Bill No. 260—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact section five-b, article twelve-a, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the reduction allowed in the total net balance of privilege taxes due from carrier corporations.

[Passed March 10, 1955; in effect July 1, 1955. Approved by the Governor.]


Section 5-b. Definitions; reduction allowed in tax due; how computed.

Be it enacted by the Legislature of West Virginia:

That section five-b, article twelve-a, chapter eleven of the
code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5-b. Definitions; Reduction Allowed in Tax Due; How Computed.—When used in this section the phrase “normal tax” shall mean the tax computed by the application of rates against intrastate gross income, pro-rated gross income, assessed value of all property in West Virginia and by pro-rated net income as set forth in sections two, three, four or five, inclusive, of this article.

When used in this section the term “surtax” shall mean the tax computed by the application of the tax rate as set forth in section five-a of this article.

When used in this section the phrase “total net balance of taxes due” shall mean the total of the normal tax and surtax less exemption at the rate of fifty dollars annually or at the rate of four dollars and sixteen cents per month for the period actually engaged in business.

For the period commencing July one, one thousand nine hundred fifty-five, and thereafter a reduction of five per cent of the total net balance of taxes due is allowed. The normal tax shall be computed by the application of rates against intrastate gross income, pro-rated gross income, assessed value of all property in West Virginia, and by prorated net income as set forth in sections two, three, four or five, inclusive, of this article. The surtax shall be computed by the application of the tax rate as set forth in section five-a of this article. The total net balance of taxes due shall be reduced by the five per cent credit allowed herein. The total net balance of taxes due reduced by the five per cent credit is the amount of tax payable.

CHAPTER 165

(Com. Sub. for House Bill No. 128—Originating in the House Committee on the Judiciary)

AN ACT to amend article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by repealing sections two-j and twenty-three;
by amending and reenacting sections one, two, two-a, two-b, two-c, two-d, two-i, three, four, five, six, seven, eight, eleven, twelve, thirteen, fourteen, sixteen, seventeen, twenty and twenty-two; and by enacting four new sections to be designated sections two-j, seven-a, seven-b and eight-a, all relating to the administration and enforcement of the business and occupation tax.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section

1. Definitions.
2. Imposition of privilege tax.
2-a. Production of coal and other natural resource products.
2-b. Manufactured or compounded products; processing of poultry and turkeys not considered as manufacturing or compounding.
2-c. Business of selling tangible property; sales exempt.
2-d. Public service or utility business.
2-i. Business of furnishing property for hire.
2-j. Small loan business.
3. Exemptions.
4. Computation of tax; payment.
5. Return and remittance by taxpayer.
7. Assessment of tax when insufficiently returned.
7-a. Jeopardy assessments.
7-b. Notice of assessment; petition for reassessment; hearing.
8. Appeal.
8-a. Service of notice.
11. Payment; penalty for nonpayment.
12. Tax a debt; lien of unpaid tax; recordation of lien.
13. Collection by action or suit; injunction.
14. Payment when person sells out or quits business; lien; liability of successor.
16. Prerequisite to final settlement with state or political subdivision contractor; penalty.
17. Priority in distribution in receivership, etc.; personal liability of administrator.
20. Collection by distraint; report of collection.
22. Administration of article by tax commissioner.

Be it enacted by the Legislature of West Virginia:

That article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by repealing sections two-j and twenty-three; by amending and reenacting sections one, two, two-a, two-b, two-c, two-d, two-i, three, four, five, six, seven, eight, eleven, twelve,
thirteen, fourteen, sixteen, seventeen, twenty and twenty-two; and by enacting four new sections to be designated sections two-j, seven-a, seven-b and eight-a, all to read as follows:

Section 1. Definitions.—When used in this article, the term “person” or the term “company”, herein used interchangeably, includes any individual, firm, copartnership, joint adventure, association, corporation, trust, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context. “Tax year” or “taxable year” means either the calendar year, or the taxpayer’s fiscal year when permission is obtained from the tax commissioner to use same as the tax period in lieu of the calendar year. “Sale”, “sales” or “selling” includes any transfer of the ownership of, or title to, property, whether for money or in exchange for other property. “Taxpayer” means any person liable for any tax hereunder.

“Gross income” means the gross receipts of the taxpayer received as compensation for personal services and the gross receipts of the taxpayer derived from trade, business, commerce or sales and the value proceeding or accruing from the sale of tangible property (real or personal), or service, or both, and all receipts by reason of the investment of the capital of the business engaged in, including rentals, royalties, fees or other emoluments however designated and without any deductions on account of the cost of property sold, the cost of materials used, labor costs, taxes, royalties, interest or discount paid or any other expense whatsoever. “Gross proceeds of sales” means the value, whether in money or other property, actually proceeding from the sale of tangible property without any deduction on account of the cost of property sold or expenses of any kind.

The terms “gross income” and “gross proceeds of sales” shall not be construed to include (1) cash discounts allowed and taken on sales; (2) the proceeds of sale of goods, wares or merchandise returned by customers when the sale price is refunded either in cash or by credit; or
(3) the amount allowed as "trade-in value" for any article accepted as part payment for any article sold.

"Business" shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit, either direct or indirect. "Business" shall not include a casual sale by a person who is not engaged in the business of selling the type of property involved in such casual sale. "Business" shall include the production of natural resources or manufactured products which are used or consumed by the producer or manufacturer.

"Service business or calling" shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible property, but shall not include the services rendered by an employee to his employer. This term shall include persons engaged in manufacturing, compounding or preparing for sale, profit, or commercial use, articles, substances, or commodities which are owned by another or others, as well as persons engaged as independent contractors in producing natural resource products for persons required to pay the tax imposed by section two-a of this article.

"Selling at wholesale" or "wholesale sales" shall mean and include: (1) sales of any tangible personal property for the purpose of resale in the form of tangible personal property; (2) sales of machinery, supplies or materials which are to be directly consumed or used by the purchaser in the conduct of any business or activity which is subject to the tax imposed by this article or by article twelve-a of this chapter; (3) sales of any tangible personal property to the United States of America, its agencies and instrumentalities or to the state of West Virginia, its institutions or political subdivisions.

"Contracting" shall include the furnishing of work, or both materials and work, in the fulfillment of a contract for the construction, alteration, repair, decoration or improvement of a new or existing building or structure, or any part thereof, or for the alteration, improvement or development of real property.
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Sec. 2. *Imposition of Privilege Tax.*—There is hereby levied and shall be collected annual privilege taxes against the persons, on account of the business and other activities, and in the amounts to be determined by the application of rates against values or gross income as set forth in sections two-a to two-j inclusive, of this article.

If any person liable for any tax under sections two-a or two-b shall ship or transport his products or any part thereof out of the state without making sale of such products, the value of the products in the condition or form in which they exist immediately before transportation out of the state shall be the basis for the assessment of the tax imposed in said sections, except in those instances in which another measure of the tax is expressly provided. The tax commissioner shall prescribe equitable and uniform rules for ascertaining such value.

In determining value, however, as regards sales from one to another of affiliated companies or persons, or under other circumstances where the relation between the buyer and seller is such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the tax commissioner shall prescribe uniform and equitable rules for determining the value upon which such privilege tax shall be levied, corresponding as nearly as possible to the gross proceeds from the sale of similar products of like quality or character where no common interest exists between the buyer and seller but the circumstances and conditions are otherwise similar.

Gross income included in the measure of the tax under sections two-a and two-b of this article, except in the case of production of natural gas, shall neither be added nor deducted in computing the tax levied under the other sections of this article.

A person exercising any privilege taxable under sections two-a or two-b of this article and engaging in the business of selling his natural resources or manufactured products at retail in this state shall be required to make returns of the gross proceeds of such retail sales and pay the tax imposed in section two-c of this article.
for the privilege of engaging in the business of selling
such natural resources or manufactured products at retail
in this state. But any person exercising any privilege
taxable under section two-a or two-b of this article
and engaging in the business of selling his natural re-
sources or manufactured products to producers of natural
resources, manufacturers, wholesalers, jobbers, retailers
or commercial consumers for use or consumption in the
purchaser’s business shall not be required to pay the tax
imposed in section two-c of this article.

Manufacturers exercising any privilege taxable under
section two-b of this article shall not be required to pay
the tax imposed in section two-c of this article for the
privilege of selling their manufactured products for
delivery outside of this state, but the gross income derived
from the sale of such manufactured products outside of
this state shall be included in determining the measure
of the tax imposed on such manufacturer in section
two-b.

A person exercising privileges taxable under the other
sections of this article, producing coal, oil, natural gas,
minerals, timber or other natural resource products the
production of which is taxable under section two-a,
and using or consuming the same in his business, shall
be deemed to be engaged in the business of mining and
producing coal, oil, natural gas, minerals, timber or other
natural resource products for sale, profit or commercial
use, and shall be required to make returns on account of
the production of the business showing the gross proceeds
or equivalent in accordance with uniform and equitable
rules for determining the value upon which such privilege
tax shall be levied, corresponding as nearly as possible to
the gross proceeds from the sale of similar products of like
quality or character by other taxpayers, which rules the
tax commissioner shall prescribe.

Sec. 2-a. Production of Coal and Other Natural Re-
source Products.—Upon every person engaging or con-
tinuing within this state in the business of producing for
sale, profit or commercial use any natural resource prod-
ucts, the amount of such tax to be equal to the value of
the articles produced as shown by the gross proceeds derived from the sale thereof by the producer, except as otherwise provided, multiplied by the respective rates as follows: Coal, one per cent; limestone or sandstone, quarried or mined, one and one-half per cent; oil, three per cent; natural gas, in excess of the value of five thousand dollars, six per cent; blast furnace slag, three per cent; sand, gravel or other mineral product, not quarried or mined, three per cent; timber, one and one-half per cent; other natural resource products, two per cent. The measure of this tax is the value of the entire production in this state, regardless of the place of sale or the fact that the delivery may be made to points outside the state.

Sec. 2-b. Manufactured or Compounded Products; Processing of Poultry and Turkeys Not Considered as Manufacturing or Compounding.—Upon every person engaging or continuing within this state in the business of manufacturing, compounding or preparing for sale, profit or commercial use, either directly or through the activity of others in whole or part, any article or articles, substance or substances, commodity or commodities, or electric power not produced by public utilities taxable under other provisions of this article, the amount of the tax to be equal to the value of the article, substance, commodity or electric power manufactured, compounded or prepared for sale, as shown by the gross proceeds derived from the sale thereof by the manufacturer or person compounding or preparing the same, except as otherwise provided, multiplied by a rate of three-tenths of one per cent. The measure of this tax is the value of the entire product manufactured, compounded or prepared in this state for sale, profit or commercial use, regardless of the place of sale or the fact that deliveries may be made to points outside the state. However, the dressing and processing of poultry and turkeys by a person, firm or corporation, which poultry and turkeys are to be sold on a wholesale basis by such person, firm or corporation shall not be considered as manufacturing or compounding, but the sale of these products, on a wholesale basis shall be subject to the same tax as is imposed on the business of selling
It is further provided, however, that in those instances in which the same person partially manufactures products within this state and partially manufactures such products outside this state the measure of his tax under this section shall be that proportion of the sale price of the manufactured product that the payroll cost of manufacturing within this state bears to the entire payroll cost of manufacturing the product; or, at the option of the taxpayer, the measure of his tax under this section shall be the proportion of the sales value of the articles that the cost of operations in West Virginia bears to the full cost of manufacture of the articles.

Sec. 2-c. Business of Selling Tangible Property; Sales Exempt.—Upon every person engaging or continuing within this state in the business of selling any tangible property whatsoever, real or personal, including the sale of food, and the services incident to the sale of food in hotels, restaurants, cafeterias, confectioneries, and other public eating houses, except sales by any person engaging or continuing in the business of horticulture, agriculture or grazing, or of selling stocks, bonds or other evidences of indebtedness, there is likewise hereby levied, and shall be collected, a tax equivalent to one-half of one per cent of the gross income of the business, except that in the business of selling at wholesale the tax shall be equal to fifteen one-hundredths of one per cent of the gross income of the business.

Sec. 2-d. Public Service or Utility Business.—Upon any person engaging or continuing within this state in any public service or utility business, except railroad, railroad car, express, pipe line, telephone and telegraph companies, water carriers by steamboat or steamship and motor carriers, there is likewise hereby levied and shall be collected taxes on account of the business engaged in equal to the gross income of the business multiplied by the respective rates as follows: Street and interurban and electric railways, one per cent; water companies, four per cent, except as to income received by municipally owned water plants; electric light and power companies, four per cent on sales.
and demand charges for domestic purposes and commercial lighting and three per cent on sales and demand charges for all other purposes, except as to income received by municipally owned plants producing or purchasing electricity and distributing same; natural gas companies, three per cent on the gross income, said gross income for this purpose to be determined by deducting from gross income from all sales of gas to consumers the amount of the tax paid by the taxpayer under section two-a of this article on the production of the same gas; toll bridge companies, three per cent; and upon all other public service or utility business, two per cent. The measure of this tax shall not include gross income derived from commerce between this state and other states of the United States or between this state and foreign countries. The measure of the tax under this section shall include only gross income received from the supplying of public services. The gross income of the taxpayer from any other activity shall be included in the measure of the tax imposed under the appropriate section or sections of this article.

Sec. 2-i. Business of Furnishing Property for Hire.—Upon every person engaging or continuing within this state in the business of furnishing any real or tangible personal property, which has a tax situs in this state, or any interest therein, for hire, loan, lease or otherwise, whether the return be in the form of rentals, royalties, fees or otherwise, the tax shall be one per cent of the gross income of any such activity.

The term “tangible personal property”, as used herein, shall not include money or public securities.

Sec. 2-j. Small Loan Business.—Upon every person engaging or continuing within this state in the business of making loans of money, credit goods, or things in action, who because of such activity is required under the provisions of article seven-a, chapter forty-seven, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to obtain a license from the commissioner of banking of the state of West Virginia, the tax shall be one per cent of the gross income of any such activity.
Sec. 3. Exemptions.—There shall be an exemption in every case of fifty dollars in amount of tax computed under the provisions of this article. A person exercising a privilege taxable hereunder for a fractional part of a tax year shall be entitled to an exemption of the sum bearing the proportion to fifty dollars that the period of time the privilege is exercised bears to a whole year. Only one exemption shall be allowed to any one person, whether he exercises one or more privileges taxable hereunder.

The provisions of the article shall not apply to: (a) Insurance companies which pay the state of West Virginia a tax upon premiums: Provided, however, That said exemption shall not extend to that part of the gross income of insurance companies which is received for the use of real property, other than property in which any such company maintains its office or offices, in this state, whether such income be in the form of rentals or royalties; (b) persons engaged in the business of banking: Provided, however, That said exemption shall not extend to that part of the gross income of such persons which is received for the use of real property owned, other than the banking house or building in which the business of the bank is transacted, whether such income be in the form of rentals or royalties; (c) non-profit cemetery companies organized and operated for the exclusive benefit of their members; (d) fraternal societies, organizations and associations organized and operated for the exclusive benefit of their members and not for profit; (e) corporations, associations and societies organized and operated exclusively for religious or charitable purposes; (f) production credit association, organized under the provisions of the federal “Farm Credit Act of one thousand nine hundred thirty-three”: Provided, however, That the exemptions of this section shall not apply to corporations or cooperative associations organized under the provisions of article four, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; (g) building and loan associations and federal savings and loan associations; (h) persons engaged in conducting the business of industrial loans under authority granted them
by article seven, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one: 

provided, however, That said exemption shall not extend to that part of the gross income of such persons which is received from the use of real property owned, other than the business house or building in which the business of the industrial loan company is transacted, whether such income be in the form of rentals or royalties.

Sec. 4. Computation of Tax; Payment.—The taxes levied hereunder shall be due and payable in quarterly installments on or before the expiration of one month from the end of the quarter in which they accrue. The taxpayer shall, within one month from the expiration of each quarter, make out an estimate of the tax for which he is liable for such quarter, sign the same, and mail the same together with a remittance, in the form required by section eleven of this article, of the amount of the tax to the office of the tax commissioner. In estimating the amount of the tax due for each quarter the taxpayer may deduct one-fourth of the total exemption allowed for the year. When the total tax for which any person is liable under this article does not exceed the sum of one hundred dollars in any year, the taxpayer may pay the same quarterly as aforesaid or, with the consent in writing of the tax commissioner, at the end of the month next following the close of the tax year.

Any other provision of this section notwithstanding, the tax commissioner, if he deems it necessary to insure payment of the tax, may require the return and payment under this section for periods of shorter duration than quarter-year periods.

Sec. 5. Return and Remittance by Taxpayer.—On or before the expiration of one month after the end of the tax year each taxpayer shall make a return for the entire tax year showing the gross proceeds of sales or gross income of business, trade or calling, and compute the amount of tax chargeable against him in accordance with the provisions of this article and deduct the amount of quarterly payments (as hereinbefore provided), if any, and transmit with his report a remittance in the form
required by section eleven of this article covering the
residue of the tax chargeable against him to the office
of the tax commissioner; such return shall be signed by
the taxpayer, if made by an individual, or by the presi-
dent, vice president, secretary or treasurer of a corpora-
tion, if made on behalf of a corporation. If made on be-
half of a partnership, joint adventure, association, trust,
or any other group or combination acting as a unit, any
individual delegated by such firm, copartnership, joint
adventure, association, trust or any other group or com-
bination acting as a unit shall sign the return on behalf
of the taxpayer. The tax commissioner, for good cause
shown, may extend the time for making the annual re-
turn on the application of any taxpayer and grant such
reasonable additional time within which to make the same
as may, by him, be deemed advisable.

Sec. 6. Erroneous Computation.—If the taxpayer shall
make any clerical error which shall be apparent on the
face of the return in computing the tax assessable against
him, the tax commissioner shall correct such error or
reassess the proper amount of taxes, and notify the tax-
payer of his action by mailing to him promptly a copy
of the corrected assessment, and any additional tax for
which such taxpayer may be liable shall be paid within
fifteen days after the receipt of such statement.

If the amount already paid exceeds that which should
have been paid on the basis of the tax so recomputed, the
excess so paid shall be immediately refunded to the tax-
payer upon the requisition of the tax commissioner to
the state auditor, who shall issue his warrant on the
treasurer, which shall be payable out of any funds avail-
able for the purpose. The taxpayer may, at his election,
apply an overpayment credit to taxes subsequently accru-
ing hereunder.

Sec. 7. Assessment of Tax When Insufficiently Re-
turned.—If the tax commissioner believes that the tax
imposed by this article is insufficiently returned by a
taxpayer, either because the taxpayer has failed to pro-
erly remit the tax or has failed to make a return, or has
made a return which is incomplete, deficient or otherwise
erroneous, he may proceed to investigate and determine or estimate the tax liability of the taxpayer and make an assessment therefor.

Sec. 7-a. Jeopardy Assessments.—If the tax commissioner believes that the collection of any tax which he is required to administer will be jeopardized by delay, he shall thereupon make an assessment of the tax, noting that fact upon the assessment. The amount assessed shall be immediately due and payable. Unless the taxpayer against whom a jeopardy assessment is made petitions for reassessment within twenty days after service of notice of the jeopardy assessment, such an assessment becomes final.

A petition for reassessment by a person against whom a jeopardy assessment has been made must be accompanied by such security as the tax commissioner may deem necessary to insure compliance with this article.

Sec. 7-b. Notice of Assessment; Petition for Reassessment; Hearing.—The tax commissioner shall give to the taxpayer written notice of any assessment made pursuant to this article. Unless the taxpayer to whom a notice of assessment is directed shall, within thirty days after service thereof (except in the case of jeopardy assessments), either personally or by registered mail, file with the tax commissioner a petition in writing, verified under oath by said taxpayer or his duly authorized agent, having knowledge of the facts, setting forth with definiteness and particularity the items of the assessment objected to, together with the reason for such objections, said assessments shall become and be deemed conclusive and the amount thereof shall be payable at the end of the thirty day period. In every case where a petition for reassessment as above described is filed, the tax commissioner shall assign a time and place for the hearing of same and shall notify the petitioner of such hearing by written notice at least twenty days in advance thereof and such hearing shall be held within sixty days from the filing of the petition for reassessment unless continued by agreement or by the tax commissioner for good cause. The hearing shall be informal and may be conducted by an
examiner designated by the tax commissioner. At such
hearing evidence may be offered to support the assess-
ment or to prove that it is incorrect. After such hearing
the tax commissioner shall, within a reasonable time, give
notice in writing of the decision. Unless an appeal is
taken within thirty days from service of this notice, the
tax commissioner's decision shall be final.

Sec. 8. Appeal.—An appeal may be taken by the tax-
payer to the circuit court of the county in which the ac-
tivity taxed was engaged, or in which the taxpayer re-
sides, or in the circuit court of Kanawha county, within
thirty days after he shall have received notice from the
tax commissioner of his determination as provided in sec-
tion seven-b.

The appeal shall be taken by written notice to the tax-
commissioner and served as an original notice. When said
notice is so served it shall, with the return thereon, be
filed in the office of the clerk of the circuit court and
docketed as other cases with the taxpayer as plaintiff and
the tax commissioner as defendant. The plaintiff shall
file with such clerk a bond for the use of the defendant,
with sureties approved by such clerk, in penalty double
the amount of tax appealed from, and in no case shall the
bond be less than fifty dollars, conditioned that the plain-
tiff shall perform the orders of the court.

The court shall hear the appeal in equity and determine
anew all questions submitted to it on appeal from the
determination of the tax commissioner. In such appeal a
certified copy of the tax commissioner's assessment shall
be admissible and shall constitute prima facie evidence
of the tax due under the provisions of this article. The
court shall render its decree thereon and a certified copy
of said decree shall be filed by the clerk of said court with
the tax commissioner who shall then correct the assess-
ment in accordance with said decree. An appeal may be
taken by the taxpayer or the tax commissioner to the
supreme court of appeals of this state in the same man-
ner that appeals are taken in equity.

Sec. 8-a. Service of Notice.—Any written notice re-
quired by this article shall, unless otherwise specifically
provided, be served upon the taxpayer personally or by registered mail.

Sec. 11. Payment; Penalty for Non-Payment.—Every remittance of taxes imposed by this article shall be made by bank draft, certified check, money order, or certificate of deposit, to the tax commissioner who shall issue his receipt therefor to the taxpayer and pay the moneys into the state treasury to be kept and accounted for as provided by law.

If any taxpayer fails to make the return required by this article, or makes his return but fails to remit in whole or in part the proper amount of tax, there shall be added to the amount of the tax unpaid, from the date such tax should have been paid, a penalty in the amount of five per cent of the tax for the first month, or fraction thereof, of delinquency and one per cent of the tax for each succeeding month, or fraction thereof, of delinquency: Provided, however, That if such failure is due to reasonable cause, the tax commissioner may waive or remit in whole or in part these penalties.

If the failure to pay is due to fraud or intent to evade this article and the rules and regulations promulgated thereunder, there shall be added an additional penalty of twenty-five per cent of the amount of the tax, exclusive of penalties.

The penalties so added shall be collected at the same time and in the same manner and as a part of the tax.

Sec. 12. Tax a Debt; Lien of Unpaid Tax; Recordation of Lien.—A tax due and unpaid under this article shall be a debt due the state. It shall be a personal obligation of the taxpayer and shall be a lien upon the property of the taxpayer: Provided, That such lien shall be subject to the restrictions and conditions embodied in article ten-c, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, and any amendment made or which may hereafter be made thereto.

Sec. 13. Collection by Action or Suit; Injunction.—The tax commissioner may collect any tax, interest and penalty due and unpaid under the provisions of this article
by action in debt, assumpsit, motion for judgment or other appropriate proceeding in the county in which (a) the activity taxed was engaged in or (b) the taxpayer resides; or by a suit to enforce the lien therefor in any county in which property of the taxpayer may be found; or, if the tax due and unpaid under this article is three hundred dollars or less, by suit in the court of any justice having jurisdiction of the taxpayer or of his property. If the failure of any taxpayer to comply with the provisions of this article shall have continued sixty days, the tax commissioner may proceed to obtain an injunction restraining the taxpayer from doing business in this state until he fully complies with the provisions of this article. In any proceeding under this section upon judgment or decree for the plaintiff he shall be awarded his costs.

In the event a business subject to the tax imposed by this article shall be operated in connection with a receivership or insolvency proceeding, the court under whose direction such business is operated shall, by the entry of a proper order in the cause, make provision for the regular payment of such taxes as the same become due.

Sec. 14. Payment When Person Sells Out or Quits Business; Lien; Liability of Successor.—Any person exercising any privilege taxable under this article who shall sell out his business or stock of goods, or shall cease doing such business, shall file the return prescribed by section five of this article and remit the entire tax that may be chargeable against him because of all business done, within thirty days after selling out his business or stock of goods, or ceasing to do such business. The tax imposed by this article shall be a lien upon the property of such person.

The successor in business of any such person shall withhold so much of the purchase money as will satisfy the taxes and penalty which may be due until the former owner shall produce a receipt from the tax commissioner evidencing the payment of such taxes and penalty. If the purchaser of a business or stock of goods shall fail to withhold purchase money as above provided, and the taxes and penalty shall remain unpaid after expiration
of the thirty day period allowed for payment thereof,
he shall be personally liable for the payment of all such
taxes and penalty, and the same shall be recoverable
by the tax commissioner by action or suit as provided
by section thirteen of this article.

Sec. 16. Prerequisite to Final Settlement with State
or Political Subdivision Contractor; Penalty.—All state,
county, district and municipal officers and agents making
contracts on behalf of the state of West Virginia or any
political subdivision thereof shall withhold payment in
the final settlement of such contracts until the receipt of
a certificate from the tax commissioner to the effect that
all taxes levied or accrued under this article against the
contractor have been paid. Any official violating this
section shall be guilty of a misdemeanor and, on convic-
tion thereof, shall be fined not more than one thousand
dollars or imprisoned not exceeding one year in the
county jail, or shall be subject to both said fine and im-
prisonment, in the discretion of the court.

Sec. 17. Priority in Distribution in Receivership, etc.;
Personal Liability of Administrator.—In the distribution,
voluntary or compulsory, in receivership, bankruptcy or
otherwise, of the estate of any person, firm or corpora-
tion, all taxes due and unpaid under this article shall be
paid from the first money available for distribution in
priority to all claims, except taxes and debts due the
United States which under federal law are given priority
over the debts and liens created by this article. Any
person charged with the administration of an estate who
shall violate the provisions of this section shall be per-
sonally liable for any taxes accrued and unpaid under
this article, which are chargeable against the person,
firm or corporation whose estate is in administration.

Sec. 20. Collection by Distraint; Report of Collection.—
The tax commissioner may distrain upon any goods,
chattels or intangibles represented by negotiable evi-
dences of indebtedness, of any taxpayer delinquent under
this article for the amount of all taxes and penalties ac-
crued and unpaid hereunder. The commissioner may re-
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Sec. 22. Administration of Article by Tax Commissioner.—The administration of this article is vested in and shall be exercised by the tax commissioner who shall prescribe forms and reasonable rules in conformity with this article for the making of returns and for the ascertainment, assessment and collection of the taxes imposed hereunder; and the enforcement of any of the provisions of this article in any of the courts of the state shall be under the exclusive jurisdiction of the tax commissioner, who shall require the assistance of and act through the prosecuting attorney of any county where suit is brought; but the prosecuting attorney of any county shall receive no fees or compensation for services rendered in enforcing this article in addition to the salary paid by the county to such officer.

CHAPTER 166
(Senate Bill No. 261—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact section three-b, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the reductions allowed in the total net balance of business and occupation taxes due the state.

[Passed March 10, 1955; in effect July 1, 1955. Approved by the Governor.]
Section 3-b. Definitions; reduction allowed in tax due; how computed.

Be it enacted by the Legislature of West Virginia:

That section three-b, article thirteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3-b. Definitions; Reduction Allowed in Tax Due; How Computed.—When used in this section the phrase "normal tax" shall mean the tax computed by the application of rates against values or gross income as set forth in sections two-a to two-j, inclusive, of this article.

When used in this section the term "surtax" shall mean the tax computed by the application of the tax rate as set forth in section three-a of this article.

When used in this section the phrase "total net balance of taxes due" shall mean the total of the normal tax in those classifications under which only a normal tax is imposed, and the total of the normal tax and the surtax in those classifications under which both a normal tax and surtax is imposed, and the combined total of all taxes when the tax return shows taxes due under more than one classification as set forth in sections two-a to two-j, inclusive, of this article, and section three-a of this article, less exemption at the rate of fifty dollars annually or at the rate of four dollars and sixteen cents per month for the period actually engaged in business.

For the period commencing July one, one thousand nine hundred fifty-five, and thereafter, a reduction of five per cent of the total net balance of taxes due is allowed. The normal tax shall be computed by the application of rates against values or gross income as set forth in sections two-a to two-j, inclusive, of this article. The surtax shall be computed by the application of the tax rate as set forth in section three-a of this article. The total net balance of taxes due shall be reduced by the five per cent credit allowed herein. The total net balance of taxes due reduced by the five per cent credit is the amount of the tax payable.
CHAPTER 167
(House Bill No. 158—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the tax on gasoline.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 3. Amount, measure and lien of tax; notice of discontinuance of business.

Be it enacted by the Legislature of West Virginia:

That section three, article fourteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. Amount, Measure and Lien of Tax; Notice of Discontinuance of Business.—There is hereby imposed upon every person who is a distributor, retail dealer or importer under the terms of this article, an excise tax based on the quantities of all gasoline produced, purchased, sold or used in this state, which tax shall be equivalent to six cents per gallon on all gasoline. The tax shall be paid as hereinafter provided.

A distributor shall use as the measure of the tax the gallonage produced, purchased, sold or used in this state, as provided in section four of this article.

Gallonage shall be included in the measure of the tax by refiners and producers when such gallonage has been placed into any tank from which withdrawals are made for sales or transfer to any other person.

An importer shall use as the measure of the tax the gallonage purchased and received for whatever use, as provided in section six of this article.
A retail dealer shall use as the measure of the tax the gallonage purchased or obtained by him, as provided in section five of this article.

The excise tax imposed by this article shall be paid by the person first producing, or receiving in this state, the gallonage of gasoline which under this article shall form the measure of such tax; but in no case shall any such gallonage be used more than once in determining taxes due hereunder.

The taxes imposed by this article are in addition to all other taxes now imposed by law.

The excise tax imposed by this article shall accrue from the date of production, purchase, sale or use of the gasoline. The penalties imposed by section thirteen of this article shall accrue from the date they become due and payable. A tax due and unpaid under this article shall be a debt due the state of West Virginia. It shall be a personal obligation of the taxpayer and shall be a lien in favor of the state of West Virginia upon all property and rights to property, whether real or personal, belonging to such taxpayer. The lien shall arise when a taxpayer fails to file his return and remit the tax at the time required by this article. Such lien shall not be valid or enforceable against a purchaser, including lien creditor, of real estate or personal property for a valuable consideration, without notice, unless docketed in the office of the clerk of the county court as provided in sections one and two, article ten-c, chapter thirty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter ninety-nine, acts of the Legislature, regular session, one thousand nine hundred forty-three.

Whenever a distributor, importer or retail dealer ceases to engage in business within this state by reason of the discontinuance, sale or transfer of the business of such distributor, importer or retail dealer, it shall be his duty to notify the tax commissioner in writing at the time of the discontinuance, sale or transfer. Such notice shall give the date of discontinuance and in the event of a sale or transfer of the business, the date thereof and the name
and address of the purchaser or transferee thereof; all
taxes accruing under this article, but not yet due and
payable under the provisions of this article shall, not-
withstanding such provisions, become due and payable
concurrently with such discontinuance, sale or transfer,
and it shall be the duty of such distributor, importer or
retail dealer to make a report and pay all such taxes, and
to surrender to the tax commissioner the license certificate
theretofore issued, under the provisions of this article.

Unless the notice shall have been given to the tax com-
missioner as above provided such purchaser or transferee
shall be liable to the state of West Virginia for the amount
of all taxes and penalties, under this article accrued
against such distributor, importer or retail dealer so sell-
ing or transferring his business, on the date of such sale
or transfer, but only to the extent of the value of the
property and business thereby acquired from such dis-
tributor, importer or retail dealer.

CHAPTER 168
(House Bill No. 370—By Mr. Francis)

AN ACT to amend and reenact section twenty-two, article four-
teen, chapter eleven of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, relating
to tax on gasoline.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]


Section
22. Taxes to be used for road purposes.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article fourteen, chapter eleven of
the code of West Virginia, one thousand nine hundred thirty-
one, as amended, be amended and reenacted to read as follows:
Section 22. Taxes to be Used for Road Purposes.—All taxes collected under the provisions of this article shall be paid into the state treasury and shall be used only for the purpose of the construction, reconstruction, maintenance and repair of roads and highways, payment of the interest and sinking fund on state bonds issued for road purposes and the cost of administration and enforcement of this article by the tax commissioner, which cost of administration and enforcement shall not exceed one-half of one per cent of the total net gasoline excise tax collections during the fiscal year commencing July one, one thousand nine hundred fifty-five, and each fiscal year thereafter.

Unless necessary for such bond requirements, one-fifth of the taxes collected under the provisions of this article shall be used for secondary road purposes.

CHAPTER 169

(Com. Sub. for House Bill No. 127—Originating in the House Committee on the Judiciary)

AN ACT to amend and reenact sections two, three, four, six, seven, eight, nine, thirteen, fourteen, sixteen, seventeen, eighteen, eighteen-a, nineteen, twenty-two, twenty-three and twenty-four, article fifteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section eleven of said article, and to enact nine new sections, to be designated sections four-a, four-b, eighteen-b, twenty-four-a, twenty-four-b, twenty-four-c, twenty-four-d, twenty-four-e and twenty-four-f, all relating to the consumers' sales and service tax.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 15. Consumers Sales Tax.

Section

2. Definitions.
3. Amount of tax.
4. Purchaser to pay; vendor not to represent he will absorb tax; accounting by vendor; penalty.
4-a. Failure to collect tax; liability of vendor.
4-b. Liability of purchaser; assessment and collection.
6. Vendor must show sale or service exempt; presumption.
7. Tax on gross proceeds of sales of manufactured, etc., product.
8. Furnishing of services included; exceptions.
13. Collection of tax when sale on credit.
14. When separate records of sales required.
16. Tax return and payment; penalty for nonpayment.
17. Tax a debt; lien of unpaid tax; recordation of lien.
18. Enforcement of lien.
18-a. Receivership; bankruptcy; priority of tax.
18-b. Persons selling or quitting business; successor to withhold purchase money.
19. Other times of filing returns.
22. Consolidated returns.
23. Keeping and preservation of records; inspection thereof.
24. Assessment and collection of the tax when insufficiently returned.
24-b. Notice of assessment; petition for reassessment; hearing.
24-c. Appeal.
24-d. Collection by action or suit; injunction.
24-e. Collection by distraint.
24-f. Service of notice.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, six, seven, eight, nine, thirteen, fourteen, sixteen, seventeen, eighteen, eighteen-a, nineteen, twenty-two, twenty-three and twenty-four, article fifteen, chapter eleven, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section eleven of said article be repealed; and that nine new sections, designated sections four-a, four-b, eighteen-b, twenty-four-a, twenty-four-b, twenty-four-c, twenty-four-d, twenty-four-e and twenty-four-f be enacted, all to read as follows:

Section 2. Definitions.—For the purpose of this article:
2 (1) “Persons” shall mean any individual, partnership, association, corporation, municipal corporation, guardian, trustee, committee, executor or administrator;
5 (2) “Tax commissioner” shall mean the state tax commissioner;
7 (3) “Gross proceeds” shall mean the amount received in money, credits, property or other consideration from sales and services within this state, without deduction on account of the cost of property sold, amounts paid for interest or discounts or other expenses whatsoever. Losses
shall not be deducted, but any credit or refund made for goods returned may be deducted;

(4) “Sale”, “sales” or “selling” shall include any transfer of the possession or ownership of tangible personal property for a consideration when the transfer or delivery is made in the ordinary course of the transferor’s business and is made to the transferee or his agent for consumption or use or any other purpose;

(5) “Vendor” shall mean any person engaged in this state in furnishing services taxed by this article or making sales of tangible personal property;

(6) “Ultimate consumer” or “consumer” shall mean a person who uses or consumes services or personal property;

(7) “Business” shall include all activities engaged in or caused to be engaged in with the object of gain or economic benefit, direct or indirect, and all activities of the state and its political subdivisions which involve sales of tangible personal property or the rendering of services when those service activities compete with or may compete with the activities of other persons;

(8) “Tax” shall include all taxes, interest and penalties levied hereunder;

(9) “Service” or “selected service” shall include all non-professional activities engaged in for other persons for a consideration, which involve the rendering of a service as distinguished from the sale of tangible personal property, but shall not include personal services or the services rendered by an employee to his employer or any service rendered for resale;

(10) “Purchaser” shall mean a person who purchases tangible personal property or a service taxed by this article;

(11) “Personal service” shall include those:

(a) Compensated by the payment of wages in the ordinary course of employment;

(b) Rendered to the person of an individual without, at the same time, selling tangible personal property, such as nursing, barbering, shoe shining, manicuring and similar services;
(12) "Taxpayer" shall mean any person liable for the tax imposed by this article.

Sec. 3. Amount of Tax.—For the privilege of selling tangible personal property and of dispensing certain selected services defined in section eight of this article, the vendor shall collect from the purchaser the tax as provided under this article, and shall pay the amount of tax to the tax commissioner in accordance with the provisions of this article.

There shall be no tax on sales where the monetary consideration is five cents or less. The amount of the tax shall be computed as follows:

(1) On each sale, where the monetary consideration is from six cents to fifty cents, both inclusive, one cent.

(2) On each sale, where the monetary consideration is from fifty-one cents to one dollar, both inclusive, two cents.

(3) On each fifty cents of monetary consideration or fraction thereof in excess of one dollar, one cent.

Sec. 4. Purchaser to Pay; Vendor Not to Represent He Will Absorb Tax; Accounting by Vendor; Penalty.—The purchaser shall pay to the vendor the amount of tax levied by this article which shall be added to and constitute a part of the sales price, and shall be collectable as such by the vendor who shall account to the state for all tax paid by the purchaser. The vendor shall keep the amount of tax paid separate from the proceeds of sale exclusive of the tax unless authorized in writing by the tax commissioner to keep such amount of tax in a different manner. Where such authorization is given, the state's claim shall be enforceable against and shall take precedence over, all other claims against the moneys commingled.

A vendor shall not represent to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that the tax is not to be considered an element in the price to the purchaser. Any person who violates the provisions of this paragraph shall be guilty of a misdemeanor and upon conviction shall be punishable
by a fine of not less than fifty nor more than one thousand dollars, or imprisonment in the county jail for not exceeding one year, or both, in the discretion of the court.

Sec. 4-a. Failure to Collect Tax; Liability of Vendor.—If any vendor fails to collect the tax imposed by section three of this article, he shall be personally liable for such amount as he failed to collect.

Sec. 4-b. Liability of Purchaser; Assessment and Collection.—If any purchaser refuses to pay to the vendor the tax imposed by section three of this article, or in the case of a sale exempt from the application of the tax, a purchaser refuses to sign and present to the vendor a proper certificate indicating the sale is not subject to this tax, or signs or presents to the vendor a false certificate, or after signing and presenting a proper certificate uses the items purchased in such manner that the sale would be subject to the tax, he shall be personally liable for the amount of tax applicable to the transaction or transactions.

In such cases the tax commissioner shall have authority to make an assessment against such purchaser, based upon any information within his possession or that may come into his possession. This assessment, the notice, hearing and appeal shall be made and conducted in accordance with sections twenty-four, twenty-four-b and twenty-four-c of this article.

This section shall not be construed as relieving the vendor from liability for the tax.

Sec. 6. Vendor Must Show Sale or Service Exempt; Presumption.—The burden of proving that a sale or service was exempt from the tax shall be upon the vendor, unless he takes from the purchaser an exemption certificate signed by and bearing the address of the purchaser and setting forth the reason for the exemption. To prevent evasion, it shall be presumed that all sales and services are subject to the tax until the contrary is clearly established.

Sec. 7. Tax on Gross Proceeds of Sales of Manufactured, etc., Product.—A person exercising the privilege of pro-
TAXATION

Sec. 7. Producing for sale, profit or commercial use, any natural re-

sources, product or manufactured product, and engaged

in the business of selling such product not otherwise

exempted herein shall make returns of the gross proceeds

of such sales and pay the tax imposed by this article.

Sec. 8. Furnishing of Services Included; Exceptions.—
The provisions of this article shall apply not only to sell-
ing tangible personal property, but also to the furnishing

of all services, except professional and personal services,

and except those services furnished by corporations sub-
ject to the control of the public service commission.

Sec. 9. Exemptions.—The following sales and services

shall be exempt:

(1) Sales of gasoline, taxable under article fourteen,
chapter eleven of the code, one thousand nine hundred
thirty-one;

(2) Sales of gas, steam and water delivered to con-
sumers through mains or pipes, and sales of electricity;

(3) Sales of text books required to be used in any of
the public schools of this state;

(4) Sales of property or services to the state, its in-
stitutions or subdivisions, and to the United States, in-
cluding agencies of federal, state or local governments
for distribution in public welfare or relief work;

(5) Sales of motor vehicles which are titled by the
department of motor vehicles and which are subject to
the tax imposed by section one, article seven, chapter
seventeen of the code;

(6) Sales of property or services to churches and bona
fide charitable organizations who make no charge what-
ever for the services they render or to persons engaged in
this state in the business of contracting, manufacturing,
transportation, transmission, communication, or in the
production of natural resources: Provided, however,
That the exemption herein granted shall apply only to
services, machinery, supplies and materials directly used
or consumed in the businesses or organizations named
above;

(7) An isolated transaction in which any tangible
personal property is sold, transferred, offered for sale, or delivered by the owner thereof or by his representative for the owner's account, such sale, transfer, offer for sale or delivery not being made in the ordinary course of repeated and successive transactions of like character by such owner or on his account by such representative;

(8) Sales of tangible personal property and services rendered for use or consumption in connection with the conduct of the business of selling tangible personal property to consumers or dispensing a service subject to tax under this article and sales of tangible personal property and services rendered for use or consumption in connection with the commercial production of an agricultural product the ultimate sale of which will be subject to the tax imposed by this article: Provided, however, That sales of tangible personal property and services to be used or consumed in the construction of or permanent improvement of real property shall not be exempt;

(9) Sales of tangible personal property for the purpose of resale in the form of tangible personal property;

(10) Sales of property or services to nationally chartered fraternal or social organizations for the sole purpose of free distribution in public welfare or relief work.

Sec. 13. Collection of Tax When Sale on Credit.—A vendor doing business wholly or partially on a credit basis shall require the purchaser to pay the full amount of tax due upon a credit sale at the time such sale is made or within thirty days thereafter.

Sec. 14. When Separate Records of Sales Required.—Any vendor engaged in a business subject to this tax, who is at the same time engaged in some other kind of business, occupation or profession, not taxable under this article, shall keep records to show separately the transactions used in determining the tax base herein taxed. In the event such person fails to keep such separate records there shall be levied upon him a tax based upon the entire gross proceeds of both or all of his businesses.

Sec. 16. Tax Return and Payment; Penalty for Non-payment.—The taxes levied by this article shall be due
and payable in monthly installments, on or before the fifteenth day of the month next succeeding the month in which the tax accrued. The taxpayer shall, on or before the fifteenth day of each month, make out and mail to the tax commissioner a return for the preceding month, in the form prescribed by the tax commissioner, showing:

(a) the total gross proceeds of his business for that month;
(b) the gross proceeds of his business upon which the tax is based;
(c) the amount of the tax for which he is liable; and
(d) any further information necessary in the computation and collection of the tax which the tax commissioner may require. A remittance for the amount of tax shall accompany the return. A monthly return shall be signed by the taxpayer or his duly authorized agent.

Any taxpayer who fails to pay the tax imposed by this article within the time provided by law shall be considered delinquent and shall be required to pay a penalty of six per cent of the tax for the first month, or fraction thereof, during which he is delinquent and one per cent of the tax for each succeeding month, or fraction thereof, during which he is delinquent: Provided, however, That if the failure to pay is due to reasonable cause, the tax commissioner may waive or remit this penalty in whole or in part. For purposes of the imposition of this penalty, a payment postmarked after the fifteenth day of the month shall be considered delinquent.

If the failure is due to fraud or intent to evade this article or the rules and regulations promulgated thereunder, there shall be added an additional penalty of twenty-five per cent of the amount of the tax, exclusive of penalties.

The penalties so added shall be collected at the same time and in the same manner and as a part of the tax.

Sec. 17. Tax a Debt; Lien of Unpaid Tax; Recordation of Lien.—A tax due and unpaid under this article shall be a debt due the state. It shall be a personal obligation of the taxpayer and shall be a lien upon all the property of the taxpayer: Provided, That such lien shall be subject to the restrictions and conditions embodied in article
7 ten-c, chapter thirty-eight of the code, one thousand nine
8 hundred thirty-one, and any amendment made or which
9 may hereafter be made thereto.
10 If the taxpayer is an association or corporation, the
11 officers thereof shall be personally liable, jointly and sev-
12 erally, for any default on the part of the association or
13 corporation, and payment of the tax may be enforced
14 against them as against the association or corporation
15 which they represent.

Sec. 18. Enforcement of Lien.—A lien for taxes under
2 this article shall attach when the obligation to pay the
3 tax to the tax commissioner accrues. The lien shall be
4 enforceable by the tax commissioner by suit in equity.

Sec. 18-a. Receivership; Bankruptcy; Priority of Tax.—
2 In the distribution, voluntary or compulsory, in receiver-
3 ship, bankruptcy or otherwise, of the property or estate
4 of any person, all taxes due and unpaid under this article
5 shall be paid from the first money available for distribu-
6 tion in priority to all claims and liens except taxes and
7 debts due the United States which under federal law are
8 given priority over the debts and liens created by this
9 article. Any person charged with the administration or
10 distribution of any such property or estate who shall
11 violate the provisions of this section shall be personally
12 liable for any taxes accrued and unpaid under this article
13 which are chargeable against the person whose property
14 or estate is in administration or distribution.

Sec. 18-b. Persons Selling or Quitting Business; Suc-
2 cessor to Withhold Purchase Money.—If any person liable
3 for the tax imposed by this article shall sell his business
4 or stock of merchandise or quit his business, the taxes
5 and penalties imposed by this article shall become due
6 and payable immediately and such persons shall make a
7 final return within fifteen days after the date of selling
8 or quitting business. The taxes and penalties shall be
9 a lien upon the property of such person. His successor, if
10 any, shall withhold sufficient of the purchase money to
11 cover the amount of such taxes and penalties due and
12 unpaid until such time as the former owner shall produce
a receipt from the tax commissioner showing that the
taxes and penalties have been paid or a certificate indi-
cating no taxes are due. If the purchaser of the business
or stock of goods fails to withhold purchase money, as
above provided, he shall be personally liable for the pay-
ment of the taxes and penalties accrued and unpaid on
account of the operation of the business by the former
owner.

Sec. 19. Other Times of Filing Returns.—The tax com-
mis- sioner may, upon written request, authorize a tax-
payer whose books and records are not kept on a monthly
basis to file returns at times other than those specified in
section sixteen, but in no event shall a taxpayer make less
than one return a calendar month, except as provided
by section twenty or as may be authorized in writing
by the tax commissioner.

Sec. 22. Consolidated Returns.—A person operating two
or more places of business of like character from which
are made or dispensed sales or services which are taxable
hereunder shall file consolidated returns covering all such
sales or services to which a schedule must be attached
showing total sales and charges made for rendering such
services and total tax collections for each place of busi-
ness.

Sec. 23. Keeping and Preservation of Records; Inspec-
tion Thereof.—Each taxpayer shall keep complete and
accurate records of taxable sales and of charges, together
with a record of the tax collected thereon, and shall keep
all invoices, bills of lading and such other pertinent docu-
ments in such form as the tax commissioner may by
regulation require. Such records and other documents
shall be open at any time, during business hours, to the
inspection of the tax commissioner and his agents and
shall be preserved for a period of five years, unless the
tax commissioner shall consent in writing to their destruc-
tion within that period or by order require that they be
kept longer.

Sec. 24. Assessment and Collection of the Tax When
Insufficiently Returned.—If the tax commissioner believes
that the tax imposed by this article is insufficiently re-
turned by a taxpayer, either because the taxpayer has
failed to properly remit the tax or has failed to make
a return, or has made a return which is incomplete, de-
cicient or otherwise erroneous, he may proceed to investi-
gate and determine or estimate the tax liability of the
taxpayer and make an assessment thereon.

Provided, however, That if the tax commissioner be-
lieves that the tax yield as compared to the taxpayer's
gross proceeds is deficient, he shall make test checks of
the tax yield as compared to gross proceeds. Such test
checks shall be conducted in the following manner: The
tax commissioner shall notify the taxpayer by mail that
he intends to make test checks upon not less than five
business days over a period of at least one month. The
taxpayer may designate in writing two of the days to be
checked or two-fifths of the days to be checked and the
tax commissioner shall designate the remainder. Dur-
ing the days designated for test checks the taxpayer shall
keep a record of individual sales and the amount of tax
collected on such sales. The totals of the sales and the
tax for each day checked shall, at the close of the business
day, be certified by representatives of the taxpayer and
the tax commissioner. When the checks are completed,
the sales for all days checked shall be totaled and the
tax collected thereon shall be totaled and from such totals
the percentage of tax yield determined. If the percentage
of tax previously returned by the taxpayer for any taxable
period is in excess of one-tenth of one per cent less than
the percentage resulting from the checks, the tax imposed
by this article shall be deemed to have been insufficiently
returned for said period and the tax commissioner shall
make an assessment based upon the percentage resulting
from the checks and applied to the taxpayer's gross pro-
ceeds for each period thus shown to be deficient, with
credit for the tax previously paid.

Sec. 24-a. Jeopardy Assessments.—If the tax commis-
sioner believes that the collection of the tax imposed by
this article will be jeopardized by delay, he shall there-
upon make an assessment of the tax, noting that fact
upon the assessment. The amount assessed shall be imme-
diately due and payable. Unless the taxpayer against
whom a jeopardy assessment is made petitions for re-
assessment within twenty days after service of notice of
the jeopardy assessment, such an assessment becomes
final.

A petition for reassessment by a person against whom
a jeopardy assessment has been made must be accom-
panied by such security as the tax commissioner may
deem necessary to insure compliance with this article.

Sec. 24-b. Notice of Assessment; Petition for Reassess-
ment; Hearing.—The tax commissioner shall give to the
taxpayer written notice of any assessment made pursuant
to this article. Unless the taxpayer to whom a notice of
assessment is directed shall, within thirty days after serv-
ice thereof, (except in the case of jeopardy assessments)
either personally or by registered mail, file with the tax
commissioner a petition in writing, verified under oath
by said taxpayer or his duly authorized agent, having
knowledge of the facts, setting forth with definiteness
and particularity the items of the assessment objected to,
together with the reason for such objections, said assess-
ments shall become and be deemed conclusive and the
amount thereof shall be payable at the end of the thirty-
day period. In every case where a petition for reassess-
ment as above described is filed, the tax commissioner
shall assign a time and place for the hearing of same and
shall notify the petitioner of such hearing by written
notice at least twenty days in advance thereof and such
hearing shall be held within sixty days from the filing
of the petition for reassessment unless continued by agree-
ment or by the tax commissioner for good cause. The hear-
ing shall be informal and may be conducted by an ex-
aminer designated by the tax commissioner. At such
hearing evidence may be offered to support the assess-
ment or to prove that it is incorrect. After such hearing
the tax commissioner shall, within a reasonable time,
give notice in writing of the decision. Unless an appeal
is taken within thirty days from service of this notice,
the tax commissioner's decision shall be final.
Sec. 24-c. Appeal.—An appeal may be taken by the taxpayer to the circuit court of the county in which the activity taxed was engaged in, or in which the taxpayer resides, or in the circuit court of Kanawha county, within thirty days after he shall have received notice from the tax commissioner of his determination as provided in section twenty-four-b.

The appeal shall be taken by written notice to the tax commissioner and served as an original notice. When said notice is so served it shall, with the return thereon, be filed in the office of the clerk of the circuit court and docketed as other cases with the taxpayer as plaintiff and the tax commissioner as defendant. The plaintiff shall file with such clerk a bond for the use of the defendant, with sureties approved by such clerk, in penalty double the amount of tax appealed from, and in no case shall the bond be less than fifty dollars, conditioned that the plaintiff shall perform the orders of the court.

The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the tax commissioner. In such appeal a certified copy of the tax commissioner’s assessment shall be admissible and shall constitute prima facie evidence of the tax due under the provisions of this article. The court shall render its decree thereon and a certified copy of said decree shall be filed by the clerk of said court with the tax commissioner who shall then correct the assessment in accordance with said decree. An appeal may be taken by the taxpayer or the tax commissioner to the supreme court of appeals of the state in the same manner that appeals are taken in equity.

Sec. 24-d. Collection by Action or Suit; Injunction.—The tax commissioner may collect any tax, interest and penalty due and unpaid under the provisions of this article by action in debt, assumpsit, motion for judgment or other appropriate proceeding in the county in which (a) the activity taxed was engaged in or (b) the taxpayer resides; or by a suit to enforce the lien therefor in any county in which property of the taxpayer may be found; or, if the tax due and unpaid under this article is three
hundred dollars or less, by suit in the court of any justice having jurisdiction of the taxpayer or of his property. If the failure of any taxpayer to comply with the provisions of this article shall have continued sixty days, the tax commissioner may proceed to obtain an injunction restraining the taxpayer from doing business in this state until he fully complies with the provisions of this article. In any proceeding under this section upon judgment or decree for the plaintiff he shall be awarded his costs.

Sec. 24-e. Collection by Distraint.—The tax commissioner may distraint upon any goods, chattels or intangibles represented by negotiable evidence of indebtedness of any taxpayer delinquent under this article for the tax, interest and penalty accrued and unpaid hereunder. The tax commissioner may require the assistance of the sheriff of any county of the state in levying such distress in the county of which such sheriff is an officer. A sheriff so collecting taxes due hereunder shall be entitled to compensation in the amount of all penalties collected over and above the principal amount of the tax due, but in no case shall such compensation exceed twenty-five dollars. All moneys so collected shall be returned to the tax commissioner within ten days after collections.

Sec. 24-f. Service of Notice.—Any written notice required by this article shall, unless otherwise specifically provided, be served upon the taxpayer personally or by registered mail.

CHAPTER 170

(House Bill No. 124—By Mr. Bowles)

AN ACT to amend chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be numbered article twenty, relating to the right of other states and their political subdivisions to sue in the courts of West Virginia to recover taxes.
Article 20. Reciprocal Enforcement.

Section 1. Authority of other states and their political subdivisions to sue.

Be it enacted by the Legislature of West Virginia:

That chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, numbered twenty, to read as follows:

Section 1. Authority of Other States and Their Political Subdivisions to Sue.—Any state of the United States, or any political subdivision thereof, shall have the right to sue in the courts of West Virginia to recover any tax which may be owing to it when the like right is accorded to the state of West Virginia and its political subdivisions by such state, whether such right is granted by statute or as a matter of comity.

CHAPTER 171
(House Bill No. 57—By Mr. Booth)

AN ACT to amend and reenact section seventeen, article one, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the authority of sheriff's commission for collection of taxes.

[Passed March 12, 1955; in effect July 1, 1955. Approved by the Governor.]


Section 17. Sheriff's commission for collection.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article one, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 17. Sheriff's Commission for Collection.—After the sheriff has collected eighty-five per cent of the combined total of all taxes assessed on real and personal property, he shall, in addition to the salary and compensation now authorized by law, be allowed a commission of two and one-half per cent on the remainder of the taxes actually collected, exclusive of interest and charges thereon, if the collection be made before the delinquent list has been approved by the county court: Provided, however, That the total amount of commissions paid to any sheriff shall not exceed the sum of fifteen thousand dollars in any one year. The commission so allowed shall be determined by the county court and charged against the various funds for which the taxes are collected.

CHAPTER 172

(House Bill No. 172—By Mr. Watson)

AN ACT to amend and reenact section nine, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to certificate of redemption issued by the auditor and fees to be charged by the auditor therefor and duty of the county clerk.

[Passed March 7, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 9. Certificate of redemption issued by auditor; recordation.

Be it enacted by the Legislature of West Virginia:

That section nine, article three, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 9. Certificate of Redemption Issued by Auditor; Recordation.—Upon payment of the sum necessary to redeem, the auditor shall execute a certificate of redemption in triplicate, which certificate shall specify the real
5 estate redeemed, or the part thereof or the interest
6 therein, as the case may be, together with any changes
7 in respect thereto which were made in the land book and
8 in the record of delinquent lands, shall specify the year
9 or years for which payment was made, and shall state
10 that it is a receipt for the money paid and a release of
11 the state’s title to the real estate redeemed. The original
12 certificate shall be retained in the files in the auditor’s
13 office, one copy shall be delivered to the person redeeming
14 and the second copy shall be mailed by the auditor to the
15 clerk of the county court of the county in which the real
16 estate is situated, who, after making any necessary
17 changes in his record of delinquent lands, shall note the
18 fact of redemption on such record, and shall record the
19 certificate in a separate volume provided for the purpose.
20 The fee for issuing the certificate of redemption shall
21 be one dollar if the total of taxes, interest and charges
22 due is five dollars or less; two dollars if such total is more
23 than five dollars and less than ten dollars; and three
24 dollars if such total is ten dollars or more and less than
25 thirty dollars. A fee of ten per centum shall be added
26 when the total of such tax, interest, and charges is thirty
27 dollars or more, but such fee shall not exceed the sum
28 of ten dollars in any case.
29 All certificates of redemption issued by the auditor in
30 each year shall be numbered consecutively and shall be
31 filed by the clerk of the county court in numerical order.
32 Reference to the year and number of the certificate shall
33 be included in the notation of redemption required of the
34 clerk of the county court. No fee shall be charged by the
35 clerk for any recordation, filing or notation required by
36 this section.

CHAPTER 173
(Com. Sub. for House Bill No. 17—Originating in the House Committee on
the Judiciary)

AN ACT to amend article four, chapter eleven-a of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section to be numbered section thirty-nine-b, relating to release by the state of title and taxes on lands on which all taxes have been paid for ten years.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]


Section 39-b. Release of title and taxes.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eleven-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section numbered thirty-nine-b, to read as follows:

Section 39-b. Release of Title and Taxes.—In view of the desirability of stable land titles and to encourage land owners to cause their lands to be assessed and pay the taxes thereon, it is the purpose and intent of the Legislature to release all the state’s title and claim to any real estate on which all taxes have been paid for ten consecutive years, and release all taxes prior to such ten year period. If, heretofore or hereafter, all taxes due on any parcel of land for ten consecutive years have been fully paid, all title to any such land acquired by the state prior to said ten year period shall be and is hereby released to the person who would be the owner thereof but for the title of the state so released, and all unpaid taxes prior to said ten year period are declared to be fully paid.

Nothing contained in this section shall affect or be held or construed to affect in any way the right or title of a person claiming title to any land by transfer as provided in section three, article thirteen of the constitution of the state of West Virginia.

It is the intention of the Legislature that this act shall be both retroactive and prospective.
AN ACT to amend and reenact section three, chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, as amended by chapter one hundred fifty-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-seven, relating to horse racing and to the disposition of revenues collected and accruing therefrom; and providing that said chapter seventy-one and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one.

[Passed March 4, 1955; in effect from passage. Approved by the Governor.]

Article 23. Horse Racing.
Section
3. Horse racing revenues paid into general fund.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one; and that section three of said chapter seventy-one, as amended, and of article twenty-three, chapter nineteen of said code, be amended and reenacted to read as follows:

Section 3. Horse Racing Revenues Paid Into General Fund.—All revenues collected pursuant to the provisions of this article, as license taxes, pari-mutuel pool operation taxes or otherwise, including all moneys accruing to the state from unredeemed pari-mutuel tickets, shall be paid directly to the treasurer of the state of West Virginia
and be deposited by him to the credit of the general fund of the state. Remittance of all such collected and accrued revenues shall be made by the commission to the state treasurer at least one time during each thirty-day period of the racing season, and a final remittance as to any particular race meeting shall be made within thirty days from and after the close of each such race meeting.

CHAPTER 175
(Senate Bill No. 262—Originating in the Senate Committee on Finance)

AN ACT to amend and reenact sections six and seven, chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, as amended by chapter one hundred fifty-eight, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to the regulation, licensing and control of horse racing and the taxes to be paid by and the financial responsibility of licensees conducting horse racing within the state; and providing that said chapter seventy-one and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one.

[Passed February 28, 1955; in effect July 1, 1955. Approved by the Governor.]

Article 23. Horse Racing.

6. Per diem tax on tracks; tax on pool contribution; how taxes paid; financial responsibility of licensees.

7. Only pari-mutuel system of wagering permitted; minors; supervisor.

Be it enacted by the Legislature of West Virginia:

That chapter seventy-one, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, and all amendments thereof and additions thereto be designated article twenty-three, chapter nineteen of the code
of West Virginia, one thousand nine hundred thirty-one; and that sections six and seven of said chapter seventy-one, as amended, and of article twenty-three, chapter nineteen of said code, be amended and reenacted to read as follows:

Section 6. *Per Diem Tax on Tracks; Tax on Pool Contribution; How Taxes Paid; Financial Responsibility of Licensees.*—A person operating any horse race track one mile or more in length shall pay each day upon which horse races are run a license tax of five hundred dollars; any race track less than one mile in length shall pay for each day upon which horse races are run a license tax of two hundred fifty dollars: *Provided, however, That the per diem tax shall not apply to horse shows or county fairs at which racing is conducted for not more than five days.* Any person licensed by the commission to conduct racing and to permit and conduct pari-mutuel wagering under this article shall, in addition to the aforementioned tax, pay to the racing commission of the state of West Virginia a tax of four per cent of the total contribution to all pari-mutuel pools conducted or made at any and every racing meeting licensed under this article. Such payments shall be made to the commission or its agent after the last race on each day and every day of each and every race meeting, and shall be made from all contributions to all pari-mutuel pools to each and every race of the day, which payment shall be deposited with the treasurer of the state of West Virginia.

Any person making application for a license for a meeting to be held on any track in the state of West Virginia, shall, when required, furnish satisfactory evidence to the commission of his or their ability to pay license fees, purses, salaries of officials and other expenses incident to the meeting. In the event the applicant is not able to furnish such satisfactory evidence of his or their ability to pay such expenses and fees, then the commission may require bond or other adequate security for not more than four successive days before such license is issued.

Sec. 7. *Only Pari-Mutuel System of Wagering Permitted; Minors; Supervisor.*—A person licensed by the
commission shall permit only the pari-mutuel system of wagering within the enclosure at which horse racing is held, and the commission deducted by the licensee from the said pari-mutuel pools shall not exceed thirteen per cent of the total pari-mutuel pools for the day, including the license fee of the gross amount handled hereinbefore provided for, and the breakage, which shall be made and calculated to the dime: Provided, however, That no holder of such license shall permit or allow any person under the age of twenty-one years to wager thereat, knowing or having reason to believe that such person is under the age of twenty-one years. Any violation of this proviso shall be punishable by revocation of license.

A supervisor of pari-mutuel pools shall be appointed by the commission and shall be compensated by said commission. Said supervisor shall have free access to the space or enclosure where the pari-mutuel pool system of wagering is conducted or calculated at any race meeting to which he shall be assigned for the purpose of ascertaining whether or not said licensee is retaining only the commission provided for in said section, and shall have general supervisory powers over the operation of the pari-mutuel pools. He shall also, for the same purposes only, have full and free access to all records and papers pertaining to such pari-mutuel pool system of wagering, and shall report to the commission in writing, under oath, whether or not the licensee has retained any commissions in excess of those permitted under this article.

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CHAPTER 176
(Senate Bill No. 44—By Mr. Allen and Mr. Vassar)

AN ACT to amend chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two, relating to federal aid to state institutions providing care for veterans.
[Passed February 18, 1955; in effect ninety days from passage. Approved by the Governor.]

Article 2. Federal Aid for State Institutions Providing Care for Veterans.

Section
1. State homes for veterans.
2. Funds collected from the United States.
3. How plan to operate.
4. Use of funds collected from the United States government agency.

Be it enacted by the Legislature of West Virginia:

That chapter nine-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two, to read as follows:

Section 1. State Homes for Veterans.—The West Virginia board of control is hereby authorized and directed to establish a soldiers' home at the Weston state hospital, Weston, West Virginia, for use of disabled veterans. The word "veterans" is used in this article as defined in article one of this chapter. These veterans must be citizens of the state of West Virginia whose separation from the United States military service has been other than dishonorable, to be cared for in these homes.

Sec. 2. Funds Collected from the United States.—The board of control, in conjunction with the director of West Virginia department of veterans affairs, is hereby authorized and directed to receive from the United States veterans administration or other agency of the United States government authorized to pay federal aid to states for soldiers' homes under the provisions of the act of August twenty-seven, one thousand eight hundred eighty-eight, as amended, the maximum amount allowed and that can be paid for such eligible veterans cared for in these state homes.

Sec. 3. How Plan to Operate.—The director of the West
Virginia department of veterans affairs shall certify to
the West Virginia board of control the number and names
of veterans eligible to be cared for under this article, and
the board of control will certify to the director of the
West Virginia department of veterans affairs the number
and names of such ex-service persons actually receiving
care, the date of admission to soldiers' homes and the
date of their discharge therefrom. Based upon this in-
formation, the director of the West Virginia department
of veterans affairs will be required, in accordance with
the regulations of the veterans administration, or other
agency of the United States government, to promptly
notify the United States veterans administration or other
agency of the United States government authorized to
pay federal aid for the care of such persons, so that
proper maximum payment may be made to the director
of West Virginia department of veterans affairs for the
care of such veterans.

Sec. 4. Use of Funds Collected from the United States
Government Agency.—The money so collected from the
governmental agency as federal aid shall be placed in a
special fund to be known as the "Veterans' Fund". This
fund shall be jointly administered by the board of con-
trol and the director of the West Virginia department of
veterans affairs. The fund shall be deposited in the state
treasury and paid out only on such vouchers as may be
authorized and approved by the board of control and the
director of the West Virginia department of veterans
affairs, in the same manner and under the same restric-
tions as are now provided by law for the disbursement
of funds by those departments. At the discretion of the
West Virginia department of veterans affairs, these funds
may be used as follows: (1) for the erection of suitable
buildings for the care of disabled veterans, particularly
those suffering from mental or tuberculous conditions; or
(2) in any manner deemed expedient by the West Vir-
ginia board of control and the director of the West Vir-
ginia department of veterans affairs for the benefit of
disabled veterans, particularly those suffering from men-
tal or tuberculous conditions.
AN ACT to amend and reenact chapter sixty-six, acts of the Legislature, regular session, one thousand nine hundred forty-three, relating to the disposition of the principal and interest of the remainder of the fund appropriated by the United States government on June twenty-fifth, one thousand nine hundred eight, to pay the West Virginia national guard from the time of the call until the date of muster into the service of the United States for the Spanish American war, by the payment of the said remaining fund to the quartermaster of the United Spanish war veterans department of West Virginia.

[Passed March 1, 1955; in effect from passage. Approved by the Governor.]

Section 1. Quartermaster trustee of Spanish American war fund; investment of funds; payment of claims; unexpended balance; bond of quartermaster; use of funds.

Be it enacted by the Legislature of West Virginia:

That chapter sixty-six, acts of the Legislature, regular session, one thousand nine hundred forty-three, be amended and reenacted to read as follows:

Section 1. Quartermaster Trustee of Spanish American War Fund; Investment of Funds; Payment of Claims; Unexpended Balance; Bond of Quartermaster; Use of Funds.—That the quartermaster of the department of West Virginia, United Spanish war veterans, is hereby appointed trustee of the said remaining Spanish American war fund, and that from and after the passage of this act, the said quartermaster shall cause such fund to be invested in some security of the state of West Virginia, or the United States government, bearing interest; and out of said fund and interest there be paid any just and properly audited and verified claim of any of the veterans entitled thereto who may hereafter apply for same; and
after paying any such claims received, the unexpended balance of the said interest and funds shall be paid out by the said quartermaster for the benefit of the United Spanish war veterans, as may be directed at the annual encampments of the department of West Virginia, United Spanish war veterans: Provided, That said quartermaster is required by the association to execute a bond for the proper application of and accounting for the funds so received: Provided further, That the funds so paid shall be used for the legitimate expenses of the department encampments.

CHAPTER 178
(House Bill No. 383—By Mr. Kessel and Mr. Crislip)

AN ACT to amend and reenact section five, chapter one hundred ninety-seven, acts of the Legislature, regular session, one thousand nine hundred fifty-one, as amended, providing for an extension of the limitation of time for filing applications for the World War I and World War II veterans bonus.

[Passed March 10, 1955; in effect from passage. Approved by the Governor.]

Section 5. Limitation on time for filing application.

Be it enacted by the Legislature of West Virginia:

That section five, chapter one hundred ninety-seven, acts of the Legislature, regular session, one thousand nine hundred fifty-one, as amended, be amended and reenacted to read as follows:

Section 5. Limitation on Time for Filing Application.—

No bonus shall be paid to any person otherwise entitled thereto unless application therefor shall be filed with the department on or before the thirty-first day of December, one thousand nine hundred fifty-five.
AN ACT to authorize the county court of Berkeley county to use unexpended funds, or surpluses in any fund of said county, now or hereafter created, for the purpose of purchasing, operating and maintaining fire apparatus and equipment of all kinds, and to place such apparatus and equipment and of providing and financing fire protection facilities under the jurisdiction and control of the city council of the city of Martinsburg.

[Passed February 25, 1955; in effect from passage. Approved by the Governor.]

Section 1. Berkeley county court authorized to use surplus funds for purchase, operation and maintenance of fire protection equipment and facilities.

Be it enacted by the Legislature of West Virginia:

Section 1. Berkeley County Court Authorized to Use Surplus Funds for Purchase, Operation and Maintenance of Fire Protection Equipment and Facilities.—The county court of Berkeley county is hereby authorized and empowered to use any unexpended funds of said county and any surplus in any county fund, now or hereafter created, for the purpose of purchasing, operating and maintaining fire apparatus and equipment of all kinds used in furnishing fire protection, and is hereby further authorized and empowered to place or station such equipment and apparatus under the jurisdiction and control of the city council of the city of Martinsburg for the operation thereof. The county court of Berkeley county is also hereby authorized and empowered to use any such unexpended funds and surplus in an amount necessary for the rental of fire hydrants erected and maintained by any municipal corporation and/or sanitary district in said county. The authority hereby granted is in addition to the authority granted by chapter one hundred thirty-seven, acts of the
AN ACT to authorize the county court of Greenbrier county, West Virginia, to use unexpended funds of said county and any surpluses in the funds of said county, and funds derived from capital assets for the purpose of the repair of, and construction of additions to, the county courthouse of said county, and to expend for such purpose the fund created.

[Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.]

Section 1. Greenbrier county court authorized to create special fund for the repair of, and construction of additions to, the county courthouse.

Be it enacted by the Legislature of West Virginia:

   Section 1. Greenbrier County Court Authorized to Create Special Fund for the Repair of, and Construction of Additions to, the County Courthouse.—The county court of Greenbrier county, West Virginia, is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surpluses in county funds, and any existing surpluses or funds derived from capital assets, for the purpose of creating a special fund for the repair of, and construction of additions to, the county courthouse of said county, and to expend for such purpose the fund so created, and when so created such fund shall not be used for any other purpose.
AN ACT to amend and reenact section three, chapter one hundred eighty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-three, extending the time within which the county court of Hancock county and the Hancock county department of public assistance may transfer surplus funds to the Hancock county children's shelter fund.

[Passed March 11, 1955; in effect July 1, 1955. Approved by the Governor.]

Section 3. Transfer of funds.

Be it enacted by the Legislature of West Virginia:

That section three, chapter one hundred eighty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-three, be amended and reenacted to read as follows:

Section 3. Transfer of Funds.—The surplus funds now in the Hancock county department of public assistance and any and all additional surplus funds of said county department of public assistance and of the county court of Hancock county existing between the date of this enactment and the end of the fiscal year, June thirtieth, one thousand nine hundred fifty-seven, are hereby authorized to be transferred to the shelter fund in said county for the purpose of establishing and maintaining said children's shelter in said county.

CHAPTER 182

(Senate Bill No. 226—By Mr. Bean, Mr. President)

AN ACT authorizing the board of education of Hardy county to reimburse Evelyn Williams for personal injuries, and for medical, hospital and other necessary expenses in-
curred as a result of the negligence of said board of education of Hardy county, and to declare a moral obligation to exist on the part of said board of education in favor of said Evelyn Williams.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]

Section
1. Authorization for reimbursement.
2. Finding of moral obligation.

WHEREAS, On the twenty-fifth day of September, one thousand nine hundred fifty-three, Evelyn Williams attended a meeting of the Parent-Teachers Association at the Toll Gate school, near Moorefield, in Hardy county, West Virginia; and

WHEREAS, While attending said meeting the said Evelyn Williams started to take one of her children to a rest room in said school building, the door to which rest room was located near a door leading to the basement in said school building, there being no markings or signs to indicate it was the proper door; and

WHEREAS, Said Evelyn Williams opened the door leading to the basement of said building, stepped through and immediately fell some eight feet to the basement floor, there being no steps leading into the basement other than a crude temporary ladder, and said area being unlighted; and

WHEREAS, As a result being hurled violently to said basement floor, the said Evelyn Williams suffered severe injuries, including three fractured vertebrae in her back and neck, in addition to severe strain and contusion of the muscles of her neck and back, and also severe lacerations, abrasions, contusions and shock; and

WHEREAS, The said Evelyn Williams suffered great physical pain and mental anguish, and was hospitalized for a long period of time, and necessarily incurred certain medical, hospital and other expenses; and

WHEREAS, Said Evelyn Williams was in no sense at fault in the premises; therefore,
Be it enacted by the Legislature of West Virginia:

Section 1. Authorization for Reimbursement.—The board of education of Hardy county, West Virginia, is hereby authorized, as in its discretion it may see fit, to reimburse Evelyn Williams for her personal injuries and for medical, hospital, and other necessary expenses suffered by her as a result of her fall on a stairway at the Toll Gate school near Moorefield, Hardy county, West Virginia, on September twenty-five, one thousand nine hundred fifty-three, which fall was caused by the negligence of said county board of education: Provided, however, That the authorization hereby granted to said county board of education shall not exceed the sum of three thousand dollars.

Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature that a moral obligation on the part of the board of education of Hardy county exists in favor of said Evelyn Williams.

CHAPTER 183
(House Bill No. 517—By Mr. McCoy, of Jackson)

AN ACT to authorize and empower the board of education of Jackson county to use funds levied and collected under authority of a special levy election.

[Passed March 12, 1955; in effect from passage. Approved by the Governor.]

Section
1. Board of education of Jackson county authorized to expend funds collected under authority of a special levy election.

WHEREAS, Under authority of a special levy election held in the year one thousand nine hundred fifty, the board of education of Jackson county laid and collected a special levy for one year; and

WHEREAS, After the sum of fifty-eight thousand seven hundred thirty-eight dollars and eighty-five cents had been col-
lected under authority of said special levy, the special levy election was invalidated by the supreme court of appeals; and

WHEREAS, The board of education now has the sum of fifty-eight thousand seven hundred thirty-eight dollars and eighty-five cents collected under authority of said special levy; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Board of Education of Jackson County Authorized to Expend Funds Collected Under Authority of a Special Levy Election.—The board of education of Jackson county is hereby authorized and empowered to use and expend the sum of fifty-eight thousand seven hundred thirty-eight dollars and eighty-five cents, levied and collected under authority of special levy election held in the year one thousand nine hundred fifty, for the purpose of constructing two school bus garages and purchasing additional school buses.

CHAPTER 184
(Senate Bill No. 344—By Mr. Carey)

AN ACT to authorize the county court of Kanawha county to use unexpended funds and surplus in the general fund of said county, and surpluses in any funds of said county, for the purpose of creating a special building fund for the purchase of land, vacant or occupied, for the location of county buildings, to provide for parking facilities, and to expend for such purposes the funds so created.

[Passed March 4, 1955; in effect from passage. Approved by the Governor.]

Section 1. Kanawha county court authorized to create a special building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha County Court Authorized to Create a Special Building Fund.—The county court of Kanawha
Be it enacted by the Legislature of West Virginia:

Section 1. County Court of Kanawha County Authorized and Empowered to Create Board of Supervisors.—The county court of Kanawha county is hereby authorized and empowered, by order entered of record, to create a
board of supervisors for the purpose of establishing, improving, equipping, developing, operating, maintaining, administering and managing a county home for the detention of juvenile delinquents or children charged with delinquency.

Sec. 2. Name of Home.—The home created hereby shall be designated the Kanawha Home for Children.

Sec. 3. Board of Supervisors; Powers.—The board of supervisors, created by the county court authorized by this act, shall be known as the board of supervisors of the Kanawha home for children of said county. The board of supervisors shall provide, maintain, administer and manage at the expense of Kanawha county, a suitable home or place for the detention of the persons coming under the jurisdiction and control of such court. The board of supervisors may consult with the judge of the domestic relations court or the judge of such court that has jurisdiction over juveniles.

Sec. 4. Members of Board; Qualification; Appointment; Term; Compensation; Disqualification.—The board of supervisors shall consist of five members, a majority of whom shall constitute a quorum for the transaction of business: Provided, however, That not more than three members of the board shall be of any one political party: And provided further, That each member of said board shall be a bona fide resident of Kanawha county. The term of board members shall be for five years and until their successors have been appointed and qualified: Provided, however, That the county court, in appointing the members of the first board, shall appoint one member for a term of one year, one member for a term of two years, one member for a term of three years, one member for a term of four years, and one member for a term of five years. Upon the expiration of such initial appointments, the term of each new appointee shall be five years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. No board member shall be eligible for re-
appointment upon the expiration of one full term of five years: *Provided, however, That any former member may be reappointed to another term after an expiration of one year. The order of the county court shall fix the date on which the term of such board member shall begin.*

After appointment, the members of the board of supervisors shall qualify by taking and filing with the clerk of the county court of Kanawha county the oath prescribed by law of public officials. At the first meeting of the board of supervisors, and annually thereafter, it shall organize by designating one of its members president and one vice president and by appointing a secretary, who may, but need not, be a member of the board. The board of supervisors, except the secretary, shall serve without compensation for their services, but shall be reimbursed for any expenses incurred in the performance of their duties. The board shall have the authority to fix the salary of the secretary. Any member of the board who shall cease to be a bona fide citizen of the county shall thereby be disqualified as a member of the board and his office shall become vacant. The board of supervisors shall be responsible to the county court of Kanawha county for the performance of its duties. Any member of the board may be removed by the county court for incompetency, neglect of duty or malfeasance in office and after an opportunity to be heard at a public hearing before the county court. When a vacancy occurs on said board by reason of death, change of residence, expiration of term or for cause, the county court shall appoint a successor or successors who shall fill out the unexpired term of such member as hereinbefore provided.

Sec. 5. *Time and Place of Meetings; Payment of Expenses; Powers to Manage and Control Properties and Operation of the Kanawha Home for Children; Preparation of Budget.*—The board of supervisors shall have the authority to fix the time and place of its meetings: *Provided, however, That the board shall hold at least one meeting every month. Such board of supervisors shall provide for the employment and shall have the power to remove and fix the compensation of such persons as in
its opinion may be necessary for the operation, maintenance, administration and management of the property under its control, subject, however, to the appropriation of money for such purpose by the county court. The power and authority to manage and control shall include the power to make rules and regulations and to enforce such rules and regulations as may be necessary for the management of said home. The board shall prepare and submit to the county court an annual budget for the operation of the home. No expenditure in excess of said budget shall be made by the board of supervisors without prior approval by the county court.

Sec. 6. Appointment of Personnel; Compensation.—It shall be the duty of the board of supervisors to appoint a superintendent to take charge of the home and children, together with other adequate personnel, and generally to maintain order and discipline among the children so committed into their keeping. The salary or compensation to be paid to said superintendent and the personnel of said home shall be fixed by the board of supervisors and certified to the county court as one of the expenses of maintaining said home.

Sec. 7. Home Not to Be a Penal Institution.—The Kanawha home for children shall not be in or connected with any jail or prison and shall not be deemed to be or treated as a penal institution. It shall be conducted or respected as near like a home as possible: Provided, however, That proper methods shall be taken to secure the custody of the children pending their disposition by the judge of the domestic relations court or the judge of such court that has jurisdiction over juveniles.

CHAPTER 186
(Com. Sub. for House Bill No. 430—Originating in the House Committee on Counties, Districts and Municipalities)

AN ACT to alter and reestablish that part of the division line between Putnam and Kanawha counties from a point on the east bank of the Kanawha River through the Town of
Nitro to State Route No. 35, so as to run with property lines and streets to avoid splitting property; to provide for the transfer of assessment of property adjacent to such changed line; to waive the fees for re-recording of legal instruments made necessary by such change; and to require the recording of a surveyor's plat of the reestablished line in the office of the county clerk of each county.

[Passed March 8, 1955; in effect from passage. Approved by the Governor.]

Section

1. Kanawha-Putnam county boundary line.

Be it enacted by the Legislature of West Virginia:

Section 1. Kanawha-Putnam County Boundary Line.—
2 The following described boundary line is and shall be the boundary line between Kanawha County and Putnam County from the Kanawha River through the Town of Nitro to State Route No. 35, which said boundary line is more particularly described as follows:
3 Beginning at a monument on the easterly bank of Kanawha River, said monument being located 268 feet down the river from the original Kanawha-Putnam County original line and having a coordinate value of North 3752.26, East 1613.83 in the original layout system of Nitro Explosives Plant “C” by the United States Government, and also being the southwesterly corner of a parcel of land owned by the West Virginia Water Service Company; thence with the line of the said West Virginia Water Service Company N 87-04 E 855 feet to a monument on the easterly side of a 50 foot roadway, coordinate being North 4136.25, East 2377.77; thence with the easterly line of said roadway N 13-38 E 593.55 feet to a monument; thence S 76-11 E 363.57 feet to a monument; thence N 74-12 E 313.71 feet to a monument; thence N 13-50 E 281.03 feet to a monument, a corner of the J. R. Wald 1.45 acre tract; thence with the line of Wald S 76-10 E 320.75 feet to a monument, another corner of Wald; having a coordinate value of North 5315.11, East 3141.08; thence N 87-21 E crossing the New York Central Railroad, and
First Avenue in Nitro 706.72 feet to a monument in the
easterly line of First Avenue at the center of the block
between 27th and 28th streets and having a coordinate
value of North 5629.36, East 3774.10; thence through the
said block S 66-15 E, crossing the center of Second Avenue
at 425.83 feet, and in all a total distance of 838.83 feet to
the northwesterly side of Third Avenue (formerly known
as the County Road or River Road); thence with the said
northwesterly line of Third Avenue a distance of 1741
feet to the line of lots 3629 and 3723, a common corner;
thence crossing Third Avenue S 21-00 E 43 feet to an
iron pipe set as the southwesterly corner of the R. G.
Saunders Addition, and in the line of the Pinegrove Land
Company; thence with the line of the R. G. Saunders
Addition and the Pinegrove Land Company S 78-54 E
1193.50 feet, N 86-42 E 694.25 feet to an iron pipe set as
the corner of Pinegrove Land Company, R. G. Saunders
Addition and the W. A. Cochran tract of land; thence
with the R. G. Saunders-Cochran line N 3-47 E 459.70 feet
to the southerly line of 40th street or Armour Creek Road,
which in Putnam County is West Virginia Secondary 25/2,
and in Kanawha County is West Virginia Secondary 35/1,
in all a total distance of 500 feet to the northerly line
of the said road; thence with the northerly line of the said
40th Street road a distance of 1800 feet more or less to the
line of the W. H. Putney tract which was conveyed to the
Pinegrove Land Company in a deed of conveyance as re-
corded in the Office of the Clerk of the County Court of
Kanawha County in Deed Book No. 555 at page 341, and
recorded also in Putnam County; thence with the Putney-
Cochran line N 25-00 E 1097.50 feet to a monument near
the original or present Kanawha-Putnam line, and also
being a corner to J. E. F. Williams and the Hulbert Heights
subdivision; thence with said Williams, Hulbert Heights
and Nitro Park, a subdivision N 27-30 E 1241 feet more or
less to an iron pipe set as a corner to Hulbert Heights,
Nitro Park, and a tract owned by Nicholas, Mary and
Matilda Casey; thence with the division line of said Casey
and Nitro Park S 55-30 E 1635 feet, N 47-15 E 650 feet
more or less to the westerly line of U. S. Route No. 35 and
with the said westerly line of U. S. Route No. 35 on the
arc of a curve having a radius of 1467.39 feet, a distance of 400 feet more or less to the original and present Kanawha-Putnam County line at the said Road. Any part of the area of what is now Putnam County that is on the side of said Boundary Line now shown by the established line as Kanawha County is hereby transferred to Kanawha County and any part of Kanawha County now shown by the established line as in Putnam County is hereby transferred to Putnam County.

The assessors of each county shall cause a joint survey of the property adjoining such line and an assessment to be levied in the proper county beginning with the one thousand nine hundred fifty-six taxable year. Fees for the re-recording of legal instruments made necessary by reason of the change in boundary line herein made shall be waived by the county clerk of each county until January one, one thousand nine hundred fifty-six. A surveyor's plat of the change in the line as specified and made by the provisions of this act shall be recorded in the office of the county clerk of each of said counties.

All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

CHAPTER 187

(House Bill No. 176—By Mr. Goshorn and Mr. Brotherton)

AN ACT to amend and reenact section nine, chapter one hundred nine, acts of the Legislature, regular session, one thousand nine hundred fifteen, as last amended by chapter one hundred sixty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to the salary of the judge of the court of common pleas of Kanawha county.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Section 9. Salary of judge of the court of common pleas of Kanawha county.
Be it enacted by the Legislature of West Virginia:

That section nine, chapter one hundred nine, acts of the Legislature, regular session, one thousand nine hundred fifteen, as last amended by chapter one hundred sixty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 9. Salary of Judge of the Court of Common Pleas of Kanawha County.—The said judge shall for his services receive eleven thousand dollars per annum, to be paid out of the county treasury of said county of Kanawha, from January first, one thousand nine hundred fifty-seven.

CHAPTER 188

(Mouse Bill No. 56—By Mr. Goshorn)

AN ACT to amend and reenact section four, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred forty-seven, relating to the salary of the judge of the domestic relations court of Kanawha county.

(Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.)

Section 4. Salary.

Be it enacted by the Legislature of West Virginia:

That section four, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Section 4. Salary.—The judge of the domestic relations court of Kanawha county, West Virginia, shall from and after the first day of January, one thousand nine hundred fifty-seven, receive for his services a salary in the amount of eleven thousand dollars per annum, to be paid in
monthly installments out of the county treasury of Kanawha county, out of funds of said treasury, in the manner provided by statute. The salary of said judge shall continue as provided in section four, chapter one hundred seventy-two, acts of the Legislature, regular session, one thousand nine hundred forty-seven, until the first day of January, one thousand nine hundred fifty-seven.

CHAPTER 189
(Senate Bill No. 137—By Mr. Amos)

AN ACT to amend and reenact chapter one hundred forty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine, relating to the authorization of the judge of the thirteenth judicial circuit of West Virginia to appoint a law assistant, fixing his qualifications and salary, and requiring the county court of Kanawha county to provide the manner of payment of such salary.

[Passed February 25, 1951; in effect ninety days from passage. Approved by the Governor.]

Section
1. Law assistant for thirteenth judicial circuit; qualifications; salary.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred forty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Section 1. Law Assistant for Thirteenth Judicial Circuit; Qualifications; Salary.—On or after the effective date of this act, the judge of the circuit court of Kanawha county, West Virginia, (thirteenth judicial circuit), may appoint a law assistant, who shall be a person duly licensed to practice law in this state, and who shall discharge such secretarial duties as may be assigned to him by the judge; said law assistant, while acting as such, shall not engage in the practice of law but shall devote
his time to the duties of his office, and may be removed
and his successor appointed at any time by the judge.
Said law assistant shall receive a salary of seven thou-
sand dollars per year payable monthly, and the county
court of Kanawha county shall annually, at its levy
session, provide for the payment out of general county
funds the amount of said salary.

CHAPTER 190
(Senate Bill No. 167—By Mr. Jackson, of Lincoln)

AN ACT to amend and reenact section one, chapter fifty-six,
acts of the Legislature of West Virginia, regular session,
one thousand eight hundred sixty-nine, relating to the
county of Lincoln and defining the territorial boundaries
thereof.

[Passed February 17, 1955; in effect from passage. Approved by the Governor.]

Section
1. Boundaries and territory of Lincoln county defined and estab-
lished.

WHEREAS, There has been some misunderstanding and errors
concerning the boundary lines of the county of Lincoln due
to oversights in former acts of the Legislature of West Vir-
ginia with reference to said boundary lines, and the Legisla-
ture now desiring to clarify the territory and boundaries of
the county of Lincoln and to establish the true boundary lines
thereof as have heretofore been and are now accepted by the
citizens of said county and the counties adjacent thereto;
therefore

Be it enacted by the Legislature of West Virginia:
That section one, chapter fifty-six, acts of the Legislature
of West Virginia, regular session, one thousand eight hundred
sixty-nine, be amended and reenacted to read as follows:

Section 1. Boundaries and Territory of Lincoln County
2 Defined and Established.—All of that former territory of
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3 Cabell, Boone, Kanawha and Logan counties within the
4 boundary of a line beginning on the Cabell county line
5 where it crosses Mud river below the mouth of the Trace
6 Fork of said river; thence with the dividing ridge be-
7 tween Bear creek, Trace creek and Tyler creek to the
8 mouth of Bear creek on Guyandotte river; thence down
9 Guyandotte river to the mouth of Madison creek; thence
10 crossing said creek and up the ridge between Madison
11 creek and the waters of Long Branch, to the Wayne
12 county line at the head of Racoon creek, a branch of the
13 Beech Fork of Twelve Pole creek; thence along said line
14 to where it crosses the West Fork of Twelve Pole, the
15 corner of Mingo county; thence eastward along the Mingo
16 county line to the northwest corner of Logan county;
17 thence with the Logan county line to the Boone county
18 line, at the head of Big Ugly creek; thence with said line
19 to the Kanawha county line, at the mouth of Dick's creek
20 on Little Coal river; thence down Little Coal river to
21 Big Coal river, but to run so as to leave the land known
22 as the Allen M. Smith farm in Kanawha county; thence
23 down Big Coal river to the mouth of Island creek; thence
24 due west with the Kanawha county line to the main di-
25 viding ridge between Falls creek of Big Coal river, and
26 the Trace Fork of Mud; thence northward with said ridge
27 to the line of Putnam county and with said line to the
28 Cabell county line, at the head of Coon creek of the Trace
29 Fork of Mud; thence westward with the Cabell county
30 line to the place of beginning, shall be and remain the
31 county of Lincoln.
32
33 All acts and parts of acts which conflict with this act
34 are hereby repealed to the extent of such conflict.

CHAPTER 191

(House Bill No. 100—By Mr. Watson)

AN ACT to amend and reenact section four, chapter sixty-nine,
acts of the Legislature, regular session, one thousand nine
hundred nineteen, as amended by chapter twenty, acts of
the Legislature, extraordinary session, one thousand nine
Section 4. Salary of Marion county criminal court judge.

Be it enacted by the Legislature of West Virginia:

That section four, chapter sixty-nine, acts of the Legislature, regular session, one thousand nine hundred nineteen, as last amended and reenacted by section four, chapter one hundred fifty, acts of the Legislature, regular session, one thousand nine hundred forty-nine, be amended and reenacted to read as follows:

Section 4. Salary of Marion County Criminal Court Judge.—The judge of said criminal court shall receive for his services a salary of eight thousand four hundred dollars per year, said amount to be fixed and paid from year to year, in equal monthly installments, by the county court of said county, out of the funds of said county, as provided by statute.

CHAPTER 192

AN ACT to compensate Janice Heston, infant, by Charles Heston, her next friend, for personal injuries and to reimburse her for medical and hospital expenses incurred as a result of the collapse of the Mudlick schoolhouse floor, Winfield district, Marion county, West Virginia.
Section

1. Marion county board of education authorized to pay claim of Janice Heston, infant.
2. Finding of moral obligation.

WHEREAS, On September twenty-fifth, one thousand nine hundred fifty-one, Janice Heston, infant, of Hammond, Marion county, West Virginia, who was a pupil at the Mudlick school, Winfield district, Marion county, West Virginia, attended school on said date; and

WHEREAS, Said school was under the jurisdiction, control and supervision of the board of education of Marion county, West Virginia, for the convenience of said Janice Heston and other school children; and

WHEREAS, While walking in the schoolhouse during school hours the floor of said schoolhouse collapsed by reason of the negligence of said board of education, its agents and employees, in improperly repairing and maintaining said floors and the said Janice Heston fell through said floor and was hurled violently to the ground; and

WHEREAS, As a result of said fall, the said Janice Heston suffered bruises, abrasions, cuts, contusions, and was hospitalized and necessarily incurred certain medical, hospital and other expenses; and

WHEREAS, Janice Heston was in no sense at fault in the premises; therefore,

Be it enacted by the Legislature of West Virginia:

Section 1. Marion County Board of Education Authorized to Pay Claim of Janice Heston, Infant.—The board of education of Marion county is hereby authorized, as in its discretion it may see fit, to pay the sum of seventy-eight dollars and twenty-five cents to Janice Heston by Charles Heston, her next friend, to compensate her for personal injuries suffered, and to reimburse her for medical and hospital expenses incurred as a result of the collapse of the schoolhouse floor of Mudlick school, Winfield district, Marion county, West Virginia, under the jurisdiction of the board of education, Marion county, West Virginia.
Sec. 2. Finding of Moral Obligation.—It is hereby declared to be the finding of the Legislature based upon its conclusion of fact, that the appropriation made in section one hereof is for the payment of a moral obligation of the state of West Virginia.

CHAPTER 193
(Senate Bill No. 318—By Mr. Jones)

AN ACT authorizing the county court of Mason county to set aside in a special fund for road purposes any surpluses in general county funds after the expiration of the authority granted to the county court with respect to such surpluses by chapter one hundred ninety-two, acts of the Legislature, regular session, one thousand nine hundred fifty-three.

[Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.]

Section 1. Mason county road fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Mason County Road Fund.—After the expiration of the five-year period specified in chapter one hundred ninety-two, acts of the Legislature, regular session, one thousand nine hundred fifty-three, relating to the disposition by the county court of Mason county of surpluses in the general county fund, the county court of Mason county shall have authority during the following five-year period to pay any surpluses in the general county fund into a special county road fund, and shall pay into such special county road fund any balance remaining in the special county fund created by the special act of the Legislature mentioned above. All moneys in the special road fund may, with the approval of the state road commission, be expended by the county court of Mason county for the improvement of secondary roads in Mason county.
CHAPTER 194

AN ACT authorizing the county court of Mason county to expend funds for the improvement, maintenance and equipment of a Four-H and Youth camp for educational and recreational purposes in Mason county, and creating a board for the control, management and supervision there-of.

[Passed February 25, 1955; in effect from passage. Approved by the Governor.]

Section

1. Mason county court authorized to expend funds for four-H and youth camp.
2. Mason county four-H and youth camp board; appointment and duties.
3. Organization meeting of the board.
4. Employees of the board; expenditures.
5. Estimates of expenditures; limitations.
6. Additional funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Mason County Court Authorized to Expend Funds for Four-H and Youth Camp.—The county court of Mason county shall have authority to make provision in its budget and to expend county funds, on lands owned or hereafter acquired by the county court, for the improvement, maintenance and equipment of a Four-H and Youth camp to be used for educational and recreational purposes.

Sec. 2. Mason County Four-H and Youth Camp Board; Appointment and Duties.—There is hereby created a board of Four-H and Youth camp commissioners to be known as the “Mason County Four-H and Youth Camp Board.” The board shall consist of five members and shall be a body corporate. The members of the board shall be appointed by the county court of Mason county as hereinafter provided. The board shall have control, management and supervision of the camp and its use.

All members of the board shall be residents and qualified voters of Mason county and not more than two shall
be appointed or serve at one time from the same magisterial district. Two of the original members shall be appointed for a term of two years, two for a term of four years, and one for a term of six years. Thereafter all appointments shall be for a term of six years, except that appointments to fill a vacancy caused by the death, resignation or removal of a member shall be for the unexpired term.

Members of the Four-H and Youth camp board shall be appointed by the county court, upon nomination by a nominating committee, consisting of five members, as follows: One member of the committee shall be a person selected by the leaders of the boys' and girls' Four-H organization of Mason county, one member shall be selected by the Mason county Farm Bureau, one member shall be selected by the Farm Women's Council and the Association of Farm Bureau Women, one member shall be selected by the leaders of the scouting organizations of Mason county, and one member shall be selected by the county court of Mason county. If any organization authorized to appoint a member of the nominating committee shall cease to exist, or shall fail to exercise its privilege of appointment, such nominating committee may still function as long as at least three members thereof are appointed and participate. Selections to fill vacancies in membership on the nominating committee shall be made in the same manner. No person shall be appointed to fill any vacancy on the Four-H and Youth camp board until after he shall have been nominated by the nominating committee as hereinbefore provided.

Before serving as a member of the "Mason County Four-H and Youth Camp Board" each member shall take and subscribe an oath that he will faithfully perform his duties as a member of the board. Such oath shall be administered by the clerk of the county court of Mason county.

Sec. 3. Organization Meeting of the Board.—The first meeting of the board shall be held at the time and place to be designated by the county court, within thirty days
after the effective date of this act. Thereafter, regular
meetings shall be held as prescribed by rules adopted by
the board. Special meetings may be held at any time as
prescribed by such rules, or when called by the president
or any three members of the board. The board shall
elect from its members a president and a secretary. The
president shall preside as chairman of the meetings and
shall not vote upon any matter except in case of a tie.
A majority of the members shall constitute a quorum for
the transaction of business.

The secretary shall keep, or cause to be kept, a record
of all receipts and expenditures of the board. Such record
shall be submitted to the county court at least every six
months, or more often if required by the county court.

Sec. 4. Employees of the Board; Expenditures.—The
Four-H and Youth camp board shall employ only such per-
sons as may be approved by the county court. No expendi-
ture shall be made for any purposes under this act, ex-
cept upon written recommendation of the board.

Sec. 5. Estimates of Expenditures; Limitations.—The
Four-H and Youth camp board may each year, prior to the
levy term of county court, submit to the court a detailed
estimate of the amount needed for any of the purposes
enumerated in section one of this act. In making its
levy estimate, the court may provide for all, or any por-
tion, of the funds needed by the board for such purposes.
The court may from time to time allocate and spend for
such purposes any funds that may be available and not
required for other purposes for which such funds may
have been levied or collected. The county court shall
not expend for the purposes of this act an amount in
excess of ten thousand dollars per year for the first three
years, nor more than five thousand dollars per year
thereafter.

Sec. 6. Additional Funds.—The county court of Mason
county may, from time to time, authorize the Four-H and
Youth camp board to expend moneys for the purposes of
this act, in addition to county funds, but before any such
expenditures are authorized to be made by the board,
the limit of such expenditures shall be fixed by the court.
Neither the court nor the county shall, in any event, be
liable for any expenditures made or indebtedness in-
curred by the board in excess of the amounts authorized.
The board is authorized to solicit and receive donations
and gifts for use and maintenance of the camp.

CHAPTER 195
(House Bill No. 403—By Mr. Mills)

AN ACT to authorize the county court of McDowell county to
use unexpended funds and surplus in the general fund of
said county, and surpluses in any special fund of said
county, for the purpose of creating a special building fund
for building an addition to, alteration or repair of, the court
house and the county jail, and to expend for such purposes
the fund created.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]

Section
1. McDowell county court authorized to create a special building
fund.
2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. McDowell County Court Authorized to
Create a Special Building Fund.—The county court of
McDowell county is hereby authorized and empowered
from year to year to use any unexpended funds of said
county, and any surpluses in the general county fund, for
the purpose of creating a special building fund for build-
ing an addition to, alterations or repairs of, the court house
and the county jail, and said county court is authorized
to expend for such purposes the fund so created.

Sec. 2. Retransfer of Funds.—In cases of emergency, the
county court of McDowell county by unanimous vote
thereof, shall be empowered to retransfer funds from the
special building fund herein created to the general fund.
CHAPTER 196

(Senate Bill No. 317—By Mr. Mitchell)

AN ACT to amend and reenact section nine, chapter five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred nineteen, as amended by chapter one hundred seventy, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to the salary of the judge of the criminal court of McDowell county.

Passed March 4, 1955; in effect ninety days from passage. Approved by the Governor.

Section 9. Salary of McDowell county criminal judge.

Be it enacted by the Legislature of West Virginia:

That section nine, chapter five, acts of the Legislature, regular session, one thousand nine hundred nineteen, as amended by chapter one hundred seventy, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 9. Salary of McDowell County Criminal Judge.
2 —The said criminal judge shall, for his services, receive
3 seven thousand two hundred dollars per annum, to be
4 paid out of the county treasury.

CHAPTER 197

(House Bill No. 16—By Mr. Richardson, of Mercer)

AN ACT to amend and reenact section three, chapter eighteen, acts of the Legislature of West Virginia, regular session, one thousand eight hundred ninety-three, relating to election, time of electing, term of office, qualifications and removal from office of the judge of the criminal court of Mercer county; and the filling of vacancies in said office.
[Passed February 9, 1955; in effect ninety days from passage. Approved by the Governor.]

Section

3. Election; qualifications; term of judge; removal from office; filling vacancies.

Be it enacted by the Legislature of West Virginia:

That section three, chapter eighteen, acts of the Legislature of West Virginia, regular session, one thousand eight hundred ninety-three, be amended and reenacted to read as follows:

Section 3. Election; Qualifications; Term of Judge; Removal from Office; Filling Vacancies.—There shall, at the general election to be held in this state on the Tuesday next after the first Monday in November in the year one thousand nine hundred sixty, and every eight years thereafter, be elected by the legal voters of Mercer county, West Virginia, a judge of the criminal court of said county, who shall be a resident member of the bar of said county, and shall be disqualified from practicing law in all the courts of this state during his continuance in office, who shall preside over said court for the term of eight years from the first day of January succeeding said election, and shall be, except as to jurisdiction, subject to the laws in force governing circuit judges. The judge of said court may be removed from office for the same reasons and in the same manner as judges of the circuit courts. And if from any cause the office shall become vacant, the vacancy shall be filled in the same manner as in the case of a vacancy in the office of judge of the circuit court. The judge of said court elected, at the general election held in this state on the Tuesday next after the first Monday in November in the year one thousand nine hundred fifty-four, to preside over said court for the term of six years from the first day of January succeeding his election, shall hold office until the first day of January, one thousand nine hundred sixty-one, and until his successor is elected and qualified.
CHAPTER 198

(House Bill No. 317—By Mr. Dawson)

AN ACT to authorize the county court of Morgan county to use unexpended funds and surplus in the general fund of said county, and surpluses in any special funds of said county, for the purpose of creating a special building fund for building a residence for the sheriff of said county, and to expend for such purposes the fund created.

[Passed February 22, 1955; in effect ninety days from passage. Approved by the Governor.]

Section

1. Morgan county court authorized to create a special building fund.
2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Morgan County Court Authorized to Create a Special Building Fund.—The county court of Morgan county is hereby authorized and empowered from year to year to use any unexpended funds and surpluses in the general county fund, and any surpluses in any special fund of said county, for the purpose of creating a special building fund for building a residence for the sheriff of said county, and to expend for such purposes the fund created.

Sec. 2. Retransfer of Funds.—In cases of emergency, the county court of Morgan county, by unanimous vote thereof, shall be empowered to retransfer funds from the special building fund herein created to the general fund.

CHAPTER 199

(House Bill No. 476—By Mr. Crislip)

AN ACT to authorize and empower the county court of Nicholas county to transfer the unexpended balances in the county dog tax fund to the general county fund of said county.
Chapter 200

(Ohio County—Airport and County Building)

Section 1. Nicholas county court authorized to transfer dog tax fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Nicholas County Court Authorized to Transfer Dog Tax Fund.—The county court of Nicholas county is hereby authorized and empowered to transfer the unexpended balances now in the dog tax fund of said county, remaining and not needed for the payment and satisfaction of all claims and expenses against the said dog tax fund, to the general county fund of said county.

Chapter 200

(Ohio County—Airport and County Building)

Section 1. Board of Commissioners of the County of Ohio Authorized to Lay an Additional Levy, and to use Proceeds Therefrom for Construction and Maintenance of an Airport and a County Building.

Be it enacted by the Legislature of West Virginia:

Section 1. Board of Commissioners of the County of Ohio Authorized to Lay an Additional Levy, and to use Proceeds Therefrom for Construction and Maintenance of an Airport and a County Building.—For a period of five years commencing with the fiscal year one thousand nine
hundred fifty-five—one thousand nine hundred fifty-six, in addition to the levies heretofore authorized to be laid by county courts for general county current expense, and for the payment of interest and sinking fund require-
ments on bonded indebtedness incurred subsequent to the passage of the tax levy limitation amendment, the board of commissioners of the county of Ohio is hereby
authorized and empowered to lay such additional levy as may not be required for bonded indebtedness, on all of the property in Ohio county, but not to exceed four and nine-tenths cents on each one hundred dollars' assessed valuation on class I property; nine and eight-tenths cents on class II property; and nineteen and six-tenths cents on classes III and IV property. The proceeds of said levy shall be placed in a separate fund designated “public improvement fund”, to be used solely for the construction, equipment and maintenance of an airport and a county building, and for the leasing of temporary quarters for a county building during any construction period. Any such county building may be constructed, equipped and maintained in conjunction with the city of Wheeling.

Sec. 2. Inconsistent Acts Repealed.—All acts and parts of acts inconsistent or in conflict herewith, insofar as the same may be applicable to the county of Ohio, or the said board of commissioners of the county of Ohio, are hereby repealed.

CHAPTER 201
(House Bill No. 307—By Mr. Powell)

AN ACT to authorize and empower the county court of Pleasants county to use unexpended funds and surpluses in any fund of said county for the purpose of creating a special county building fund, and to use such fund for the construction of new county buildings and/or for enlarging, remodeling and improving present county buildings.

[Passed February 22, 1955; in effect ninety days from passage. Approved by the Governor.]
Section
1. Special building fund for Pleasants county.
2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Special Building Fund for Pleasants County.
2—The county court of Pleasants county is hereby authorized and empowered from year to year to use unexpended funds and surpluses in the general county fund or any other fund of said county for the purpose of creating a special county building fund for the construction of new county buildings and/or for enlarging, improving, remodeling and altering present county buildings. The said county court is also authorized to expend for such purposes the fund so created.

Sec. 2. Retransfer of Funds.—In case of emergency, the county court of Pleasants county, by unanimous vote thereof, is hereby empowered to retransfer funds from the special building fund herein created to the general fund of said county.

CHAPTER 202
(House Bill No. 275—By Mr. Whetsell)

AN ACT to authorize the county court of Preston county to use unexpended funds and surplus in the general fund of said county, and surpluses in special funds of said county, for the purpose of creating a special maintenance fund for the operation and maintenance of the Preston Memorial hospital, and to transfer said fund to the board of trustees of the Preston Memorial hospital to expend for such purposes the fund created.

[Passed February 22, 1955; in effect from passage. Approved by the Governor.]

Section
1. Preston county court authorized to create a special maintenance fund.
Be it enacted by the Legislature of West Virginia:

Section 1. Preston County Court Authorized to Create a Special Maintenance Fund.—The county court of Preston county is hereby authorized and empowered to use the sum of one thousand eight hundred fifty-four dollars and forty-seven cents, in the Kingwood district road bond interest and sinking fund; the sum of three thousand seven hundred seven dollars and eighty-three cents in the Portland district road bond interest and sinking fund; the sum of one thousand eight hundred sixty-three dollars and nine cents in the excess levy fund, all of which funds aggregate seven thousand four hundred twenty-five dollars and thirty-nine cents; and, any unexpended funds and surplus in the general county fund at the end of the fiscal year of one thousand nine hundred fifty-four—one thousand nine hundred fifty-five, for the purpose of creating a special maintenance fund for the operation and maintenance of the Preston Memorial hospital, and said county court is authorized to transfer said funds to the board of trustees of the Preston Memorial hospital to expend for such purposes the fund so created.

CHAPTER 203

(Senate Bill No. 324—By Mr. Jones)

AN ACT authorizing the board of education of the county of Putnam to reimburse Lloyd Cain for personal injuries, and for medical, hospital, and other necessary expenses incurred as a result of the negligence of said board of education of Putnam county, and to declare a moral obligation to exist on the part of said board of education in favor of said Lloyd Cain.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the Governor.]

Section

1. Authorization for reimbursement.
2. Finding of moral obligation.
WHEREAS, On the twenty-third day of October, one thousand nine hundred fifty-four, Lloyd Cain attended a football game played between Buffalo high school of Putnam county, West Virginia, and Hamlin high school of Lincoln county, West Virginia; and

WHEREAS, While observing the said game at the Buffalo high school football field in Buffalo, Putnam county, West Virginia, as a spectator, certain football players of the Buffalo high school football team and the Hamlin high school football team ran off the playing field and into and on the said Lloyd Cain, who as a spectator was standing near the playing field with other spectators where he had a right to be and where he would have ordinarily been free from danger, and seriously injured the said Lloyd Cain fracturing his right hip and leg; and

WHEREAS, The said Lloyd Cain suffered great physical pain and mental anguish, was hospitalized and was confined to bed for a long period of time, and necessarily incurred certain medical, hospital and other expenses and lost approximately six months from his employment at a salary of three hundred twenty-five dollars per month; and

WHEREAS, Said Lloyd Cain was in no sense at fault in the premises; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Authorization for Reimbursement.—The board of education of the county of Putnam, West Virginia, is hereby authorized as in its discretion it may see fit, to reimburse Lloyd Cain for his personal injuries and for medical, hospital and other necessary expenses suffered by him as a result of an accident whereby he was run into and pinned beneath certain football players of the Buffalo high school and Hamlin high school teams, at the Buffalo high school football field, Buffalo, Putnam county, West Virginia, on October twenty-third, one thousand nine hundred fifty-four, which said players ran off the playing field and into the area occupied by spectators, including the said Lloyd Cain, thereby seriously injuring the said Lloyd Cain, and which said accident and injury was caused by the negligence of said county board of education for the protection of spectators at such athletic
17 events: Provided, however, That the authorization hereby
18 granted to said board of education of the county of Put-
19 nam shall not exceed the sum of two thousand five hun-
20 dred dollars.

Sec. 2. Finding of Moral Obligation.—It is hereby de-
2 declared to be the finding of the Legislature that a moral
3 obligation on the part of the board of education of the
4 county of Putnam exists in favor of said Lloyd Cain.

CHAPTER 204
(House Bill No. 350—By Mr. Smith, of Putnam)

AN ACT to authorize the county court of Putnam county to use
unexpended funds and surplus in the general fund of said
county for the purpose of creating a special building fund
for building an addition to, alteration or repair of, the
courthouse, and to expend for such purposes the fund
created.

[Passed March 12, 1955; in effect ninety days from passage. Approved by the
Governor.]

Section
1. Putnam county court authorized to create a special building fund.
2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Putnam County Court Authorized to Create
2 a Special Building Fund.—The county court of Putnam
3 county is hereby authorized and empowered from year
4 to year to use any unexpended funds of said county, and
5 any surpluses in the general county fund, for the purpose
6 of creating a special building fund for building an addition
7 to, alteration or repair of, the courthouse, and to expend
8 for such purposes the fund created.

Sec. 2. Retransfer of Funds.—In cases of emergency,
2 the county court of Putnam county, by unanimous vote
3 thereof, shall be empowered to retransfer funds from the
4 special building fund herein created to the general fund.
CHAPTER 205
(Senate Bill No. 36—By Mr. Nuckols)

AN ACT to amend and reenact section nine, chapter one hundred ninety-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-three, fixing the salary of the judge of the criminal court of Raleigh county.

(Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.)

Section 9. Salary of the judge of the criminal court of Raleigh county.

Be it enacted by the Legislature of West Virginia:

That section nine, chapter one hundred ninety-eight, acts of the Legislature of West Virginia, regular session, one thousand nine hundred fifty-three, be amended and reenacted to read as follows:

Section 9. Salary of the Judge of the Criminal Court of Raleigh County.—The judge of the criminal court of Raleigh county, West Virginia, shall from and after the first day of January, one thousand nine hundred fifty-seven, receive for his services a salary in the amount of eight thousand five hundred dollars per annum, to be paid in monthly installments out of the county treasury of Raleigh county, out of funds of said treasury, in the manner provided by statute.

CHAPTER 206
(House Bill No. 455—By Mr. Hersman)

AN ACT to authorize the county court of Roane county to use unexpended funds and surplus in general fund of said county, and surpluses in any special fund of said county, for the purpose of creating a special building fund for
building an addition to, alteration or repair of, the courthouse and the county jail, and to expend for such purposes the fund so created.

[Passed March 12, 1955; in effect from passage. Approved by the Governor.]

Section
1. Roane county court authorized to create a special building fund.
2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Roane County Court Authorized to Create a Special Building Fund.—The county court of Roane county is hereby authorized and empowered from year to year to use any unexpended funds of said county, or any funds arising from the sale of any property owned by said county court, and any surpluses in the general county fund, for the purpose of creating a special building fund for building an addition to, alterations or repairs, of the courthouse and the county jail, and said county court is authorized to expend for such purposes the fund so created.

Sec. 2. Retransfer of Funds.—In cases of emergency, the county court of Roane county, by unanimous vote thereof, shall be empowered to retransfer funds from the special building fund herein created to the general fund.

CHAPTER 207
(Senate Bill No. 213—By Mr. McKown)

AN ACT to authorize and empower the county court of Wayne county to set up a courthouse and jail building fund from surpluses thus far accumulated by the said county court and now retained in the general county fund, and also from surpluses hereinafter accumulated in the general county fund; and to transfer from the general county fund any money therein thus far accumulated, or that may hereafter from year to year so accumulate over and above
the money needed for the normal operation of said county, which said money so set up in said special fund may be used for enlarging, remodeling and improving the present courthouse and jail or for the construction of a new courthouse and jail on the present or another site and as well to purchase additional land from individuals, associations, or corporations, incident to the improvement of said courthouse and jail facilities.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]

Section 1. Wayne county courthouse and jail building fund; purchase of additional land.

Be it enacted by the Legislature of West Virginia:

Section 1. Wayne County Courthouse and Jail Building Fund; Purchase of Additional Land.—The county court of Wayne county is hereby authorized and empowered to transfer from its general county fund all money or moneys therein and theretofore accumulated and held in said fund for building purposes, into a special courthouse and jail building account, and is further authorized and empowered from year to year to transfer from its general county fund into said special fund all surpluses that may accumulate in said general fund, and that said money or moneys so accumulated in said special fund may be expended for the enlarging, remodeling and improving of the present courthouse and jail, or for the construction of a new one on the present courthouse site or on other presently owned county sites and that a portion of said fund may be used for the purpose of acquiring additional real estate, either by purchase or through eminent domain, incident to presently owned county lots that may be needed for the purpose of enlarging the same sufficient to accommodate the construction of new courthouse and jail facilities.
AN ACT to authorize the county court of Wetzel county to use unexpended funds and surplus in the general fund of said county, and surpluses in any special fund of said county, for the purpose of creating a special building fund for building an addition to, alteration or repair of, the courthouse and the county jail, and to expend for such purposes the fund created.

[Passed February 9, 1955; in effect from passage. Approved by the Governor.]

Section 1. Wetzel county court authorized to create a special building fund.  
Section 2. Retransfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Wetzel County Court Authorized to Create a Special Building Fund.—The county court of Wetzel county is hereby authorized and empowered from year to year to use any unexpended funds of said county, and any surpluses in the general county fund, for the purpose of creating a special building fund for building an addition to, alterations or repairs, of the courthouse and the county jail, and said county court is authorized to expend for such purposes the fund so created.

Sec. 2. Retransfer of Funds.—In cases of emergency, the county court of Wetzel county, by unanimous vote thereof, shall be empowered to retransfer funds from the special building fund herein created to the general fund.

CHAPTER 209
(Senate Bill No. 236—By Mr. Swearingen)

AN ACT to authorize the county court of Wood county to use unexpended funds and surplus in the general fund of
said county, and surpluses in the dog fund of said county, for the purpose of creating a special building fund for the purpose of purchasing land for the location of county buildings, for the construction of new county buildings, and for enlarging, remodeling and improving county buildings, and to expend for such purposes the funds so created.

[Passed February 25, 1955; in effect ninety days from passage. Approved by the Governor.]

Section

1. Wood county court authorized to create a special building fund.

Be it enacted by the Legislature of West Virginia:

Section 1. Wood County Court Authorized to Create a Special Building Fund. — The county court of Wood county is hereby authorized and empowered from year to year to use any unexpended funds of said county and any surpluses in the dog fund for the purpose of creating a special building fund to purchase land for the location of county buildings, to construct new county buildings, and to enlarge, remodel, and improve county buildings; and the said county court is authorized to expend for such purposes the funds so created.

CHAPTER 210

(House Bill No. 316—By Mr. England)

AN ACT to authorize the county court of Wyoming county to use unexpended funds and surpluses in the general fund of said county, and surpluses in any special fund of said county, for the purpose of creating a special fund in order to construct, remodel and improve county buildings.

[Passed March 5, 1955; in effect from passage. Approved by the Governor.]

Section

1. Wyoming county court authorized to create a special building fund.
Be it enacted by the Legislature of West Virginia:

Section 1. Wyoming County Court Authorized to Create a Special Building Fund.—The county court of Wyoming county is hereby authorized and empowered from year to year to use any unexpended funds of said county, and any surpluses in the general county fund and dog fund, or any other fund of said county not needed in the orderly operation of said fund, or funds, for the purpose of purchasing land for the location of county buildings, for the construction of new county buildings and for enlarging, remodeling and improving existing county buildings. The said county court is hereby authorized to expend for such purposes the funds so created.
RESOLUTIONS

(Only resolutions of general interest adopted by the Legislature and the two Houses thereof during the session are included in this volume. Resolutions dealing with organization of the Legislature and other routine business, upon which action has been completed, will be found in the Journals of the Session.)

HOUSE CONCURRENT RESOLUTION NO. 3
(By Mr. Chilton)
[Adopted February 1, 1955.]

Creating a commission for the celebration of the one hundredth anniversary of the State of West Virginia.

WHEREAS, West Virginia is one of the later states to be admitted to the Union—only thirteen states having been added since its admission—and in some sections of the nation has too long been "the land overlooked", with citizens of other states often failing to remember that West Virginia enjoys full statehood and is not a part of the Commonwealth of Virginia; and

WHEREAS, The State of West Virginia, born of travails of the Civil War, became a state on June 20, 1863, and will therefore reach its 100th anniversary in eight years; and

WHEREAS, It is the sense of the Legislature that it is meet that a centennial celebration be organized and held during the summer of 1963, the purpose of which shall be to point up progress during a century of statehood, and to bring favorable attention to the State of West Virginia, its people, its resources, its potential for the future; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That there is hereby established a commission to be known as the "West Virginia Centennial Commission," and to be composed of fifteen commissioners, as follows:

The Governor of West Virginia, the President of the State Senate, the Speaker of the House of Delegates and the director
of the West Virginia Industrial and Publicity Commission, ex officio; five persons to be appointed by the Governor, three Senators to be appointed by the President of the Senate, and three Delegates to be appointed by the Speaker of the House of Delegates.

The members of the commission shall serve without compensation, and shall select a chairman, a vice chairman and a secretary from among their number.

It shall be the duty of the commission to plan for the proper observance of West Virginia's first 100 years of statehood, through an exposition or expositions of its varied resources and products as well as its ethical and cultural achievements, to be held at some point or points where such exposition can best be accommodated and also enjoy easy accessibility; and to plan such other appropriate methods for the observance of this anniversary as the commission shall deem suitable and proper.

It shall also be the duty of the commission to cooperate with historical and other groups in the purposes and plans of said celebration; and to give due and proper consideration to plans that may be submitted to them; to advise with and encourage local and general celebrations by schools, churches, patriotic organizations, historical societies, business, labor and civic organizations, and to do any and all things proper and practical to make such expositions and celebrations a pronounced success.

A vacancy on the commission shall be filled by the official authorized to make the original appointment.

HOUSE CONCURRENT RESOLUTION NO. 15
(By Mr. Adams and Mr. McCoy, of Jackson)

[Adopted February 11, 1955.]

Directing the State Road Commissioner to name the new bridge spanning the Kanawha River at Winfield, Putnam County, West Virginia, the “Memorial Bridge,” and to erect, establish, and maintain on said bridge a bronze plaque memorializing the War Veterans of Putnam County.
Resolved by the House of Delegates, the Senate concurring therein:

That the State Road Commissioner is hereby directed to name the new bridge spanning the Kanawha River at Winfield, Putnam County, West Virginia, the "Memorial Bridge"; and, be it

Further Resolved, That the State Road Commissioner do erect, establish, and maintain on said bridge a bronze plaque memorializing the War Veterans of Putnam County.

HOUSE CONCURRENT RESOLUTION NO. 19
(By Mr. Whaley and Mr. Brotherton)
[Adopted March 3, 1955.]

Memorializing the Congress of the United States to establish a national monument on Blennerhassett Island.

WHEREAS, Blennerhassett Island in the Ohio river near Parkersburg, West Virginia, is a place of historic interest in that it played an important part in the life and intrigues of Aaron Burr, former vice president of the United States, and is a place of scenic beauty; and

WHEREAS, The island is now in private hands with little or nothing being done to preserve it as a permanent place of historic interest for future generations of Americans, but is in danger of losing its identity as a historic site; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Congress of the United States is hereby requested to give favorable consideration to the passage of legislation that would establish Blennerhassett Island as a national monument, and which would include the reconstruction of the Blennerhassett mansion and build an adequate approach to the island by bridge or ferry; and, be it

Further Resolved, That the Secretary of State is hereby directed to forward attested copies of this concurrent resolution to the President and Secretary of the United States Senate, the
Speaker and Clerk of the House of Representatives, and to each member of the West Virginia delegation in the Congress of the United States.

COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 24
(Originating in the House Committee on the Judiciary)
[Adopted March 12, 1955.]

Directing the joint committee on government and finance to conduct a study of all phases of the system of sentencing persons to the state penal and correctional institutions and their commitment, parole or other release including commutations and the supervision and recommitment of such persons on parole.

WHEREAS, An adequate system of correction of delinquents is essential to the well-being of the State; and

WHEREAS, Cognizant of the importance of a good system of correction of delinquents being essential to the well-being of society and many citizens feeling that the existing system is inadequate; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

That the Joint Committee on Government and Finance is hereby directed to make a thorough study, survey and investigation of all phases of the system of sentencing persons to the state penal and correctional institution and their commitment, parole or other release including commutations and the supervision and recommitment of such persons on parole, and make findings and recommendations to the Legislature.

The committee shall make such reports to the members of the Legislature from time to time as it shall deem advisable, and shall on or before January 15, 1956, make an interim report to the members of the Legislature embracing its findings and recommendations to that time. On or before the date of the convening of the regular session of the Legislature in the year
one thousand nine hundred fifty-seven, the committee shall make a final report to the Legislature, and shall include in such report such findings and recommendations as it shall deem pertinent and shall include in such report drafts of any proposed legislation which it shall deem necessary to carry the recommendations of the committee into effect.

In order to make possible the procurement of the necessary information to carry out the intent and spirit of this resolution, the committee is hereby empowered to call upon any department or agency of state government for such services, information and assistance as it may deem appropriate, to summon witnesses and take testimony and to cause the production of such papers, documents, records, and the like as the committee may deem expedient.

HOUSE JOINT RESOLUTION NO. 2
(By Mr. Dawson and Mr. Curtis)
[Adopted February 11, 1955.]

Proposing an amendment to the Constitution of the State of West Virginia, by adding a new section to article three thereof, designated section twenty-one, relating to jury service.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of West Virginia 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:

That article three of the Constitution be amended by adding thereto a new section, designated section twenty-one, to read as follows:

Section 21. Regardless of sex, all persons, who are otherwise qualified, shall be eligible to serve as petit jurors, in both civil and criminal cases, as grand jurors and as coroner's jurors.
Committee Substitute for House Joint Resolution No. 7

(Originating in the House Committee on Veterans Affairs)

[Adopted March 7, 1955.]

Proposing an amendment to the Constitution of the State of West Virginia, to be known as the "Korean Veterans Bonus Amendment," relating to the issuance and sale of state bonds for the payment of a bonus to veterans.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of the State of West Virginia 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. An 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 submitted 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 refunding 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 provisions
of paragraph (2) above shall not exceed the principal 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 pur-
poses.

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 addi-
tional 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 cove-
nants, 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 chapters 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 and interest on bonds issued pursuant to said Vet-
erans' 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 Amend-
ment 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 chapters 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.

HOUSE RESOLUTION NO. 12
(By Mr. Adams)

[Adopted January 25, 1955.]

Memorializing the Congress of the United States to appropriate federal funds to assist municipalities within signatory states of the Ohio River Valley Compact in financing sanitary sewage systems and sewage treatment facilities.

WHEREAS, The federal government was instrumental in securing the signatures of eight states to the cooperative interstate anti-pollution agreement known as the Ohio River Valley Compact, and sponsored the organization known as the Ohio River Valley Water Sanitation Commission, for the purpose of clearing the Ohio River, its branches and tributaries of pollution; and

WHEREAS, The anti-pollution program of the said Ohio River Valley Water Sanitation Commission is rapidly moving forward and municipalities in signatory states are being called upon to immediately construct sanitary sewage systems and sewage treatment facilities; and

WHEREAS, Many municipalities in this and other signatory states now find that they are financially unable to carry out the anti-pollution programs required of them by law, and appear to be powerless to help themselves; therefore, be it
Resolved by the House of Delegates:

That we urge the Congress of the United States to appropriate federal funds for the purpose of giving assistance to municipalities within the signatory states of the Ohio River Valley Compact in constructing sanitary sewage systems and sewage treatment facilities required of them by law, and that we respectfully recommend that the members of Congress from the State of West Virginia do everything within their power to further the purposes of this resolution; and, be it

Further Resolved, That a copy of this resolution be forwarded to all members of the Congress of the United States from the State of West Virginia, to the chairman of the appropriate committees of the Senate and the House of Representatives of the United States, and the Clerk of the Senate and the Clerk of the House of Representatives of the Congress of the United States.

HOUSE RESOLUTION NO. 24

(By Mr. Adams)

[Adopted February 24, 1955.]

Requesting the two United States Senators and the members of the House of Representatives from West Virginia to use their best efforts to obtain the establishment of a Reserve Air Unit of the United States Air Force at the Wheeling-Ohio County Airport.

WHEREAS, The Wheeling-Ohio County Airport is well adapted for the use of certain types of military aircraft and could be very advantageously utilized by the United States Air Force for the establishment of a Reserve Air Unit; and

WHEREAS, Said Wheeling-Ohio County Airport is strategically located for said purposes and for national defense; and

WHEREAS, A Reserve Air Unit could be so established and said Airport could be fitted and equipped at a minimum of expense; therefore, be it

Resolved by the House of Delegates:

That the two United States Senators and the six members
of the House of Representatives from West Virginia are hereby respectfully requested to use their best efforts to obtain the establishment of a Reserve Air Unit of the United States Air Force at the Wheeling-Ohio County Airport; and, be it

Further Resolved, That copies of this resolution be transmitted to the two West Virginia members of the United States Senate and to the six members of the House of Representatives from West Virginia.

HOUSE RESOLUTION NO. 25
(By Mr. Saunders)
[Adopted March 7, 1955.]
Memoralizing West Virginia members of the Congress to protect the coal industry and the economic status of the employees therein by restricting the importation of foreign residual oil.

WHEREAS, The importation of foreign residual oil has stifled the market for the sale of coal; and

WHEREAS, The curtailment of the sale of coal, resulting directly from the unrestricted importation of foreign residual oil, has and is reducing the living standards of the people of the State of West Virginia and is resulting in untold hardships and needless unemployment to the coal miners in the State of West Virginia; and

WHEREAS, This importation of foreign residual oil has resulted in a tremendous loss of state revenues to the extent that the state government has been hampered in providing essential services to the people of West Virginia; therefore, be it

Resolved by the House of Delegates:
That the West Virginia members of the United States Congress exert their best efforts in opposing the importation of foreign residual oil into the United States; and, be it

Further Resolved, That the Clerk of the House of Delegates forward attested copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of Congress now serving from West Virginia.
SENATE CONCURRENT RESOLUTION NO. 4
(By Mr. Traubert and Mr. Stemple)

[Adopted March 11, 1955.]

Requesting the Joint Committee on Government and Finance and Commission on Interstate Cooperation to study the overall question of the state's renewable natural resources.

WHEREAS, We are vitally concerned regarding the substantial depletion of the non-renewable natural resources of West Virginia, the failure to protect adequately the State's renewable natural resources, and the failure to provide satisfactorily for replacement and enhancement of such renewable natural resources; and this situation has created economic problems which, if not effectively solved, will seriously endanger the security and welfare of the people of West Virginia; and

WHEREAS, As a result of the recent floods, the drought, and the unhealthy decline in the economy of the State, and particularly as a result of the discussions at a meeting sponsored by the West Virginia State Chamber of Commerce, held on April 2-3, 1954, on the question of the renewable natural resources of the State, an increasingly large number of the people of West Virginia are recognizing the very fundamental importance of water, soil, forests and wildlife; and it is essential that these basic natural resources be utilized with care and adequately protected if the agricultural, industrial, urban and recreational needs of the people of the State are to be satisfied; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

1. That the committees study the problem of a more adequate, realistic and practical forest fire prevention program based on a reappraisal of the State's organizational structure.

2. Provide for effective assistance to landowners in the reforestation of approximately one million acres of land by expanding the State's nursery facilities to supply nursery stock for tree planting purposes.

3. Establish as state policy a continuing plan of action with respect to the study and behavior of surface waters, and
to provide in cooperation with the federal government sufficient monies through an appropriate unit of state government to carry on an adequate stream gauging program for West Virginia.

4. Establish as state policy a continuing plan of action with respect to the study of the occurrence and availability of ground water, and to provide, in cooperation with the federal government, sufficient funds for the West Virginia Geological and Economic Survey and any other proper agencies to carry on investigation and research and to publish the results thereof.

5. That a study be made regarding further assistance to local watershed protection projects, authorized under the Watershed Protection Act of 1954, enacted by the 83rd Congress, and the West Virginia State Soil Conservation Districts Act of 1935, in the form of monies and other material assistance on a cost-sharing basis from municipal, county and/or state sources for construction and maintenance of flood water detention structures, and the acquisition of rights-of-way and easements.

6. That a comprehensive study of existing conservation laws be made with the express purpose in mind of amending existing laws, enacting new laws, or both, in order to provide for and develop a well integrated and efficient program of resource conservation and management under one principal natural resources department that will preserve for the people of the State of West Virginia and for future generations the renewable natural resources to the fullest extent possible consistent with economic utilization.

SENATE CONCURRENT RESOLUTION NO. 5

(By Mr. McKown)

[Adopted January 28, 1955.]

Relating to Arbor Day.

WHEREAS, The West Virginia Federation of Women's Clubs have expressed deep concern over the need for greater conservation of our forest lands and particularly the preservation and further development of the State's natural beauty as an
enhancement to the tourist trade and the aesthetic joy of our own people; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That this Legislature establish the second Friday in April of each year as the official date for Arbor Day; and through this resolution urge public education, city, county and state government, and civic and business organizations to observe Arbor Day by planning such educational and instructional exercises as shall bring before the people (1) the necessity of protecting our forests from the ravages of fire, and (2) the desire to increase the growth of trees for both ornament and use.

SENATE CONCURRENT RESOLUTION NO. 7

(By Mr. Bowers)

[Adopted March 9, 1955.]

Requesting and directing the Commission on Interstate Cooperation and the Joint Committee on Government and Finance to make a study of the state-supported system of higher education.

Resolved by the Senate, the House of Delegates concurring therein:

That the Commission on Interstate Cooperation and the Joint Committee on Government and Finance be hereby requested and directed to make a study of the state-supported system of higher education, in view of changed conditions arising from the elimination of segregation in the state educational institutions and from their greater accessibility by reason of improved transportation facilities, and in view of the fact that there exist costly and unnecessary duplications in the services and courses of study offered by the various institutions, in order to determine whether it might not be possible to effect substantial economies and at the same time improve the quality of education offered, and that in this connection consideration be given to the advisability of the elimination or consolidation of some of the institutions.
That a report of the study, together with any recommendations, be made to the Governor and to the Legislature on the first day of the next regular session thereof to be held in January, one thousand nine hundred fifty-six.

SENATE CONCURRENT RESOLUTION NO. 9

(By Mr. Traubert)

[Adopted March 9, 1955.]

Providing for the investigation of problems relating to municipal government.

WHEREAS, The municipalities in this State have been experiencing great difficulty in financing essential and desirable services since the inception of property-tax limitation in the year one thousand nine hundred thirty-two; and

WHEREAS, The increased industrialization of the State now in progress, and that contemplated by state and municipal officials and business leaders in future years, will create an additional burden upon existing municipal facilities including streets, sewers, water supply, fire and police protection services, street lighting, public health, recreation and numerous other facilities and services which already are inadequate because of deferred construction and maintenance during the depression and World War II. Such facilities constitute a major factor in the calculations of industrial leaders when contemplating the locating of industry; and

WHEREAS, It is deemed advisable to make a thorough examination of the existing laws of the State which pertain to municipal government and practices thereunder to determine whether they are adequate to permit residents of municipalities to determine the extent of services to be rendered, and to finance locally those desired as well as those demanded by orders of state agencies issued from time to time; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Joint Committee on Government and Finance and the Commission on Interstate Cooperation be requested to con-
duct an exhaustive study of the entire area of state-municipal relations in this State, as well as the internal problems of municipal government, and that such committees make a full report of their investigation and recommendations for legislative or other action to the Legislature on or before January first, one thousand nine hundred and fifty-seven.

That the committees are authorized to employ such assistants as they may deem advisable and to fix reasonable compensation and expenses of such persons and firms as may be employed within the amount made available by the appropriation herein provided.

SENATE CONCURRENT RESOLUTION NO. 10
(By Mr. Bean, Mr. President)
[ Adopted February 9, 1955.]

Raising a special committee to visit, inspect and report to the Governor and the Legislature on conditions at the West Virginia Penitentiary.

WHEREAS, Reports from members of the Legislature and committees thereof that have visited the West Virginia Penitentiary, as well as published reports in the press, indicate that there is much unrest and tension among prisoners at this institution; and

WHEREAS, These reports indicate that the unrest and dissatisfaction among prisoners is due in large part to the operation of the present parole system in West Virginia; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That there is hereby created a special committee of nine lay citizens of the State to visit the West Virginia Penitentiary and to investigate and study the conditions and problems of the prisoners of the institution, with particular emphasis on the functions and operations of the present parole system. In this investigation and study, it shall be the duty of the committee to interview prisoners, prison officials and members and employees of the West Virginia Board of Probation and Parole
in an effort to learn the true situation at the penitentiary and the facts concerning the operation of the parole system in West Virginia.

The committee shall consist of three lay citizens to be appointed by the Governor, three to be appointed by the President of the Senate and three to be appointed by the Speaker of the House of Delegates, respectively. Not more than two of the members appointed by the Governor, the President of the Senate and the Speaker of the House of Delegates, respectively, shall be members of the same political party.

The committee is authorized and empowered to call upon any official of the penitentiary and officials or employees of any department or agency of the State for such services, information and assistance as it may deem appropriate, to summon witnesses and take testimony, and to cause the production of such papers, documents or records as the committee may deem proper. Any member of the committee may administer oaths or affirmations to witnesses appearing before the committee or any subcommittee thereof.

The committee is authorized to employ one secretary and/or reporter in the performance of its duties.

The members of the committee shall serve without compensation but shall be entitled to reimbursement for legitimate expenses for travel and maintenance incurred in the discharge of their duties. All expenses of the committee shall be paid in as nearly equal amounts as practicable from the contingent funds of the Senate and House of Delegates.

The committee shall report its findings and recommendations to the Governor and the Legislature prior to the adjournment of this session of the Legislature.

SENATE CONCURRENT RESOLUTION NO. 14
(By Mr. Swearingen and Mr. Carey)
[Adopted March 9, 1955.]

Creating an interim committee to conduct a study concerning the advisability and feasibility of constructing in Charles-
ton a separate building to house the State Museum and the Department of Archives and History.

WHEREAS, It is believed that a healthy, happy, well-informed and educated citizen is the best investment our State can have for a steady and prosperous growth; and

WHEREAS, The proper education of our future citizens is in large part dependent upon our ability to give to the people of the State, and particularly to the younger generation, full and adequate information concerning the history and traditions of our State from early colonial days down to the present; and

WHEREAS, Many of the early newspapers, books, pamphlets, maps, records, and manuscripts containing such historical information have already been taken out of this State to libraries and museums in other states, and thus made unavailable to the people of this State; and

WHEREAS, It is imperative that adequate space and funds be made available for the housing and display of such historical material in order to prevent further losses thereof; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That a special interim committee be created to conduct a study of the advisability and feasibility of constructing in Charleston near the State Capitol, a museum building to house the State Museum and the Department of Archives and History.

That prior to the convening of the next regular session of the Legislature the committee make and issue a report to the Governor and to the Legislature concerning its study, together with such recommendations as may in its opinion be deemed advisable.

That the membership of the committee be composed of three members of the Senate, to be appointed by the President thereof, one of whom shall be designated as co-chairman, and three members of the House of Delegates to be appointed by the Speaker thereof, one of whom shall be designated as co-chairman. Not more than two members appointed from each House shall be members of the same political party.
That the Governor be authorized to appoint an advisory committee of not more than five representative citizens of the State to consult and advise with the interim committee in connection with the study.

That the committee be authorized to meet in Charleston, or elsewhere, as it may determine. The members of the interim committee and of the advisory committee shall serve without compensation.

SENATE CONCURRENT RESOLUTION NO. 18

(By Mr. Parker)

[Adopted March 8, 1955.]

Creating a commission for the purpose of making a study of the current problem of milk prices.

WHEREAS, The problems of production, distribution, and consumption of milk and milk products is of concern and interest to the entire citizenry of West Virginia; and

WHEREAS, The dairy farmers of West Virginia now are faced with a milk price situation dangerously close to disaster; and

WHEREAS, It is in the general interest of the public to study the reasons for the current situation with the goal of seeking the best possible solution or solutions to this problem; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That the Governor of West Virginia appoint a commission for the purpose of making a complete and thorough study of all phases of the current problem of milk prices to producers, handling, processing, and transportation costs, retail prices, milk sanitation regulations and procedures, importation of milk and milk products from other states, and any other problem the commission considers relevant to its study; and, be it

Further Resolved, That the commission consist of a representative of the West Virginia Dairyman's Association; a rep-
resentative of the Dairymen's Cooperative Sales Association; a representative of the College of Agriculture, Forestry and Home Economics, West Virginia University; a representative of the Department of Agriculture; a representative of the West Virginia Farm Bureau; and the chairman of the Senate and House Committees on Agriculture; and, be it

Further Resolved, That this commission meet for the first time not later than May 1, 1955, and for as many times thereafter as the commission deems necessary, the commission selecting its own chairman at its first meeting called by the Governor; and, be it

Further Resolved, That the report of the findings of this commission be made to the 1956 session of the West Virginia Legislature if the commission feels that a sufficient emergency exists to warrant needed legislation.

SENATE CONCURRENT RESOLUTION NO. 22
(By Mr. Mitchell and Mr. Jones)

[Adopted March 11, 1955.]

Requesting the Board of Public Works and the Director of the Budget to visit and inspect state institutions.

WHEREAS, It is difficult if not impossible to arrive at a sound judgment concerning the needs of any state-supported institution without having made an inspection of the institution and a study of its operation and administration; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That a majority of the members of the Board of Public Works and the Director of the Budget, or his assistant, are hereby respectfully requested to visit and make a personal inspection of each state-supported institution before preparing the annual budget and before passing upon the budget requests for the institution.
SENATE CONCURRENT RESOLUTION NO. 28
(By Mr. Amos)
[Adopted March 14, 1955.]

Extending appropriation for legislative interim committees, and other purposes.

Resolved by the Senate, the House of Delegates concurring therein:

That appropriations made by Acct. No. 101 and Acct. No. 102, chapter one, Acts of the Legislature, extraordinary session, one thousand nine hundred fifty-three, for the "Joint Committee on Government and Finance and other Committees" is hereby continued in full force and effect until the thirtieth day of June, one thousand nine hundred fifty-five; and that the appropriations made by said accounts for the Joint Committees raised under House Concurrent Resolution No. 4, House Concurrent Resolution No. 9 and Senate Concurrent Resolution No. 9 are hereby continued in full force and effect until all current bills for services, supplies and printing incurred by said committees in the performance of their duties and in the completion of their reports are paid.

The appropriation made by Acct. No. 101 "To establish bill drafting service and expenses connected therewith" and by Acct. No. 102 for "Legislative Drafting Office" are also continued in full force and effect until the thirtieth day of June, one thousand nine hundred fifty-five.

SENATE CONCURRENT RESOLUTION NO. 29
(By Mr. Jackson, of Logan)
[Adopted March 14, 1955.]

Concerning the recommendations in the report of the committee appointed pursuant to Senate Concurrent Resolution No. 10.

Whereas, The report of this committee dated the 3rd day of March, 1955, has recommended an amount of $307,349 as a
minimum for urgently needed corrections and improvements at the West Virginia State Penitentiary; and

WHEREAS, There may remain a surplus of unappropriated funds as a result of the adoption of the budget for the fiscal year 1955-56; and

WHEREAS, This Legislature recognizes the urgent need for these corrections and improvements at the West Virginia State Penitentiary; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That any amount of surplus remaining unappropriated in general fund state revenue after adoption of the budget for the fiscal year, within the maximum of $307,349 aforesaid, be made available for expenditure at the West Virginia State Penitentiary for improvements as outlined in the report of this committee.

COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 8

(Originating in the Senate Committee on Finance)

[ Adopted March 12, 1955. ]

Proposing an amendment to the Constitution of the State of West Virginia, amending section one, article ten thereof, relating to taxation and finance.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each House agreeing thereto:

That the question of ratification or rejection of an amendment to the Constitution of West Virginia, 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:

That section one, article ten of the Constitution of West Virginia be amended so as to read as follows:
Taxation and Finance.

Section 1. Subject to the exceptions in this section contained, taxation shall be equal and uniform throughout the State, and all property, both real and personal, shall be taxed in proportion to its value to be ascertained as directed by law. No one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value; except that the aggregate of taxes assessed in any one year upon personal property employed exclusively in agriculture, including horticulture and grazing, products of agriculture as above defined, including livestock, while owned by the producer, and money, notes, bonds, bills and accounts receivable, stocks and other similar intangible personal property shall not exceed fifty cents on each one hundred dollars of value thereon, and upon all property owned, used and occupied by the owner thereof exclusively for residential purposes and upon farms occupied and cultivated by their owners or bona fide tenants one dollar; and upon all other property situated outside of municipalities, one dollar and fifty cents; and upon all other such property situated within municipalities, two dollars; and the Legislature shall further provide by general law for increasing the maximum rates, authorized to be fixed, by the different levying bodies upon all classes of property, by submitting the question to the voters of the taxing units affected, but no increase shall be effective unless at least sixty per cent of the qualified voters shall favor such increase, and such increase shall not continue for a longer period than three years at any one time, and shall never exceed by more than fifty per cent the maximum rate herein provided and prescribed by law, except that, with respect to that part of the maximum rate which is allocated by law for the support of public schools, such increase may be so approved for a period not to exceed five years and in an amount not to exceed one hundred per cent of such school rates, and the revenue derived from this source shall be apportioned by the Legislature among the levying units of the State in proportion to the levy laid in said units upon real and other personal property; but property used for educational, literary, scientific, religious or charitable purposes, all cemeteries, public property, the personal property, including livestock, employed exclusively in
agriculture as above defined and the products of agriculture as so defined while owned by the producers may by law be exempted from taxation; household goods to the value of two hundred dollars shall be exempted from taxation. The Legislature shall have authority to tax privileges, franchises, and incomes of persons and corporations and to classify and graduate the tax on all incomes according to the amount thereof and to exempt from taxation incomes below a minimum to be fixed from time to time, and such revenues as may be derived from such tax may be appropriated as the Legislature may provide. The rate of the State tax upon property shall not exceed one cent upon the hundred dollars valuation, except to pay the principal and interest of bonded indebtedness of the State now existing. The maximum rates hereinbefore provided on the several classes of property may be used for current expense purposes; levies required for the payment of indebtedness contracted under section eight of this article shall be laid separately and apart from, and in addition to, those used for current expense purposes, but in a similar manner.
AN ACT to amend article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting section three thereof, and by adding thereto a new section, to be designated section fifteen, relating to the allocation of state aid for schools.

(Passed May 13, 1955; in effect from passage. Approved by the Governor.)

Article 9-a. State Aid for Schools.
Section
3. Computation of local share.
15. Qualification for state aid; reductions in county allocation.

Be it enacted by the Legislature of West Virginia:

That article nine-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting section three thereof, and by adding thereto a new section, to be designated section fifteen, to read as follows:

Section 3. Computation of Local Share.—On the basis of the most recent survey of property valuations in the
state, completed as to all classes of property in all counties determined by the tax commissioner under present or former provisions of this article, the board shall for each county compute, by application of the levies for general current expense purposes, as defined in the preceding section, the amount of revenue which such levies would produce if levied upon one hundred per cent of the true and actual value of each of the several classes of property contained in the report or revised report of such value, made to it by the tax commissioner, as follows: (1) The board shall first take ninety-seven and one-half per cent of the amount ascertained by applying these rates to the total assessed public utility valuation in each classification of property in the county. (2) The board shall then apply these rates to the appraised value of other property in each classification in the county, as determined by the tax commissioner, and shall deduct therefrom five per cent as an allowance for the usual losses in collections due to discounts, exonerations, delinquencies and the like. Fifty per cent of the amount so determined shall be added to the ninety-seven and one-half per cent of public utility taxes computed as provided above, and this total shall be the local share of the particular county.

Commencing on the first day of June, one thousand nine hundred fifty-five, the tax commissioner shall make or cause to be made such surveys, examinations, audits, and investigations of the value of the several classes of property in each county which should be listed and taxed under the several classifications provided by law, and shall determine the appraised value thereof based upon the true and actual value thereof. In making such surveys he may use such methods of checking property values and determining the amount of property in each classification, and may use such accepted survey and investigation procedures as are customarily employed for appraisal purposes. The tax commissioner may employ such assistants as available appropriations will permit. From moneys appropriated and available for state aid, the tax commissioner shall be allowed not to exceed
two hundred ten thousand dollars for the fiscal year begin- 
ning on the first day of July, one thousand nine hun-
dred fifty-five, and not to exceed one hundred thousand 
dollars for each fiscal year thereafter.

On or before the first day of January, one thousand 
ine hundred fifty-six, the tax commissioner shall com-
plete the appraisal for each of the fifty-five counties, and 
shall render to the Legislature and to the state board 
of school finance his report with respect thereto. There-
after the tax commissioner shall annually continue such 
work of survey, examination, audit, and investigation in 
each of the counties and shall annually revise his reports 
to the Legislature and to the state board of school finance 
concerning such appraisals, such reports to be made not 
later than the first day of January of each year.

Sec. 15. Qualification for State Aid; Reductions in 
County Allocation.—Beginning with the fiscal year, one 
thousand nine hundred fifty-six—one thousand nine hun-
dred fifty-seven, in order for a county to qualify for its 
full allocation of state aid, as provided in this article, the 
asessed valuation of all non-public utility property in the 
county for the assessment year one thousand nine hun-
dred fifty-six must be not less than thirty-five per cent 
of the appraised value of such non-public utility prop-
erty as determined by the tax commissioner in his state-
wide report to be submitted in January, one thousand 
ine hundred fifty-six; and for the fiscal year one thou-
sand nine hundred fifty-seven—one thousand nine hun-
dred fifty-eight, such assessed valuation for the assess-
ment year one thousand nine hundred fifty-seven must 
be not less than forty per cent of the appraised value of 
such property as determined in the tax commissioner's 
last previous state-wide report; and during the year one 
thousand nine hundred fifty-eight—one thousand nine 
hundred fifty-nine, such assessed valuation for the as-
se ssment year one thousand nine hundred fifty-eight 
must be not less than forty-five per cent of the appraised 
value so determined; and for each year thereafter such 
asessed valuation must be not less than fifty per cent 
of the appraised value of such property as determined
by the last previous state-wide report of the tax com-
missioner.
Whenever for any year a county has failed to raise the
assessed valuation of its non-public utility property up
to the assessment level required by the provisions of the
preceding paragraph, the amount of state aid to be paid
to the county, as determined by the allocation of state
aid made under other provisions of this article, shall be
reduced as follows: (1) First determine the number of
percentage points by which the county failed to reach
the required assessment level. (2) Reduce the alloca-
tion of state aid to the county by the same number of
percentage points.
Until such time as a complete survey for all fifty-five
counties of the state can be completed by the tax com-
missioner, the local share for each county shall remain
the same as was used in the allocation of state aid for
the fiscal year one thousand nine hundred fifty-four—one
thousand nine hundred fifty-five.

CHAPTER 2

(Senate Bill No. 4—By Mr. Bean, Mr. President)

AN ACT to amend and reenact section four, article three, chap-
ter seventeen-a of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the reg-
istration of motor vehicles and to the issuance of certifi-
cates of title therefor.

[Passed May 13, 1955; in effect from passage. Approved by the Governor.]

Article 3. Original and Renewal of Registration, Issuance of
Certificates of Title.

Section

Be it enacted by the Legislature of West Virginia:
That section four, article three, chapter seventeen-a of the
code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 4. Application for Certificate of Title; Tax Limitation.—Certificates of registration of any vehicle or registration plates therefor, whether original issue or duplicates, shall not be issued or furnished by the department of motor vehicles or any other officer charged with such duty, unless the applicant therefor already has received, or shall at the same time make application for and be granted, an official certificate of title of such vehicle. Such application shall be upon a blank form to be furnished by the department of motor vehicles and shall contain a full description of the vehicle, which description shall contain the manufacturer's serial or identification number or other number as determined by the commissioner and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon such vehicles, the names and addresses of the holders of such liens and such other information as the department of motor vehicles may require. The application shall be signed and sworn to by the applicant. A tax is hereby imposed upon the privilege of effecting the certification of title of each vehicle in the amount equal to two per cent of the value of said motor vehicle at the time of such certification. If the vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; if the vehicle is a used or second-hand vehicle, the present market value at time of transfer or purchase shall be deemed the value thereof for the purpose of this section: Provided, That so much of the purchase price or consideration as is represented by the exchange of other vehicles on which the tax herein imposed has been paid by the purchaser shall be deducted from the total actual price or consideration paid for said vehicle, whether the same be new or second-hand; if the vehicle be acquired through gift, or by any manner whatsoever, unless specifically exempted in this section, the present market value of the vehicle at the time of the gift or transfer shall be deemed the value thereof for purposes of this section. No cer-
certificate of title for any vehicle shall be issued to any applicant unless such applicant shall have paid to the department of motor vehicles the tax imposed by this section which shall be two per cent of the true and actual value of said vehicle whether the vehicle be acquired through purchase, by gift, or by any other manner whatsoever except gifts and bequests between husband and wife or between parents and children; but the tax imposed by this section shall not apply to vehicles to be registered as class H or class I vehicles, as defined in section one, article ten of this chapter, which are used or to be used in interstate commerce, nor shall the tax imposed by this section apply to titling of vehicles by a registered dealer of this state for resale only, nor shall the tax imposed by this section apply to titling of vehicles by the board of governors, the state board of education, the county boards of education or other public tax supported educational agencies. The total amount of revenue collected by reason of this tax shall be paid into the state road fund and expended by the state road commissioner in the maintenance and construction of the state's secondary roads. In addition to said tax, there shall be a charge of one dollar for each original certificate of title so issued: Provided, That the board of governors, the state board of education, the county boards of education or other public tax supported educational agencies, shall be exempted from payment of such charge.

Notwithstanding the provisions of this section, the owners of trailers, semi-trailers and other vehicles not subject to the certificate of title tax prior to enactment of this chapter shall not be required to pay the above-mentioned tax upon making application for a certificate of title for such vehicle, but shall be required to pay a fee of one dollar for the issuance of each such certificate of title.

Such certificate shall be good for the life of the vehicle, so long as the same is owned or held by the original holder of such certificate, and need not be renewed annually, or any other time, except as herein provided.

If, by will or direct inheritance, a person becomes the
owner of a motor vehicle upon which the tax herein im-
posed has been paid, he shall not be required to pay such
tax.

A person who has paid the tax imposed by this section
shall not be required to pay the tax a second time for the
same motor vehicle, but he shall be required to pay a
charge of one dollar for the certificate of re-title of that
motor vehicle, except that such tax shall be paid by such
person when the title to such vehicle has been transferred
either in this or another state from such person to an-
other person and transferred back to such person.
RESOLUTION

SENATE CONCURRENT RESOLUTION NO. 3
(By Mr. Bean, Mr. President)

[Adopted May 13, 1955.]

Concerning the establishment of a Commission on Education.

WHEREAS, It is a recognized fact that the problems and needs of our public schools have reached a high point of concern in the public mind; and

WHEREAS, The pressing demands upon the time of this Legislature make it impossible to consider adequately the school needs and the financing of such needs; and

WHEREAS, It is the sincere intent and purpose of this Legislature to do all that it can to meet during the next fiscal year what appear to be emergency needs such as an increase in the salary of teachers for the purpose of mitigating the loss of competent teachers from our classrooms; and

WHEREAS, This Legislature recognizes the need for a thorough study and analysis of the needs of our public schools and higher education; therefore, be it

Resolved by the Senate, the House of Delegates concurring therein:

That there be established a West Virginia Commission on Education which shall be representative of the whole cultural and economic community and shall have the authority and responsibility of making or having made under its supervision and direction a thorough study of (1) the needs and problems of the public schools such as teacher loss and shortage, overcrowdedness, and local financial responsibility, including excess levies and bond levies for school purposes in determining local share under and pursuant to the index of the Tax Commissioner; and (2) the public school system itself, to determine the quality of supervision and instruction, the cause of failure
of pupils in fundamentals, the effect of tenure upon teaching, the use of tests in measuring teaching and learning ability, the effectiveness of the different types of school organizations, the need for recognition and for the rewarding of effective teaching, and the quality and effectiveness of the present school curriculum; that the commission complete its study by November, 1955; and that its report, findings and recommendations be submitted to the Governor, the Legislature, and the public in general, with the understanding that such report and recommendations shall become an order of business on the agenda of the Legislature at its next regular session, one thousand nine hundred fifty-six; and, be it

Resolved further, That the Governor, the President of the Senate, and the Speaker of the House each name seven persons representing each of the following groups: business, agriculture, labor, the professions, industry, education, and civic organizations; that from the persons so appointed the Governor designate the chairman of the Commission; and that the Governor, the President of the Senate, and the Speaker of the House be members of the Commission, ex officio; and, be it

Resolved further, That the members of the Commission be named in sufficient time to be notified of an organizational meeting to be called in May, 1955, at which time the scope of the work and procedures of the Commission shall be outlined by the Governor, the President of the Senate, and the Speaker of the House; and, be it

Resolved further, That the Governor be requested to pay the expenses of the commission, from his civil contingent fund, in an amount not to exceed twenty-five thousand dollars.
CHAPTER 1

(Com. Sub. for House Bill No. 1—Originating in the House Committee on Finance.)

AN ACT making appropriations of public money out of the treasury in accordance with section fifty-one, article six of the constitution.

[Passed February 10, 1956; in effect from passage.]

Title
2. Appropriations.
3. Administration.

Title 1. General Provisions.

Section
1. General Policy.
2. Definitions.
3. Classification of appropriations.

Be it enacted by the Legislature of West Virginia:

Section 1. General Policy.—The purpose of this act is to appropriate money necessary for economical and efficient discharge of the duties and responsibilities of the state and its agencies during the fiscal year one thousand nine hundred fifty-seven.

Sec. 2. Definitions.—For the purpose of this act:
2 “Board” shall mean the board of public works;
“Spending Unit” shall mean the department, agency, or institution to which an appropriation is made;
The “fiscal year one thousand nine hundred fifty-seven” shall mean the period from July first, one thousand nine hundred fifty-six through June thirtieth, one thousand nine hundred fifty-seven.

“From collections” shall mean that part of the total appropriation which must be collected by the spending unit to be available for expenditure. If the authorized amount of collections is not collected, the total appropriation for the spending unit shall be reduced automatically by the amount of the deficiency in the collection. If the amount collected exceeds the amount designated “from collections” the excess shall be set aside in a special surplus fund and may be expended for the purpose of the spending unit as provided by chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine.

Sec. 3. Classification of Appropriations.—An appropriation for:

“Personal services” shall be expended only for the payment of salaries, wages, fees, and other compensation for skill, work, or employment;

Unless otherwise specified, appropriations for personal services shall include salaries of heads of spending units.

“Current expenses” shall be expended only for operating costs other than personal services or capital outlay;

“Repairs and alterations” shall include all expenditures for materials, supplies and labor used in repairing and altering buildings, grounds and equipment;

“Equipment” shall be expended only for things which have an appreciable and calculable period of usefulness in excess of one year;

“Buildings” shall include construction and alteration of structures and the improvement of lands, sewer and water improvements, and shall include shelter, support, storage, protection, or the improvement of a natural condition;

“Lands” shall be expended only for the purchase of lands or interest in lands.
22 Appropriations otherwise classified shall be expended only where the distribution of expenditures for different purposes cannot well be determined in advance or it is necessary or desirable to permit the spending unit freedom to spend an appropriation for more than one of the above purposes.

Sec. 4. Method of Expenditure.—Money appropriated by this act, unless otherwise specifically directed, shall be appropriated and expended according to the provisions of article three, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one, or according to any law detailing a procedure specifically limiting that article.

Title 2. Appropriations.

Section

1. Appropriations from general revenue.

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<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Denmar sanitarium</td>
<td>432</td>
<td>630</td>
</tr>
<tr>
<td>Department of public assistance</td>
<td>405</td>
<td>627</td>
</tr>
<tr>
<td>Department of public assistance</td>
<td>406</td>
<td>627</td>
</tr>
<tr>
<td>Fairmont emergency hospital</td>
<td>425</td>
<td>629</td>
</tr>
<tr>
<td>Health department</td>
<td>400</td>
<td>625</td>
</tr>
<tr>
<td>Hopemont sanitarium</td>
<td>430</td>
<td>630</td>
</tr>
<tr>
<td>Huntington state hospital</td>
<td>422</td>
<td>628</td>
</tr>
<tr>
<td>Lakin state hospital</td>
<td>423</td>
<td>629</td>
</tr>
<tr>
<td>Marmet memorial hospital</td>
<td>437</td>
<td>631</td>
</tr>
<tr>
<td>Morris memorial hospital</td>
<td>437</td>
<td>631</td>
</tr>
<tr>
<td>Pinecrest sanitarium</td>
<td>431</td>
<td>630</td>
</tr>
<tr>
<td>Spencer state hospital</td>
<td>421</td>
<td>628</td>
</tr>
<tr>
<td>State board of education (rehabilitation division)</td>
<td>440</td>
<td>631</td>
</tr>
<tr>
<td>Water commission</td>
<td>401</td>
<td>626</td>
</tr>
<tr>
<td>Welch emergency hospital</td>
<td>426</td>
<td>629</td>
</tr>
<tr>
<td>West Virginia department of veterans' affairs</td>
<td>404</td>
<td>626</td>
</tr>
<tr>
<td>Weston state hospital</td>
<td>420</td>
<td>628, 655</td>
</tr>
</tbody>
</table>

### JUDICIAL

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circuit courts</td>
<td>111</td>
<td>611</td>
</tr>
<tr>
<td>Criminal charges</td>
<td>119</td>
<td>612</td>
</tr>
<tr>
<td>Judges' retirement system</td>
<td>112</td>
<td>611</td>
</tr>
<tr>
<td>State law library</td>
<td>114</td>
<td>612</td>
</tr>
<tr>
<td>Supreme court of appeals</td>
<td>110</td>
<td>611</td>
</tr>
</tbody>
</table>

### LEGISLATURE

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>House of Delegates</td>
<td>102</td>
<td>609</td>
</tr>
<tr>
<td>Joint expenses</td>
<td>103</td>
<td>610</td>
</tr>
<tr>
<td>Senate</td>
<td>101</td>
<td>607</td>
</tr>
</tbody>
</table>

### MISCELLANEOUS BOARDS

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Board of architects</td>
<td>595</td>
<td>640</td>
</tr>
<tr>
<td>Board of certified public accountants</td>
<td>586</td>
<td>638</td>
</tr>
<tr>
<td>Board of dental examiners</td>
<td>589</td>
<td>639</td>
</tr>
<tr>
<td>Board of embalmers and funeral directors</td>
<td>593</td>
<td>639</td>
</tr>
<tr>
<td>Board of examiners for veterinarians</td>
<td>596</td>
<td>640</td>
</tr>
<tr>
<td>Board of examiners of registered nurses</td>
<td>588</td>
<td>638</td>
</tr>
<tr>
<td>Board of law examiners</td>
<td>597</td>
<td>640</td>
</tr>
<tr>
<td>Board of optometry</td>
<td>592</td>
<td>639</td>
</tr>
<tr>
<td>Board of osteopathy</td>
<td>591</td>
<td>639</td>
</tr>
<tr>
<td>Board of pharmacy</td>
<td>590</td>
<td>639</td>
</tr>
<tr>
<td>Board of registration for professional engineers</td>
<td>594</td>
<td>639</td>
</tr>
</tbody>
</table>

### PROTECTION

<table>
<thead>
<tr>
<th>Institution</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjutant general (state militia)</td>
<td>580</td>
<td>637, 656</td>
</tr>
<tr>
<td>Board of control (insurance)</td>
<td>585</td>
<td>638</td>
</tr>
<tr>
<td>Civilian defense</td>
<td>581</td>
<td>637</td>
</tr>
<tr>
<td>Department of public safety</td>
<td>570</td>
<td>637</td>
</tr>
<tr>
<td>State armory board</td>
<td>582</td>
<td>638</td>
</tr>
<tr>
<td>State board of education (insurance)</td>
<td>584</td>
<td>638</td>
</tr>
</tbody>
</table>

### 2. Appropriations from other funds.

#### PAYABLE FROM SPECIAL REVENUE FUNDS

<table>
<thead>
<tr>
<th>Institution (funds)</th>
<th>Account No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor's office (land department operating fund)</td>
<td>812</td>
<td>645</td>
</tr>
<tr>
<td>Conservation commission (general administration)</td>
<td>830</td>
<td>649</td>
</tr>
<tr>
<td>Department of agriculture</td>
<td>818</td>
<td>646</td>
</tr>
<tr>
<td>Department of labor (bedding division)</td>
<td>843</td>
<td>651</td>
</tr>
<tr>
<td>Department of public safety (inspection fees)</td>
<td>835</td>
<td>650</td>
</tr>
<tr>
<td>Department of public safety (instruction permit fees)</td>
<td>836</td>
<td>650</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS

**PAYABLE FROM SPECIAL REVENUE FUNDS (Continued)**

<table>
<thead>
<tr>
<th>Department/Commission</th>
<th>Acct. No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of purchases (revolving fund)</td>
<td>814</td>
<td>646</td>
</tr>
<tr>
<td>Insurance commissioner</td>
<td>826</td>
<td>647</td>
</tr>
<tr>
<td>Insurance commissioner (fire marshal)</td>
<td>827</td>
<td>647</td>
</tr>
<tr>
<td>Public land corporation</td>
<td>802</td>
<td>645</td>
</tr>
<tr>
<td>Public service commission</td>
<td>828</td>
<td>648</td>
</tr>
<tr>
<td>Public service commission (motor carrier division)</td>
<td>829</td>
<td>648</td>
</tr>
<tr>
<td>Real estate commission</td>
<td>801</td>
<td>644</td>
</tr>
<tr>
<td>State committee of barbers and beauticians</td>
<td>822</td>
<td>647</td>
</tr>
<tr>
<td>West Virginia liquor control commission</td>
<td>837</td>
<td>650</td>
</tr>
<tr>
<td>West Virginia merit system council</td>
<td>840</td>
<td>651</td>
</tr>
<tr>
<td>West Virginia racing commission</td>
<td>808</td>
<td>645</td>
</tr>
</tbody>
</table>

**PAYABLE FROM STATE ROAD FUND**

<table>
<thead>
<tr>
<th>Department/Commission</th>
<th>Acct. No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of motor vehicles</td>
<td>671</td>
<td>641, 657</td>
</tr>
<tr>
<td>State road commission (general administration and engineering)</td>
<td>670</td>
<td>641</td>
</tr>
<tr>
<td>Tax commissioner (gasoline tax division)</td>
<td>672</td>
<td>642</td>
</tr>
</tbody>
</table>

**PAYABLE FROM GENERAL SCHOOL FUND**

<table>
<thead>
<tr>
<th>Department/Commission</th>
<th>Acct. No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor's office</td>
<td>708</td>
<td>644</td>
</tr>
<tr>
<td>Auditor's office (land department)</td>
<td>709</td>
<td>644</td>
</tr>
<tr>
<td>Department of education</td>
<td>703</td>
<td>643</td>
</tr>
<tr>
<td>Department of education</td>
<td>707</td>
<td>644</td>
</tr>
<tr>
<td>Department of education (hot lunches)</td>
<td>705</td>
<td>643</td>
</tr>
<tr>
<td>Department of education (salaries of county superintendents)</td>
<td>706</td>
<td>643</td>
</tr>
<tr>
<td>Department of education (veterans education)</td>
<td>702</td>
<td>642</td>
</tr>
<tr>
<td>State board of education</td>
<td>700</td>
<td>642</td>
</tr>
<tr>
<td>State board of education (vocational division)</td>
<td>701</td>
<td>642</td>
</tr>
<tr>
<td>State board of school finance</td>
<td>704</td>
<td>643</td>
</tr>
</tbody>
</table>

**PAYABLE FROM WORKMEN'S COMPENSATION FUND**

<table>
<thead>
<tr>
<th>Commission</th>
<th>Acct. No.</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Workmen's compensation commission</td>
<td>900</td>
<td>652</td>
</tr>
</tbody>
</table>

3. Supplemental and deficiency appropriations.
4. Awards for claims against the state.
4-a. Appropriations from surplus revenues.
5. Reappropriations.
6. Special revenue appropriations.
7. Specific funds and collection accounts.
8. Appropriations for refunding erroneous payments.
10. Appropriations from taxes and license fees.
11. Appropriations to pay costs of publication of delinquent corporations.
12. Appropriations for local governments.
13. Total appropriation.
Section 1. Appropriations from General Revenue.—From the state fund, general revenue, there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred fifty-seven.

LEGISLATIVE
1—Senate
Acct. No. 101

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Salary of Members</td>
<td>$48,000.00</td>
</tr>
<tr>
<td>2</td>
<td>Compensation and per diem of officers and attaches</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>3</td>
<td>Mileage of Members</td>
<td>$900.00</td>
</tr>
<tr>
<td>4</td>
<td>Current Expenses and Contingent Fund</td>
<td>$80,000.00</td>
</tr>
<tr>
<td>5</td>
<td>To pay Clerk of the Senate for compiling and publishing the West Virginia Blue Book, the distribution of which shall be made by the Office of the Clerk of the Senate and shall include seventy-five copies for each member of the Legislature and two copies to each classified and approved high and junior high school and one to each Elementary School within the state</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>6</td>
<td>To pay the cost of printing the 1956 edition of Blue Book</td>
<td>$41,500.00</td>
</tr>
<tr>
<td>7</td>
<td>To establish bill drafting service and expenses connected therewith</td>
<td>$5,000.00</td>
</tr>
</tbody>
</table>
Fiscal Year 1955-56

Compensation and per diem of officers and attaches $ 25,000.00
Mileage of Members $ 900.00
Current Expenses and Contingent Fund $ 25,000.00

There is hereby appropriated from the Senate Current Expenses and Contingent Fund, or any other appropriate fund of the West Virginia Legislature, the sum of two thousand seven hundred seventy-seven dollars and fifty-six cents, to compensate Vincent V. Chaney for services rendered the Legislature of West Virginia, and the Auditor is hereby directed to issue a warrant for the payment thereof.

The above appropriations for the fiscal year 1955-56 are to remain in full force and effect until the convening of the regular session of the Legislature, 1957.

The Clerk of the Senate is authorized to draw his requisitions upon the Auditor, payable out of the contingent fund of the Senate, for any bills for supplies and services that may have been incurred by the Senate and not included in the appropriation bill, and for bills for supplies and services incurred after adjournment, and for the necessary operation of the Senate offices, the requisition for same to be accompanied by the bills to be filed with the Auditor.
2—House of Delegates

Acct. No. 102

Fiscal Year 1956-57

1 Salary of Members $150,000.00
2 Compensation and per diem of officers and attaches $104,000.00
3 Mileage of Members $3,000.00
4 Current Expenses and Contingent Fund $84,000.00
5 To establish bill drafting service and expenses connected therewith $5,000.00

Fiscal Year 1955-56

10 Compensation and per diem of officers and attaches $30,000.00
11 Mileage of Members $2,422.00
12 Current Expenses and Contingent Fund $27,000.00

14 With the approval of the Speaker, an amount, not to exceed $3,600.00 per year, is hereby authorized to be expended from the contingent fund of the House of Delegates for janitor services, etc.

19 The House Committee on Rules, with the approval of the Speaker, is hereby authorized to expend from the House contingent fund for the fiscal year 1955-56 and/or the fiscal year 1956-57 an amount, not to exceed the sum of twenty thousand ($20,000.00), for the purpose of altering the elevator in the northeast section of the main unit of the Capitol Building so as to provide automatic operation for passenger and freight service.

30 The Clerk of the House of Delegates, with the approval of the Speaker of the House,
is authorized to draw his requisitions upon
the Auditor, payable out of the contingent
fund of the House of Delegates, for any
bills for supplies and services that may
have been incurred by the House of Dele-
gates, and not included in the appropria-
tion bill, for bills for services and sup-
plies incurred in preparation for the
opening of the session and after adjourn-
ment, and for the necessary operation of
the House of Delegates' offices, the requi-
sition for same to be accompanied by
bills to be filed with the Auditor.

For duties imposed by law and by the
House of Delegates, including the salary
allowed by law as keeper of the rolls, the
the Clerk of the House of Delegates shall
be paid a salary of $700.00 per month,
payable from the contingent fund of the
House of Delegates, and the Clerk may
employ a secretary at a salary not to ex-
ceed $300.00 per month, payable monthly
from the same fund.

3—Joint Expenses

Acct. No. 103

<table>
<thead>
<tr>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956-57</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Legislative Printing, including printing,</td>
<td>$125,000.00</td>
</tr>
<tr>
<td>binding, and stationery</td>
<td></td>
</tr>
<tr>
<td>Joint Committee on Government and Finance</td>
<td>$140,000.00</td>
</tr>
<tr>
<td>Other Authorized Legislative Committees</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>Commission on Interstate Cooperation</td>
<td>$18,000.00</td>
</tr>
<tr>
<td>Contingent Fund</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>The above contingent fund is made available for</td>
<td></td>
</tr>
<tr>
<td>the Joint Committee on Govern-</td>
<td></td>
</tr>
</tbody>
</table>
ment and Finance to meet any unforeseen obligations of the Legislature arising during the appropriation period.

13
14 For Legislative Printing, including printing, binding, and stationery ______________$ 38,000.00
16
17 Commission on Interstate Cooperation ____________ 10,000.00
18 H. C. R. No. 12 (Contingent Funds) ____________ 60,000.00

19 The above appropriations for the fiscal year 1955-56 are to remain in full force and effect until the convening of the regular session of the Legislature, 1957.

JUDICIAL
4—Supreme Court of Appeals
Acct. No. 110

15 Fiscal Year 1955-56
16

17 Fiscal Year 1956-57
18

1 Salaries of Judges ______________$ 87,500.00
2 Other Personal Services ____________ 81,620.00
3 Current Expenses ____________ 20,000.00
4 Equipment ____________ 2,000.00

5 Total ______________ $ 191,120.00

5—Circuit Courts
Acct. No. 111

1 Salaries of Judges ______________$ 291,000.00
2 Current Expenses ____________ 54,000.00

3 Total ______________ $ 345,000.00

6—Judges’ Retirement System
Acct. No. 112

1 To be transferred to the Judges’ Retirement Fund, in accordance with the law relating
APPROPRIATIONS

3 thereto, upon requisition of the State Auditor $25,000.00

7—State Law Library

Acct. No. 114

1 Personal Services $13,480.00
2 Current Expenses $1,000.00
3 Equipment $12,000.00

4 Total $26,480.00

8—Auditor's Office—Criminal Charges

Acct. No. 119

1 Criminal Charges $180,000.00

EXECUTIVE

9—Governor's Office

Acct. No. 120

1 Salary of Governor $14,826.00
2 Other Personal Services $32,230.00
3 Current Expenses $9,500.00
4 Equipment $1,500.00
5 Civil Contingent Fund $150,000.00

6 Of this appropriation there may be expended
7 an amount not to exceed $5,000.00 to pro-
8 vide instruction, care and maintenance
9 for persons who are deaf and blind, and
10 for whom the state provides no facilities.
11 Of this appropriation there may be ex-
12 pended, at the discretion of the Governor,
13 an amount not to exceed $1,000.00 as West
14 Virginia's contribution to the Interstate
15 Oil Compact Commission.
16 Custodial Fund $33,000.00
17 To be used for current general expenses,
18 including compensation of servants and
19 employees, household maintenance, cost
20 of official functions, and any additional
21 household expenses occasioned by such
22 official functions. In the event Napoleon
23 Gardner, now for many years in the serv-
24 ice of the Governor and his predecessors
25 in office, shall become unable to perform
26 such services for which he may earn com-
27 pensation, an amount not in excess of
28 $50.00 per month may be expended out of
29 this appropriation by the Governor at his
30 discretion, for the use and benefit of the
31 said Napoleon Gardner.

32 Total _____________________________________ $ 241,056.00

10—Board of Probation and Parole

Acct. No. 123

1 Personal Services ___________________________ $ 139,200.00
2 Current Expenses ___________________________ 37,000.00
3 Equipment _________________________________ 2,000.00

4 Total _____________________________________ $ 178,200.00

FISCAL

11—Auditor’s Office—General Administration

Acct. No. 150

1 Salary of State Auditor ________________________ $ 7,250.00
2 Other Personal Services ________________________ 138,020.00
3 Current Expenses ______________________________ 9,800.00
4 Equipment ____________________________________ 10,000.00

5 Total _____________________________________ $ 165,070.00

12—Treasurer’s Office

Acct. No. 160

1 Salary of State Treasurer ________________________ $ 7,250.00
2 Other Personal Services ________________________ 62,710.00
### Appropriations

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>9,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>5,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>83,960.00</td>
</tr>
</tbody>
</table>

#### 13—Sinking Fund Commission

**Acct. No. 170**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>13,800.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>750.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>14,550.00</td>
</tr>
</tbody>
</table>

#### 14—State Tax Commissioner

**Acct. No. 180**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>651,680.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>192,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>25,000.00</td>
</tr>
<tr>
<td>4 Property Evaluation</td>
<td>103,000.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>972,180.00</td>
</tr>
</tbody>
</table>

#### 15—West Virginia Board of Control

**Acct. No. 190**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Members</td>
<td>21,000.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>37,920.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>9,725.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>475.00</td>
</tr>
<tr>
<td>5 Total</td>
<td>69,120.00</td>
</tr>
</tbody>
</table>

#### 16—Director of the Budget

**Acct. No. 210**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>96,940.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>12,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>2,000.00</td>
</tr>
<tr>
<td>4 Total</td>
<td>110,940.00</td>
</tr>
</tbody>
</table>
### 17—Director of the Budget—Inventory Control

**Acct. No. 211**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$16,380.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$4,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,880.00</strong></td>
</tr>
</tbody>
</table>

### LEGAL

#### 18—Attorney General

**Acct. No. 240**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Attorney General</td>
<td>$7,500.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$96,780.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$13,450.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,500.00</td>
</tr>
<tr>
<td>5 To protect the resources or tax structure of the State in controversies or legal proceedings affecting same</td>
<td>$4,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$125,230.00</strong></td>
</tr>
</tbody>
</table>

#### 19—Commission on Uniform State Laws

**Acct. No. 245**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td><strong>$650.00</strong></td>
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</table>

### INCORPORATING AND RECORDING

#### 20—Secretary of State

**Acct. No. 250**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salary of Secretary of State</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>$30,940.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$3,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$46,190.00</strong></td>
</tr>
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</table>
### CUSTODIAL AND SERVICE

#### 21—Capitol Building and Grounds

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$163,760.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$95,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$32,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$292,760.00</strong></td>
</tr>
</tbody>
</table>

#### 22—Central Mailing Office

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$12,620.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$200.00</td>
</tr>
<tr>
<td>Postage</td>
<td>$50,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$64,820.00</strong></td>
</tr>
</tbody>
</table>

6 The Workmen’s Compensation Commission, Department of Public Assistance, Public Service Commission, Conservation Commission, Department of Motor Vehicles, State Road Commission and State Health Department shall reimburse the Postage appropriation of the Central Mailing Office monthly for all meter service. Any spending unit receiving reimbursement for postage costs from the Federal Government shall refund to the Postage account of the Central Mailing Office such amounts. Should this appropriation for Postage be insufficient to meet the mailing requirements of the State spending units as set out above, any excess postage meter service requirements shall be a proper charge against the units, and each spending unit shall refund to the Postage appropriation of the Central Mailing Office any amounts
26 required for that Department for postage
27 in excess of this appropriation.

23—Department of Purchases

Acct. No. 290

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$74,450.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$91,450.00</strong></td>
</tr>
</tbody>
</table>

EDUCATIONAL

24—Department of Education—State Aid to Schools

Acct. No. 295

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 State aid to supplement the General School Fund</td>
<td>$50,815,720.00</td>
</tr>
<tr>
<td>2 To be transferred to the general school fund upon the requisition of the Governor</td>
<td>$50,815,720.00</td>
</tr>
<tr>
<td>3 To be distributed according to law except an amount not to exceed $125,000.00, which sum shall be available to the State Board of School Finance to aid counties in providing instruction for physically and mentally handicapped children: Provided, however, That from the amount appropriated herein to the State Board of School Finance to aid counties in providing instruction for the physically and mentally handicapped children, an amount not to exceed $10,000.00 may be used to pay the salary of a director and other administrative expenses for the physically and mentally handicapped children's program.</td>
<td></td>
</tr>
<tr>
<td>4 In making distribution of state aid to counties as provided by law, the State Board of School Finance shall allocate to each county, state aid of not less than fifty dollars for each weighted pupil in the county.</td>
<td></td>
</tr>
</tbody>
</table>
25—Department of Education—Textbook Aid

Acct. No. 297

1 Textbooks for Schools ........................................ $ 150,000.00
2 To be distributed according to chapter fifty-one, acts of the Legislature, regular session, 1939.

26—Teachers Retirement Board

Acct. No. 298

1 Benefit Fund—Payments to Retired Teachers ........................................ $ 1,550,000.00
2 Employers’ Accumulation Fund—To match contributions of members .................. 2,795,808.00
3 Expense Fund ........................................ 11,750.00

6 Total ........................................ $ 4,357,558.00

27—West Virginia University

Acct. No. 300

1 Personal Services ........................................ $ 4,471,100.00
2 Current Expenses ........................................ 661,680.00
3 Repairs and Alterations ........................................ 220,000.00
4 Equipment ........................................ 238,000.00
5 State Aid to Medical Students ........................................ 62,500.00
6 State Aid to Students of Veterinary Medicine ........................................ 28,000.00
7 Oak Wilt Control Research ........................................ 10,000.00

9 Total ........................................ $ 5,691,280.00

10 Out of the above appropriation for Personal Services the sum of $6,000.00 shall be used only for the employment of a Spray Specialist who shall be stationed only at West Virginia University Farm at Kearneysville.
11 The above appropriation includes accounts previously numbered 301 to 314 inclusive.
### 28—Potomac State College of West Virginia University

**Acct. No. 315**

1. **Personal Services** ............................................. $236,935.00  
2. **Current Expenses** ........................................... 35,910.00  
3. **Repairs and Alterations** ................................. 20,000.00  
4. **Equipment** ................................................... 13,000.00  
5. **Total** .......................................................... $305,845.00

### 29—Marshall College

**Acct. No. 320**

1. **Personal Services** ............................................. $1,422,455.00  
2. **Current Expenses** ........................................... 126,830.00  
3. **Repairs and Alterations** ................................. 47,000.00  
4. **Equipment** ................................................... 50,000.00  
5. **Flood Wall Assessment** ................................. 3,200.00  
6. **Total** .......................................................... $1,649,485.00

### 30—Fairmont State College

**Acct. No. 321**

1. **Personal Services** ............................................. $471,100.00  
2. **Current Expenses** ........................................... 48,530.00  
3. **Repairs and Alterations** ................................. 21,000.00  
4. **Equipment** ................................................... 19,000.00  
5. **Total** .......................................................... $559,630.00

### 31—Glenville State College

**Acct. No. 322**

1. **Personal Services** ............................................. $296,275.00  
2. **Current Expenses** ........................................... 37,335.00  
3. **Repairs and Alterations** ................................. 16,000.00  
4. **Equipment** ................................................... 13,000.00  
5. **Total** .......................................................... $362,610.00
### 32—West Liberty State College

**Acct. No. 323**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$312,700.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$34,285.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$16,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$13,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$375,985.00</strong></td>
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</table>

### 33—Shepherd College

**Acct. No. 324**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$287,360.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$36,810.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$13,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$354,170.00</strong></td>
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### 34—Concord College

**Acct. No. 325**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$474,960.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$44,550.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$22,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$21,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$562,510.00</strong></td>
</tr>
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</table>

### 35—West Virginia Institute of Technology

**Acct. No. 327**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$379,020.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$47,970.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$45,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$491,990.00</strong></td>
</tr>
</tbody>
</table>
### 36—West Virginia State College

**Acct. No. 328**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$710,385.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$101,030.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$38,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$29,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$878,415.00</strong></td>
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### 37—Bluefield State College

**Acct. No. 329**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$288,520.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$41,265.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$15,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$356,785.00</strong></td>
</tr>
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</table>

### 38—West Virginia State College—4-H Camp

**Acct. No. 330**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$12,100.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$4,400.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,850.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$2,100.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,450.00</strong></td>
</tr>
</tbody>
</table>

### 39—West Virginia Schools for the Deaf and Blind

**Acct. No. 333**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$340,988.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$125,680.00</td>
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<tr>
<td>3 Repairs and Alterations</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$13,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$493,668.00</strong></td>
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</tbody>
</table>
### APPROPRIATIONS

#### 40—State FFA-FHA Camp and Conference Center

<table>
<thead>
<tr>
<th>Acct. No. 336</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$12,740.00</td>
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<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>3 Repairs and Alterations</td>
<td>$5,000.00</td>
</tr>
<tr>
<td></td>
<td>4 Equipment</td>
<td>$3,500.00</td>
</tr>
<tr>
<td></td>
<td>5 Total</td>
<td>$26,240.00</td>
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</table>

#### 41—Department of Archives and History

<table>
<thead>
<tr>
<th>Acct. No. 340</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$20,860.00</td>
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<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$4,100.00</td>
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<td></td>
<td>3 Equipment</td>
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<tr>
<td></td>
<td>4 Total</td>
<td>$29,460.00</td>
</tr>
</tbody>
</table>

#### 42—West Virginia Library Commission

<table>
<thead>
<tr>
<th>Acct. No. 350</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$42,950.00</td>
</tr>
<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$10,460.00</td>
</tr>
<tr>
<td></td>
<td>3 Equipment</td>
<td>$790.00</td>
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<tr>
<td></td>
<td>4 Books and Periodicals</td>
<td>$32,000.00</td>
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<tr>
<td></td>
<td>5 Total</td>
<td>$86,200.00</td>
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### CHARITIES AND CORRECTION

#### 43—West Virginia Industrial School for Boys

<table>
<thead>
<tr>
<th>Acct. No. 370</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$157,270.00</td>
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<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$78,600.00</td>
</tr>
<tr>
<td></td>
<td>3 Repairs and Alterations</td>
<td>$12,500.00</td>
</tr>
<tr>
<td></td>
<td>4 Equipment</td>
<td>$5,850.00</td>
</tr>
<tr>
<td></td>
<td>5 Total</td>
<td>$254,220.00</td>
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</table>
### Forestry Camp for Boys
**Acct. No. 371**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$41,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$700.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$86,700.00</strong></td>
</tr>
</tbody>
</table>

### West Virginia Industrial Home for Girls
**Acct. No. 372**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$83,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$61,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$14,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$8,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$166,000.00</strong></td>
</tr>
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</table>

### West Virginia Industrial Home for Colored Girls—Lakin
**Acct. No. 373**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$9,800.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$20,800.00</strong></td>
</tr>
</tbody>
</table>

### West Virginia State Prison for Women
**Acct. No. 374**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$31,180.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$39,450.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$4,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$80,630.00</strong></td>
</tr>
</tbody>
</table>
### 48—West Virginia Penitentiary

**Acct. No. 375**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$468,380.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$460,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$26,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$16,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$970,380.00</strong></td>
</tr>
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</table>

### 49—Medium Security Prison

**Acct. No. 376**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$171,200.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$153,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$17,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$11,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$352,200.00</strong></td>
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</table>

### 50—West Virginia Children's Home

**Acct. No. 380**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$44,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$29,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$81,000.00</strong></td>
</tr>
</tbody>
</table>

### 51—West Virginia Home for Aged and Infirm Colored

*Men and Women—Huntington*

**Acct. No. 382**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$26,400.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$38,960.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$80,360.00</strong></td>
</tr>
</tbody>
</table>
## 52—West Virginia Training School

**Acct. No. 383**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$200,180.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$135,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$12,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$355,180.00</strong></td>
</tr>
</tbody>
</table>

In the event those children who are now inmates of Huntington State Hospital at Huntington are not transferred to this institution as proposed by the Board of Control, there is appropriated for use at this institution the following:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Personal Services</td>
<td>$157,353.00</td>
</tr>
<tr>
<td>13 Current Expenses</td>
<td>$118,300.00</td>
</tr>
<tr>
<td>14 Repairs and Alterations</td>
<td>$8,000.00</td>
</tr>
<tr>
<td>15 Equipment</td>
<td>$7,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$291,153.00</strong></td>
</tr>
</tbody>
</table>

## 53—Andrew S. Rowan Memorial Home

**Acct. No. 384**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$171,600.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$145,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$6,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$331,600.00</strong></td>
</tr>
</tbody>
</table>

## HEALTH AND WELFARE

### 54—State Health Department

**Acct. No. 400**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$510,247.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$73,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$24,000.00</td>
</tr>
<tr>
<td>4 Cancer Control and Treatment</td>
<td>$90,000.00</td>
</tr>
</tbody>
</table>
5 Tuberculosis Field Clinic and Nursing
6 Service .................................................. $ 9,500.00
7 Out-Patient Pneumothorax Treatment ........... 23,000.00
8 Hospitalization of Needy Tubercular Children ........................................... 5,000.00

10 Total ................................................................ $ 734,747.00

11 Any unexpended balance remaining in the Hospital Survey and Planning account at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

55—State Water Commission

Acct. No. 401
1 Personal Services .................................................. $ 37,290.00
2 Current Expenses .................................................. 10,210.00
3 Equipment .................................................. 1,475.00
4 For cooperation with the U. S. Geological Survey for a program of stream gauging 14,488.00

6 Total ................................................................ $ 63,463.00

56—Bureau of Negro Welfare and Statistics

Acct. No. 403
1 Personal Services .................................................. $ 11,160.00
2 Current Expenses .................................................. 2,000.00

3 Total ................................................................ $ 13,160.00

57—Department of Veterans Affairs

Acct. No. 404
1 Personal Services .................................................. $ 142,260.00
2 Current Expenses .................................................. 41,500.00
3 Equipment .................................................. 1,000.00
4 To provide Educational Opportunities for Children of War Veterans as provided by
Chapter thirty-nine, Acts of the Legislature, 1943

Any unexpended balance remaining in the appropriation “To Provide Educational Opportunities for Children of War Veterans” at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

### Department of Public Assistance

**Acct. No. 405**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$860,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$202,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$9,000.00</td>
</tr>
<tr>
<td>4 Public Assistance Grants (Classified Aid)</td>
<td>$7,278,700.00</td>
</tr>
<tr>
<td>5 Aid to Crippled Children</td>
<td>$300,000.00</td>
</tr>
<tr>
<td>6 Medical Care for the Indigent</td>
<td>$215,000.00</td>
</tr>
<tr>
<td>7 Hospitalization for the Indigent</td>
<td>$479,700.00</td>
</tr>
<tr>
<td>8 Conservation of Vision and Prevention of Blindness</td>
<td>$33,900.00</td>
</tr>
<tr>
<td>10 Child Welfare Services</td>
<td>$83,650.00</td>
</tr>
<tr>
<td>11 General Relief</td>
<td>$325,000.00</td>
</tr>
<tr>
<td>12 Boarding Care</td>
<td>$340,000.00</td>
</tr>
<tr>
<td>13 Merit System</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>14 Social Security Matching Funds</td>
<td>$19,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,155,950.00</strong></td>
</tr>
</tbody>
</table>

### Department of Public Assistance—Commodity Distribution

**Acct. No. 406**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$40,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$130,000.00</strong></td>
</tr>
</tbody>
</table>
### Appropriations

#### 60—Weston State Hospital

**Acct. No. 420**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$1,011,300.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$635,200.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$28,750.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$19,800.00</td>
</tr>
<tr>
<td>5 Water Supply</td>
<td>$47,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,742,050.00</strong></td>
</tr>
</tbody>
</table>

#### 61—Spencer State Hospital

**Acct. No. 421**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$469,520.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$308,280.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$16,950.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$11,050.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$805,800.00</strong></td>
</tr>
</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund-General Revenue.

#### 62—Huntington State Hospital

**Acct. No. 422**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$615,360.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$434,610.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$27,500.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$15,250.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,092,720.00</strong></td>
</tr>
</tbody>
</table>

All revenue collected by the above spending unit in excess of the amount required to pay the principal and interest on outstanding Clinic Bonds shall be deposited to the State Fund-General Revenue.
### Ch. 1] APPROPRIATIONS

#### 63—Lakin State Hospital

<table>
<thead>
<tr>
<th>Account No. 423</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services</td>
</tr>
<tr>
<td><strong>2</strong> Current Expenses</td>
</tr>
<tr>
<td><strong>3</strong> Repairs and Alterations</td>
</tr>
<tr>
<td><strong>4</strong> Equipment</td>
</tr>
<tr>
<td><strong>5</strong> Total</td>
</tr>
</tbody>
</table>

#### 64—Barboursville State Hospital

<table>
<thead>
<tr>
<th>Account No. 424</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services</td>
</tr>
<tr>
<td><strong>2</strong> Current Expenses</td>
</tr>
<tr>
<td><strong>3</strong> Repairs and Alterations</td>
</tr>
<tr>
<td><strong>4</strong> Equipment</td>
</tr>
<tr>
<td><strong>5</strong> Total</td>
</tr>
</tbody>
</table>

#### 65—Fairmont Emergency Hospital

<table>
<thead>
<tr>
<th>Account No. 425</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services</td>
</tr>
<tr>
<td><strong>2</strong> Current Expenses</td>
</tr>
<tr>
<td><strong>3</strong> Repairs and Alterations</td>
</tr>
<tr>
<td><strong>4</strong> Equipment</td>
</tr>
<tr>
<td><strong>5</strong> Total</td>
</tr>
</tbody>
</table>

#### 66—Welch Emergency Hospital

<table>
<thead>
<tr>
<th>Account No. 426</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Personal Services</td>
</tr>
<tr>
<td><strong>2</strong> Current Expenses</td>
</tr>
<tr>
<td><strong>3</strong> Repairs and Alterations</td>
</tr>
<tr>
<td><strong>4</strong> Equipment</td>
</tr>
<tr>
<td><strong>5</strong> Total</td>
</tr>
</tbody>
</table>
### 67—Hopemont Sanitarium

**Acct. No. 430**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$453,120.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$352,150.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$20,500.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$8,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$833,770.00</strong></td>
</tr>
</tbody>
</table>

### 68—Pinecrest Sanitarium

**Acct. No. 431**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$580,120.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$515,240.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$17,300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1,140,660.00</strong></td>
</tr>
</tbody>
</table>

### 69—Denmar Sanitarium

**Acct. No. 432**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$180,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$140,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$7,750.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$352,750.00</strong></td>
</tr>
</tbody>
</table>

### 70—Berkeley Springs Sanitarium

**Acct. No. 436**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$27,260.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$1,300.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$36,260.00</strong></td>
</tr>
</tbody>
</table>
### APPROPRIATIONS

**71—Non-State Institutions**

**Acct. No. 437**

1. Morris Memorial Hospital $10,000.00
2. Marmet Hospital, Inc. $7,500.00

3. **Total** $17,500.00

4. To be expended by the Department of Public Assistance to meet actual per capita costs for hospitalization of needy West Virginia patients at these institutions.

**72—State Board of Education—Rehabilitation Division**

**Acct. No. 440**

1. Personal Services $126,300.00
2. Current Expenses $35,900.00
3. Rehabilitation Center $27,846.00
4. Case Services $239,954.00
5. Supervisory Service for Vending Stand Program for the Blind $8,000.00

6. **Total** $438,000.00

**BUSINESS AND INDUSTRIAL RELATIONS**

**73—Bureau of Labor and Department of Weights and Measures**

**Acct. No. 450**

1. Personal Services $184,860.00
2. Current Expenses $50,000.00
3. Equipment $2,000.00

4. **Total** $236,860.00

**74—Department of Mines**

**Acct. No. 460**

1. Personal Services $555,000.00
2. Current Expenses $141,000.00
3. Equipment $15,000.00

4. **Total** $711,000.00
75—Commission on Interstate Cooperation

Acct. No. 472

1 Total ........................................... $ 10,000.00
2 Out of the above appropriation the sum of
3 $7,500.00 may be made available for West
4 Virginia's membership in The Council of
5 State Governments.

76—Interstate Commission on Potomac River Basin

Acct. No. 473

1 West Virginia's contribution to Potomac
2 River Basin Interstate Commission .......... $ 3,600.00

77—Ohio River Valley Water Sanitation Commission

Acct. No. 474

1 West Virginia's contribution to the Ohio
2 River Valley Water Sanitation Commiss-
3 ion ................................................... $ 15,860.00

78—Southern Regional Education Board

Acct. No. 475

1 West Virginia's contribution to Southern
2 Regional Education Board .................. $ 28,000.00
3 To be expended upon requisition of the
4 Governor.

79—Department of Banking

Acct. No. 480

1 Personal Services.................................. $ 58,800.00
2 Current Expenses.................................. 22,000.00
3 Equipment .......................................... 2,000.00

4 Total ............................................... $ 82,800.00
### Ch. 1 APPROPRIATIONS

#### 80—West Virginia State Aeronautics Commission

**Acct. No. 485**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$8,540.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>Aerial Markers</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$13,540.00</strong></td>
</tr>
</tbody>
</table>

#### 81—West Virginia Industrial and Publicity Commission

**Acct. No. 486**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$52,070.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$55,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>Industrial Development</td>
<td>$225,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$333,070.00</strong></td>
</tr>
</tbody>
</table>

#### 82—West Virginia Non-Intoxicating Beer Commissioner

**Acct. No. 490**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$76,450.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$41,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$117,950.00</strong></td>
</tr>
</tbody>
</table>

#### 83—West Virginia Racing Commission

**Acct. No. 495**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$39,700.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$7,400.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$47,100.00</strong></td>
</tr>
</tbody>
</table>

#### AGRICULTURE

#### 84—Department of Agriculture

**Acct. No. 510**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salary of Commissioner</td>
<td>$7,250.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$127,835.00</td>
</tr>
</tbody>
</table>
634

APPROPRIATIONS

3 Current Expenses
4 Equipment
5 For the Eradication and Prevention of Livestock Diseases
6 Aid to Dairy Development Program
7 Eradication and Control of Japanese Beetle and other plant pests
8 Eradication and Control of White Pine Blister
9 Eradication and Control of Oak Wilt
10 Total

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 Current Expenses</td>
<td>60,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>7,000.00</td>
</tr>
<tr>
<td>5 For the Eradication and Prevention of Livestock Diseases</td>
<td>119,000.00</td>
</tr>
<tr>
<td>6 Aid to Dairy Development Program</td>
<td>50,065.00</td>
</tr>
<tr>
<td>7 Eradication and Control of Japanese Beetle and other plant pests</td>
<td>14,000.00</td>
</tr>
<tr>
<td>8 Eradication and Control of White Pine Blister</td>
<td>15,000.00</td>
</tr>
<tr>
<td>9 Eradication and Control of Oak Wilt</td>
<td>35,000.00</td>
</tr>
<tr>
<td>10 Total</td>
<td>435,150.00</td>
</tr>
</tbody>
</table>

85—Department of Agriculture—Soil Conservation Committee
Acct. No. 512

1 Personal Services
2 Current Expenses
3 Total

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>45,000.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>18,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>63,000.00</td>
</tr>
</tbody>
</table>

86—Department of Agriculture—Marketing and Research
Acct. No. 513

1 For cooperation with the Federal Government in a program of marketing and research
2 To provide additional Farm Market Facilities
3 Total

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 For cooperation with the Federal Government in a program of marketing and research</td>
<td>50,000.00</td>
</tr>
<tr>
<td>2 To provide additional Farm Market Facilities</td>
<td>80,000.00</td>
</tr>
<tr>
<td>3 Total</td>
<td>130,000.00</td>
</tr>
</tbody>
</table>

7 Any part or all of this appropriation may be transferred to Special Revenue Fund for the purpose of matching federal funds for the above named program.

87—Department of Agriculture—Agricultural Awards
Acct. No. 515

1 Incorporated County and District Fairs, 4-H Fairs and Exhibits, and Vocational-Agricultural Fairs and Exhibits

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Incorporated County and District Fairs, 4-H Fairs and Exhibits and Vocational-Agricultural Fairs and Exhibits</td>
<td>12,500.00</td>
</tr>
</tbody>
</table>
### APPROPRIATIONS

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 West Virginia State Fair</td>
<td>$22,500.00</td>
</tr>
<tr>
<td>5 State Agricultural Fairs and Agricultural and Industrial Exhibits</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>7 Mountain State Forest Festival</td>
<td>$9,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$69,000.00</strong></td>
</tr>
</tbody>
</table>

9 To be expended at the discretion of the Commissioner of Agriculture in accordance with law.

### CONSERVATION AND DEVELOPMENT

#### 88—Geological and Economic Survey Commission

<table>
<thead>
<tr>
<th>Account No. 520</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$69,340.00</td>
</tr>
<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$23,000.00</td>
</tr>
<tr>
<td></td>
<td>3 Equipment</td>
<td>$6,000.00</td>
</tr>
<tr>
<td></td>
<td>4 Cooperative Mapping Program</td>
<td>$50,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$148,340.00</strong></td>
</tr>
</tbody>
</table>

6 Of the above appropriation for “Current Expenses,” the sum of $10,000.00 may be used to cooperate with the United States Geological Survey in Ground Waters Resources Study.

#### 89—Conservation Commission

<table>
<thead>
<tr>
<th>Account No. 521</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Personal Services</td>
<td>$265,000.00</td>
</tr>
<tr>
<td></td>
<td>2 Current Expenses</td>
<td>$16,000.00</td>
</tr>
<tr>
<td></td>
<td>3 Oak Wilt Control</td>
<td>$4,000.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>$285,000.00</strong></td>
</tr>
</tbody>
</table>

5 Out of the above appropriation the sum of $80,000.00 under Personal Services and $16,000.00 Current Expenses shall be used to match federal funds under the Pittman-Robertson and Dingell-Johnson programs.
### Appropriations

#### Ch. 1

**90—Conservation Commission—Division of State Parks**

Acct. No. 522

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$89,770.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$53,000.00</td>
</tr>
<tr>
<td>3 Repairs and Alterations</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>$10,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$177,770.00</strong></td>
</tr>
</tbody>
</table>

**91—Conservation Commission—Clarke-McNary**

Acct. No. 523

1 For cooperation with the United States Department of Agriculture in Fire Prevention and Control: $25,000.00

Any unexpended balance remaining in this account at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

**92—Conservation Commission—Historical Monuments**

Acct. No. 561

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Care and Maintenance of Point Pleasant Battle Monument and Park</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>2 Care and Maintenance of Rumsey Monument and Park</td>
<td>$350.00</td>
</tr>
<tr>
<td>3 Care and Maintenance of Morgan Morgan Memorial</td>
<td>$25.00</td>
</tr>
<tr>
<td>7 Fairfax Stone, Tucker County, to buy and/ or preserve land upon which the Fairfax Stone is situate and land adjacent there-to</td>
<td>$1,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$5,175.00</strong></td>
</tr>
</tbody>
</table>

**93—Department of Veterans Affairs**

Acct. No. 564

1 In aid of Memorial Day Patriotic Exercises: $2,000.00
To be expended subject to the approval of the Department of Veterans Affairs upon presentation of satisfactory plans by the Grafton G.A.R. Post, American Legion, Veterans of Foreign Wars and Sons of Veterans.

PROTECTION

94—Department of Public Safety

Acct. No. 570

1 Personal Services $ 931,644.00
2 Current Expenses 561,974.00
3 Repairs and Alterations 15,100.00
4 Equipment 74,350.00

5 Total $ 1,583,068.00

95—Adjutant General—State Militia

Acct. No. 580

1 Personal Services $ 51,000.00
2 Current Expenses 148,225.00
3 Repairs and Alterations 7,300.00
4 Equipment 7,400.00
5 Compensation of Commanding Officers, Clerical Allowances and Uniform Allowances 68,160.00
6 Property Maintenance 37,450.00

9 Total $ 319,535.00

96—Division of Civilian Defense

Acct. No. 581

1 Personal Services $ 16,180.00
2 Current Expenses 5,000.00
3 Equipment 3,200.00

4 Total $ 24,380.00
97—State Armory Board
Acct. No. 582
1 For insurance, maintenance, repair and equipment for state-owned Armories........ $ 22,500.00

98—State Board of Education—Insurance
Acct. No. 584
1 Boiler Insurance Premiums........................................ $ 6,500.00
2 To pay insurance premiums on boilers at state colleges and institutions under the supervision of the State Board of Education.
6 The above appropriation is for premiums for a three-year period.

99—West Virginia Board of Control—Insurance
Acct. No. 585
1 Boiler Insurance Premiums........................................ $ 9,500.00
2 To pay insurance premiums on boilers at state institutions under the supervision of the Board of Control.
5 The above appropriation is for premiums for a three-year period.

100—State Board of Certified Public Accountants
Acct. No. 586
1 To pay the per diem of members and other general expenses......................................................... $ 2,000.00
3 From Collections................................................................. 2,000.00

101—State Board of Examiners of Registered Nurses
Acct. No. 588
1 To pay the per diem of members and other general expenses......................................................... $ 18,750.00
3 From Collections................................................................. 18,750.00
102—State Board of Dental Examiners

Acct. No. 589

1 To pay the per diem of members and other general expenses. ...................... $ 5,000.00
2 From Collections .............................................. 5,000.00

103—State Board of Pharmacy

Acct. No. 590

1 To pay the per diem of members and other general expenses. ...................... $ 12,000.00
2 From Collections .............................................. 12,000.00

104—State Board of Osteopathy

Acct. No. 591

1 To pay the per diem of members and other general expenses. ...................... $ 1,500.00
2 From Collections .............................................. 1,500.00

105—State Board of Optometry

Acct. No. 592

1 To pay the per diem of members and other general expenses. ...................... $ 2,500.00
2 From Collections .............................................. 2,500.00

106—State Board of Embalmers and Funeral Directors

Acct. No. 593

1 To pay the per diem of members and other general expenses. ...................... $ 10,000.00
2 From Collections .............................................. 10,000.00

107—State Board of Registration for Professional Engineers

Acct. No. 594

1 To pay the per diem of members and other general expenses. ...................... $ 15,000.00
2 From Collections .............................................. 15,000.00
108—State Board of Architects
Acct. No. 595

1 To pay the per diem of members and other
general expenses........................................... $ 2,500.00
3 From Collections...................................................... 2,500.00

109—State Veterinary Board
Acct. No. 596

1 To pay the per diem of members and other
general expenses........................................... $ 500.00
3 From Collections...................................................... 500.00

110—State Board of Law Examiners
Acct. No. 597

1 To pay the per diem of members and other
general expenses........................................... $ 2,400.00

111—Auditor’s Office—Social Security
Acct. No. 598

1 To match contributions of state employees
for social security........................................... $ 375,000.00

The above appropriation is intended to cover
the state’s share of social security costs for
those spending units operating from General
Revenue Fund and General School
Fund appropriations. The State Road Com-
mission, Department of Motor Vehicles,
Workmen’s Compensation Commission,
Public Service Commission, and other de-
partments operating from Special Revenue
Funds and/or Federal Funds shall pay
their proportionate share of the social se-
curity cost for their respective divisions.
Such payments may be made from the bal-
ances in the various Special Revenue
Funds in excess of specific appropriations.
Sec. 2. Appropriations from Other Funds.—From the two funds designated there is hereby appropriated conditionally upon the fulfillment of the provisions set forth in chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred fifty-seven.

### 112—State Road Commission—General Administration and Engineering

Acct. No. 670

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>419,320.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>90,660.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>30,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>539,980.00</td>
</tr>
</tbody>
</table>

In addition to the foregoing appropriations and claims as authorized by this act or by law to be paid from the state road fund, the balance or residue of the annual receipts of the state road fund is hereby appropriated first for the payment of interest on and principal of outstanding road bonds, and thereafter for maintenance, construction and reconstruction of state roads, in accordance with the provisions of chapter seventeen, code of West Virginia, 1931, as amended.

### 113—Department of Motor Vehicles

Acct. No. 671

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>527,200.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>178,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>9,000.00</td>
</tr>
<tr>
<td>Purchase of License Plates</td>
<td>117,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>831,200.00</td>
</tr>
</tbody>
</table>
### 114—State Tax Commissioner—Gasoline Tax Division

**Acct. No. 672**  
TO BE PAID FROM STATE ROAD FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$70,560.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$93,560.00</strong></td>
</tr>
</tbody>
</table>

### 115—State Board of Education

**Acct. No. 700**  
TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$24,660.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$9,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$34,660.00</strong></td>
</tr>
</tbody>
</table>

### 116—State Board of Education—Vocational Division

**Acct. No. 701**  
TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$23,310.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$6,500.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>4 Vocational Aid</td>
<td>$300,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$330,810.00</strong></td>
</tr>
</tbody>
</table>

### 117—Department of Education—Veterans Education

**Acct. No. 702**  
TO BE PAID FROM GENERAL SCHOOL FUND

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$49,120.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$15,580.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$64,700.00</strong></td>
</tr>
</tbody>
</table>
Expenditures from this appropriation shall not exceed the amount to be reimbursed by the Federal Government.

118—Department of Education
Acct. No. 703
TO BE PAID FROM GENERAL SCHOOL FUND

1 Salary of State Superintendent $ 7,250.00
2 Other Personal Services $ 128,325.00
3 Current Expenses $ 56,000.00
4 Equipment $ 3,000.00
5 Total $ 194,575.00

119—State Board of School Finance
Acct. No. 704
TO BE PAID FROM GENERAL SCHOOL FUND

1 Personal Services $ 13,440.00
2 Current Expenses $ 3,000.00
3 Total $ 16,440.00

120—Department of Education—School Lunch Program
Acct. No. 705
TO BE PAID FROM GENERAL SCHOOL FUND

1 Personal Services $ 45,200.00
2 Current Expenses $ 10,300.00
3 Aid to Counties—Includes hot lunches and canning for hot lunches $ 125,000.00
4
5 Total $ 180,500.00

121—Department of Education
Acct. No. 706
TO BE PAID FROM GENERAL SCHOOL FUND

1 Salaries of County Superintendents $ 64,000.00
122—Department of Education
   Acct. No. 707
   TO BE PAID FROM GENERAL SCHOOL FUND
   1 State Aid to Children’s Homes $ 25,000.00

123—Auditor’s Office
   Acct. No. 708
   TO BE PAID FROM GENERAL SCHOOL FUND
   1 Premiums on Bonds of County Clerks $ 2,000.00

124—Auditor’s Office—Land Department
   Acct. No. 709
   TO BE PAID FROM GENERAL SCHOOL FUND
   1 Personal Services $ 31,980.00
   2 Current Expenses $ 1,000.00
   3 Equipment $ 500.00
   4 Total $ 33,480.00

125—Real Estate Commission
   Acct. No. 801
   TO BE PAID FROM SPECIAL REVENUE FUND
   1 Personal Services $ 15,000.00
   2 Current Expenses $ 10,000.00
   3 Equipment $ 750.00
   4 Total $ 25,750.00

5 The total amount of this appropriation shall
6 be paid from Special Revenue Fund out of
7 collections of license fees as provided by
8 law.
126—Public Land Corporation

Acct. No. 802

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $9,550.00
2 Current Expenses $4,000.00

3 Total $13,550.00

4 The total amount of this appropriation shall be paid from Special Revenue Fund out of income received by the corporation as provided by law.

127—West Virginia Racing Commission

Acct. No. 808

TO BE PAID FROM SPECIAL REVENUE FUND

1 Medical Expenses $5,000.00

2 The total amount of this appropriation shall be paid from Special Revenue Fund out of collections of license fees and fines as provided by law.

6 It is the intention of the Legislature that no expenditures shall be made from this account except for hospitalization, medical care, and/or funeral expenses for persons contributing to this fund.

128—Auditor’s Office—Land Department Operating Fund

Acct. No. 812

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $47,100.00
2 Current Expenses $16,400.00
3 Equipment $6,100.00

4 Total $69,600.00
5. The total amount of this appropriation shall be paid from Special Revenue Fund out of fees and collections as provided by law.

129—Department of Purchases—Revolving Fund

Acct. No. 814

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$73,900.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$28,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$106,900.00</strong></td>
</tr>
</tbody>
</table>

5. The total amount of this appropriation shall be paid from Special Revenue Fund as provided by Chapter 25-A, Article 2, Code of West Virginia.

9. The above appropriation includes salaries and operating expenses.

11. There is hereby appropriated from this fund, in addition to the above appropriation, the necessary amount for the purchase of supplies for resale.

130—Department of Agriculture

Acct. No. 818

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$127,480.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$40,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$9,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$176,480.00</strong></td>
</tr>
</tbody>
</table>

5. The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the Department of Agriculture as provided by law. It is the intention that special funds in excess of
the amounts hereby appropriated shall be made available by budget amendments upon request of the Commissioner of Agriculture.

### 131—State Committee of Barbers and Beauticians

**Acct. No. 822**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$17,820.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$7,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$24,820.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections made by the State Committee of Barbers and Beauticians as provided by law.

### 132—Insurance Commissioner

**Acct. No. 826**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$96,780.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$111,780.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for license and report fees as provided by law.

### 133—Insurance Commissioner—Fire Marshal

**Acct. No. 827**

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>$76,640.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>$25,000.00</td>
</tr>
<tr>
<td>Appropriations</td>
<td>[Ch. 1]</td>
</tr>
<tr>
<td>----------------</td>
<td>--------</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>3,700.00</td>
</tr>
<tr>
<td>4 Building Repair and Maintenance</td>
<td>2,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>107,840.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections of the special tax of one-half of one per cent of premium receipts of fire insurance companies as provided by law.

**134—Public Service Commission**

Acct. No. 828

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Salaries of Commissioners</td>
<td>22,500.00</td>
</tr>
<tr>
<td>2 Other Personal Services</td>
<td>225,000.00</td>
</tr>
<tr>
<td>3 Current Expenses</td>
<td>29,050.00</td>
</tr>
<tr>
<td>4 Equipment</td>
<td>4,600.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>281,150.00</strong></td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of collections for special license fees from public service corporations as provided by law. Out of the above appropriation $5,000.00 may be transferred to the State Water Commission for use in cooperation with the U. S. Geological Survey in a program of stream gauging.

**135—Public Service Commission—Motor Carrier Division**

Acct. No. 829

**TO BE PAID FROM SPECIAL REVENUE FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Personal Services</td>
<td>134,740.00</td>
</tr>
<tr>
<td>2 Current Expenses</td>
<td>39,000.00</td>
</tr>
<tr>
<td>3 Equipment</td>
<td>2,500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>176,240.00</strong></td>
</tr>
</tbody>
</table>
The total amount of this appropriation shall be paid from Special Revenue Fund out of receipts collected for or by the Public Service Commission pursuant to and in the exercise of regulatory authority over motor carriers as authorized by law.

136—Conservation Commission

Acct. No. 830

TO BE PAID FROM SPECIAL REVENUE FUND

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$557,040.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$353,745.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$56,675.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$86,200.00</td>
</tr>
<tr>
<td>Buildings, Land and Improvements</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Land Purchase</td>
<td>$50,000.00</td>
</tr>
<tr>
<td>National Forests</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>White Pine Blister Rust Control</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Oak Wilt Control</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>For payment of bounties</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>For construction of ponds and small lakes</td>
<td>$65,000.00</td>
</tr>
<tr>
<td>For re-stocking of game</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>$1,260,660.00</td>
</tr>
</tbody>
</table>

The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected by the Conservation Commission. Expenditures shall be limited to the amounts appropriated except for Federal Funds received and Special Funds collected at state parks. Special Funds in excess of the amounts hereby appropriated may be made available by budget amendment upon request of the Conservation Commission and approval of The Board of Public Works for any emergency which might arise in the operation of this Division during the fiscal year.
137—Department of Public Safety—Inspection Fees

Acct. No. 835

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$63,660.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$60,740.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$9,000.00</td>
</tr>
</tbody>
</table>

Total $139,400.00

The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected for inspection stickers as provided by law.

138—Department of Public Safety—Instruction Permit Fees

Acct. No. 836

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$39,780.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$35,220.00</td>
</tr>
</tbody>
</table>

Total $75,000.00

The total amount of this appropriation shall be paid from Special Revenue Fund out of fees collected for instruction permits as provided by law.

139—West Virginia Liquor Control Commission

Acct. No. 837

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries of Members</td>
<td>$21,000.00</td>
</tr>
<tr>
<td>Other Personal Services</td>
<td>$2,734,000.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$720,000.00</td>
</tr>
<tr>
<td>Repairs and Alterations</td>
<td>$19,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$14,000.00</td>
</tr>
</tbody>
</table>

Total $3,508,000.00
7 The total amount of this appropriation shall be paid from Special Revenue Fund out of liquor revenues.

10 The above appropriation includes the salaries of store personnel, store inspectors, store operating expenses and equipment; and salaries, expenses and equipment for administration offices.

15 There is hereby appropriated from liquor revenues, in addition to the above appropriation, the necessary amount for the purchase of liquor under the limitations set forth in Chapter 8, Acts of the Legislature, Regular Session, 1955.

140—West Virginia Merit System Council
Acct. No. 840

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $35,535.00
2 Current Expenses $9,000.00

3 Total $44,535.00

4 The total amount of this appropriation shall be paid from Special Revenue Fund supported by participating agencies as provided by law.

141—Department of Labor—Bedding Division
Acct. No. 843

TO BE PAID FROM SPECIAL REVENUE FUND

1 Personal Services $10,200.00
2 Current Expenses $8,000.00

3 Total $18,200.00

4 The total amount of this appropriation shall be paid from Special Revenue Fund out
of fees, fines and penalties as provided by law.

142—*Workmen’s Compensation Commission*

**Acct. No. 900**

**TO BE PAID FROM WORKMEN’S COMPENSATION FUND**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$569,780.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$220,000.00</td>
</tr>
<tr>
<td>Equipment</td>
<td>$32,800.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$822,580.00</strong></td>
</tr>
</tbody>
</table>

There is hereby authorized to be paid out of the above appropriation for Current Expenses the amount necessary for the premiums on bonds given by the State Treasurer and bond custodian for the protection of the Workmen’s Compensation Fund.

Sec. 3 *Supplemental and Deficiency Appropriations.*—From the State Fund, General Revenue, except as otherwise provided, there are hereby appropriated the following amounts, as itemized, for expenditure during the fiscal year one thousand nine hundred fifty-six to supplement the 1955-56 appropriations, and to be available for expenditure upon date of passage.

143—*Governor’s Office*

**Acct. No. 120**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contingent Fund</td>
<td>$100,000.00</td>
</tr>
</tbody>
</table>

144—*Board of Probation and Parole*

**Acct. No. 123**

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal Services</td>
<td>$9,600.00</td>
</tr>
<tr>
<td>Current Expenses</td>
<td>$5,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$14,600.00</strong></td>
</tr>
</tbody>
</table>

145—Auditor’s Office
Acct. No. 150

1 Personal Services $ 7,000.00
2 Current Expenses 1,000.00
3 Equipment 1,800.00

4 Total $ 9,800.00

146—State Tax Commissioner
Acct. No. 180

1 Personal Services $ 12,000.00
2 Current Expenses 8,000.00
3 Property Evaluation 14,500.00

4 Total $ 34,500.00

147—Capitol Building and Grounds
Acct. No. 270

1 Repairs and Alterations $ 50,500.00
2 Any unexpended balance remaining in this
3 appropriation at the close of the fiscal year
4 1955-56 is hereby reappropriated for ex-
5 penditure during the fiscal year 1956-57.

148—Department of Education
Acct. No. 295

1 State Aid for School Building Program $ 171,529.69
2 Any unexpended balance remaining in this
3 appropriation at the close of the fiscal year
4 1955-56 is hereby reappropriated for ex-
5 penditure during the fiscal year 1956-57.

149—Glenville State College
Acct. No. 322

1 To repair the walls and floors of the Lewis
2 Bennett Hall (Boys’ Dormitory) $ 50,000.00
3 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

150—Shepherd College
Acct. No. 324
1 Repairs and Alterations........................................... $ 5,800.00

151—West Virginia Industrial School for Boys
Acct. No. 370
1 Complete Gymnasium Building.................................................. $ 6,862.94

152—Forestry Camp for Boys
Acct. No. 371
1 Establishment, Maintenance and Operation
2 of Forestry Camp to accommodate 100
3 Boys ........................................................................... $ 35,000.00

153—West Virginia State Prison for Women
Acct. No. 374
1 Current Expenses................................................................. $ 4,000.00

154—West Virginia Penitentiary
Acct. No. 375
1 Rebuild Sewerage System..................................................... $ 65,000.00
2 Laundry Equipment................................................................. 36,014.00
3 Complete New Cell Block.................................................... 150,000.00
4 Total ............................................................................... $ 251,014.00

5 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.
155—West Virginia Children's Home
 Acct. No. 380

1 Major repairs to dwelling $3,000.00
2 Any unexpended balance remaining in this
 appropriation at the close of the fiscal year
4 1955-56 is hereby reappropriated for ex-
penditure during the fiscal year 1956-57.

156—West Virginia Training School
 Acct. No. 383

1 To complete building $28,000.00
2 Any unexpended balance remaining in this
 appropriation at the close of the fiscal year
4 1955-56 is hereby reappropriated for ex-
penditure during the fiscal year 1956-57.

157—Andrew S. Rowan Memorial Home
 Acct. No. 384

1 To construct a fire escape on the Ball
2 Building $3,000.00

158—Weston State Hospital
 Acct. No. 420

1 To replaster the interior walls of Ward
2 Building LMO $20,000.00

159—Huntington State Hospital
 Acct. No. 422

1 Personal Services $12,000.00

160—Industrial and Publicity Commission
 Acct. No. 486

1 Personal Services $8,500.00
2 Industrial Development $67,000.00
3 Total $75,500.00
Any unexpended balance remaining in the appropriation “Industrial Development” at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

161—Department of Agriculture
Acct. No. 510

1 Oak Wilt Control ........................................ $ 12,000.00

162—Geological and Economic Survey Commission
Acct. No. 520

1 Cooperative Mapping Program ......................... $ 50,000.00

Any unexpended balance remaining in this appropriation at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

163—Conservation Commission—Division of State Parks
Acct. No. 522

1 To repair and rebuild Superintendent’s dwelling at Cacapon State Park ....................... $ 12,500.00

Any unexpended balance remaining in this appropriation at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

164—Adjutant General—State Militia
Acct. No. 580

1 Compensation of commanding officers, clerical allowances and uniform allowances .... $ 17,000.00

3 Expenses of transfer of Air National Guard
4 167th Fighter Interceptor Squadron from Charleston to Martinsburg ....................... $ 4,475.00

6 Total .......................................................... $ 21,475.00
7 Any unexpended balance remaining in the appropriation for “Transfer of the Fighter Interceptor Squadron” from Charleston to Martinsburg at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.

165—Auditor’s Office—Social Security

<table>
<thead>
<tr>
<th>Acct. No. 598</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 To Match Contributions of State Employees for Social Security</td>
</tr>
<tr>
<td>3 Any unexpended balance remaining in this appropriation at the close of the fiscal year 1955-56 is hereby reappropriated for expenditure during the fiscal year 1956-57.</td>
</tr>
</tbody>
</table>

166—Department of Motor Vehicles

<table>
<thead>
<tr>
<th>Acct. No. 671</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO BE PAID FROM STATE ROAD FUND</td>
</tr>
<tr>
<td>1 Personal Services</td>
</tr>
<tr>
<td>2 License Plates</td>
</tr>
<tr>
<td>3 Total</td>
</tr>
</tbody>
</table>

Sec. 4 Awards for Claims Against the State.—From the fund designated there is hereby appropriated for the fiscal year 1955-56 for payment of claims against the state the following amounts, as itemized:

Claims Versus State Adjutant General

<table>
<thead>
<tr>
<th>TO BE PAID FROM GENERAL REVENUE FUND</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Furman G. Gillespie</td>
</tr>
<tr>
<td>2 Joseph W. Roush</td>
</tr>
<tr>
<td>3 Lawrence Mohr</td>
</tr>
<tr>
<td>4 Carl V. Ridgley</td>
</tr>
<tr>
<td>5 G. T. Williams</td>
</tr>
<tr>
<td>Claimant</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Homer Birchfield</td>
</tr>
<tr>
<td>Eastern Coal Sales Company</td>
</tr>
<tr>
<td>Blue Grass Cooperage Co.</td>
</tr>
<tr>
<td>Logan Company, a corporation</td>
</tr>
<tr>
<td>Ohio Valley Bus Company</td>
</tr>
<tr>
<td>Harry Shabdue</td>
</tr>
<tr>
<td>Hobert E. Smith</td>
</tr>
<tr>
<td>Offie Burdette</td>
</tr>
<tr>
<td>W. S. Burger</td>
</tr>
<tr>
<td>Cameron Oil and Gas Co.</td>
</tr>
<tr>
<td>Martha S. Painter, admx. estate of Anna B.</td>
</tr>
<tr>
<td>Summers, deceased</td>
</tr>
<tr>
<td>Dorr Summers</td>
</tr>
<tr>
<td>D. C. Summers</td>
</tr>
<tr>
<td>Fidelity-Phenix Fire Insurance Company</td>
</tr>
<tr>
<td>E. H. Scruggs</td>
</tr>
<tr>
<td>James Franklin Wagers</td>
</tr>
<tr>
<td>Florence Lawhorn Weikle</td>
</tr>
<tr>
<td>Lawrence Edwin Weikle</td>
</tr>
<tr>
<td>John Ray Cantley</td>
</tr>
</tbody>
</table>

Sec. 4-a. Appropriations from Surplus Revenues.—The following items are appropriated from the General Revenue Fund, subject to the following terms and conditions:
(a) The following items are hereby appropriated and are to be available for expenditure only out of the surplus in the Treasury on the first day of July, 1956, or at the time release or encumbrance of any such items is made, subject to the conditions and limitations herein.

(b) Expenditures authorized, which are for construction purposes, shall be for a complete and usable unit or project including necessary equipment, and in any case where additional funds are available, by aid from a Federal Agency or other source, such fact may be considered by the Board in determining what items should at any time be encumbered or released for expenditure: Provided, That in making such release the Board shall first determine that all funds available will be provided for completion of a complete and usable unit or project, including necessary equipment: And provided further, That sufficient funds shall be available for release of all items under this section, before any release is made.

(c) Any of the items under this section may be released or encumbrances made therefor at any time after the first day of July, 1956, as the Board may deem proper, subject to the limitations herein.

Subject to the foregoing conditions, the following appropriations are made for the purposes named in this section:

Item 1: Conservation Commission, for the following purposes:

(a) For the construction of electric service to Blackwater Falls State Park $36,000.00; (b) power line construction to Mont Chateau State Park $3,600.00; (c) construction of power line to Cacapon State Park $3,200.00; basing and paving of road to new cabins and new lodge at Cacapon State Park $20,000.00, total $23,200.00; (d) construction of residence and development and extension of picnic and public use facilities at Blue-
42 stone State Park $47,500.00; (e) construction, surfacing and resurfacing roads and parking lots at Tygart Lake State Park $50,000.00; (f) matching funds for construction of lake at Cedar Creek State Park $25,000.00; (g) construction of check dams, road grading, basing, and for public toilets and picnic additions at North Bend State Park $25,000.00; (h) grading and basing of roads to new cabin and lodge at Tomlinson Run State Park $25,000.00; (i) construction of power lines, picnic shelters, water supply, trail and road improvements, and similar improvements at Grandview State Park $20,000.00; (j) to supplement Federal aid for construction of dam at Meadow Creek Lake $30,000.00

Item 2: West Liberty State College for purchase of land $285,300.00

15,000.00

Sec. 5. Reappropriations.—The date for expiring the unexpended balances, if any, in items 2, 8, 26, 28, 30 and 42, in the appropriations made by and under authority of Section 5 of the 1953 Budget Act, as reappropriated by Section 4 of the 1955 Budget Act, is extended to June 30, 1957, and such items are hereby reappropriated from their respective dates of expiration to June 30, 1957.

Sec. 6. Special Revenue Appropriations.—There is hereby appropriated for expenditure during the fiscal year one thousand nine hundred fifty-seven appropriations made by general law from special revenue which are not paid into the state fund as general revenue under the provisions of section two, article two, chapter twelve of the code of West Virginia, one thousand nine hundred thirty-one: Provided, however, That none of the moneys so appropriated by this section shall be available for expenditure except in compliance with and in conformity to the provisions of articles two and three, chapter twelve of the code of West Virginia, and chapter thirty-nine, acts of the Legislature, regular session, one thousand nine hundred thir-
ty-nine, and unless the spending unit has filed with the
state director of the budget and the state auditor prior to
the beginning of each fiscal year:

(a) An estimate of the amount and sources of all reve-
 nues accruing to such fund;

(b) A detailed expenditure schedule showing for what
purposes the fund is to be expended.

Sec. 7. Specific Funds and Collection Accounts.—A fund
or collection account, which by law is dedicated to a spe-
cific use is hereby appropriated in sufficient amount to
meet all lawful demands upon the fund or collection ac-
count, and shall be expended according to the provisions
of article three, chapter twelve of the code of West Vir-

Sec. 8. Appropriations for Refunding Erroneous Pay-
mements.—Money that has been erroneously paid into the
state treasury is hereby appropriated out of the fund into
which it was paid for refund to the proper person.

When the officer authorized by law to collect money for
the state finds that a sum has been erroneously paid, he
shall issue his requisition upon the auditor for the refund-
ing of the proper amount. The auditor shall issue his war-
rant to the treasurer and the treasurer shall pay the war-
rant out of the fund into which the amount was originally
paid.

Sec. 9. Sinking Fund Deficiencies.—There is hereby ap-
propriated to the board of public works a sufficient amount
to meet a deficiency that may arise in the funds of the state
sinking fund commission because of the failure of any state
agency for either general obligation or revenue bonds or
any local taxing district for general obligation bonds to re-
mit funds necessary for the payment of interest and sink-
ing fund requirements. The board of public works is au-
thorized to transfer from time to time such amounts to the
state sinking fund commission as may be necessary for
this purpose.

The state sinking fund commission shall reimburse the
State of West Virginia through the board of public works
14 from the first remittance collected from any state agency
15 or local taxing district for which the board of public works
16 advanced funds, with interest at the rate carried by the
17 bonds for which the advance was made.

Sec. 10. Appropriations from Taxes and License Fees.—
2 There is hereby appropriated from the cigarette tax for
3 administration and enforcement of law relating to said tax
4 a sum not to exceed one and one-half per cent of the tax
5 collected or stamps sold. There is hereby appropriated
6 from the soft drink tax revenues for administration and
7 enforcement of the law relating to said tax, a sum not to
8 exceed two and one-half per cent of the total revenues col-
9 lected. All such salaries and expenses, authorized by law
10 as aforesaid, shall be paid by the tax commissioner
11 through the state treasurer out of gross collections.

Sec. 11. Appropriations to Pay Costs of Publication of
2 Delinquent Corporations.—There is hereby appropriated
3 out of the state fund, general revenue, out of funds not
4 otherwise appropriated to be paid upon requisition of the
5 auditor and/or the governor, as the case may be, a sum
6 sufficient to pay the cost of publication of delinquent corp-
7 orations as provided by sections seventy-five and seventy-
8 seven, article twelve, chapter eleven of the code of West
9 Virginia.

Sec. 12. Appropriations for Local Governments.—There
2 is hereby appropriated for payment to counties, districts,
3 and municipal corporations such amounts as will be neces-
4 sary to pay taxes due county, district, and municipal
5 corporations and which have been paid into the treasury:
6 (a) For the redemption of lands;
7 (b) By public service corporations;
8 (c) For tax forfeitures.

Sec. 13. Total Appropriation.—Where only a total sum
2 is appropriated to a spending unit that total sum shall in-
3 clude personal services, current expenses, and capital out-
4 lay, except as otherwise provided in Title I, Section 3.

Sec. 14. General School Fund.—The balance of the pro-
2 ceeds of the general school fund remaining after the pay-
3 ment of the appropriations made by this act is appropri-
4 ated for expenditure in accordance with section six, article
5 nine, chapter eighteen of the code of West Virginia, one
6 thousand nine hundred thirty-one, as amended.

Title 3. Administration.
Section
1. Appropriations conditional.
2. Moving and integrating institutions.
3. Constitutionality.

Section 1. Appropriations Conditional.—The expendi-
tures of the appropriations made by this act, except those
appropriations made to the legislative and judicial
branches of the state government, are conditioned upon
the compliance by the spending unit with the require-
ments of article five, chapter five of the code of West
Virginia, one thousand nine hundred thirty-one, as amen-
ded by chapter thirty-nine, acts of the Legislature, regular
session, one thousand nine hundred thirty-nine.

Sec. 2. Moving and Integrating Institutions.—This sec-
tion shall apply to the following institutions under supervi-
sion of the Board of Control:
(a) West Virginia Colored Children’s Home;
(b) West Virginia Children’s Home;
(c) West Virginia Industrial School for Colored Boys;
(d) West Virginia Industrial School for Boys;
(e) Denmar Sanitarium;
(f) Pinecrest Sanitarium;
(g) West Virginia Home for Aged and Infirm Colored
   Men and Women;
(h) Weston State Hospital;
(i) West Virginia Industrial Home for Colored Girls.

The appropriations affecting the institutions outlined
above are in contemplation of proposals submitted to the
Senate Finance Committee by the West Virginia Board of
Control under date of February 3, 1956.

The appropriations are for the purpose of transferring
the present population of the West Virginia Colored Chil-
20 dren’s Home at Huntington to the West Virginia Children’s 21 home at Elkins; transferring the present population from 22 the West Virginia Industrial School for Colored Boys from 23 Lakin to the West Virginia Industrial School for Boys at 24 Pruntytown; transferring the present population from 25 Denmar Sanitarium to Pinecrest Sanitarium; transferring 26 the population at West Virginia Home for Aged and Infirm 27 Colored Men and Women at McKendree to the former 28 West Virginia Colored Children’s Home at Huntington and 29 to the former West Virginia Industrial Home for Colored 30 Girls at Huntington; transferring 250 mentally tubercu- 31 lar inmates of the population from Weston State Hospital 32 to Denmar Sanitarium; transferring the present popula- 33 tion from the West Virginia Industrial Home for Colored 34 Girls at Huntington, to Lakin, West Virginia, to the former 35 West Virginia Industrial School for Colored Boys.

Sec. 3. *Constitutionality*.—If any part of this act is de- 2 clared unconstitutional by a court of competent jurisdic- 3 tion, its decision shall not affect any portion of this act 4 which remains, but the remaining portions shall be in full 5 force and effect as if the portion declared unconstitutional 6 had never been a part of the act.

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**CHAPTER 2**

(House Bill No. 20—By Mr. Mills)

AN ACT finding and declaring certain claims against the state and its agencies to be moral obligations of the state, and directing the auditor to issue warrants for the payment thereof.

[Passed February 3, 1956; in effect from passage. Approved by the Governor.]

Section
1. Finding and declaring certain claims against the state adjutant general, state board of control, state road commission, state tax commissioner and West Virginia university, to be moral obligations of the state, and directing payment thereof.
Be it enacted by the Legislature of West Virginia:

Section 1. Finding and Declaring Certain Claims Against the State Adjutant General, State Board of Control, State Road Commission, State Tax Commissioner and West Virginia University, to Be Moral Obligations of the State, and Directing Payment Thereof.—The Legislature has considered the findings of fact and recommendations reported to it by the attorney general concerning various claims against the state and agencies thereof, and in respect to each of the following claims the Legislature adopts those findings of fact as its own, and hereby declares it to be the moral obligation of the state to pay each such claim in the amount specified below, and directs the auditor to issue warrants for the payment thereof out of any fund appropriated and available for the purpose.

(a) Claims versus State Adjutant General.

17 (1) Gillespie, Furman G. $ 97.00
18 (2) Mohr, Lawrence 318.60
19 (3) Ridgley, Carl V. 10,099.00
20 (4) Roush, Joseph W. 244.04
21 (5) Williams, G. T. 110.70

(b) Claims versus State Board of Control.

23 (1) Birchfield, Homer $ 267.93

(c) Claims versus State Road Commission.

25 (1) Burdette, Offie $ 75.00
26 (2) Burger, W. S. 121.11
27 (3) Cameron Oil and Gas Company 50.50
28 (4) Cantley, John Ray 40.00
29 (5) Fidelity-Phenix Fire Insurance Company 47.94
30 (6) Painter, Martha S., admx., estate of Anna B. Summers, deceased 1,600.00
31 (7) Scruggs, E. H. 51.00
32 (8) Shabdue, Harry 684.25
33 (9) Smith, Hobert 175.00
34 (10) Summers, D. C. 4,300.00
35 (11) Summers, Dorr 8,400.00

CHAPTER 3

(Senate Bill No. 17—By Mr. Allen and Mr. Chenoweth)

[Passed February 9, 1956; in effect ninety days from passage. Approved by the Governor.]

AN ACT to amend and reenact section five-(thirty-four), article one; sections one-(thirty-four), one-(forty), two-(thirty-two), two-(thirty-seven), three-(thirty-two), three-(fifty-two), and five-(thirty-four), all of article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and section five-(thirty-four), article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salaries of county commissioners, sheriff, county clerk, circuit clerk, prosecuting attorney and assessor of Nicholas county; salaries of the sheriff and county clerk of Putnam county; and the salary of the circuit clerk of Wyoming county.

Be it enacted by the Legislature of West Virginia:

That section five-(thirty-four), article one; sections one-(thirty-four), one-(forty), two-(thirty-two), two-(thirty-seven), three-(thirty-two), three-(fifty-two) and section five-(thirty-four), all of article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and section five-(thirty-four), article two, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
CHAPTER 7. COUNTY COURTS AND COUNTY OFFICERS

Article

1. County Courts Generally.
7. Salaries; Deputies and Assistants and Their Salaries.


Section

5-(34). Salary of county commissioners of Nicholas county.

Section 5-(34). Nicholas County.—For the county of Nicholas, sixty dollars per month.

Article 7. Salaries; Deputies and Assistants and Their Salaries.

Section

1-(34). Salary of sheriff of Nicholas county.
1-(40). Salary of sheriff of Putnam county.
2-(32). Salary of county clerk of Nicholas county.
2-(37). Salary of county clerk of Putnam county.
3-(32). Salary of circuit clerk of Nicholas county.
5-(34). Salary of prosecuting attorney of Nicholas county.

Sec. 1-(34). Nicholas County.—For the county of Nicholas, four thousand two hundred dollars.

Sec. 1-(40). Putnam County.—For the county of Putnam, three thousand six hundred dollars.

Sec. 2-(32). Nicholas County.—For the county of Nicholas, three thousand six hundred dollars.

Sec. 2-(37). Putnam County.—For the county of Putnam, three thousand six hundred dollars.

Sec. 3-(32). Nicholas County.—For the county of Nicholas, three thousand six hundred dollars.

Sec. 3-(52). Wyoming County.—For the county of Wyoming, five thousand four hundred dollars.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, four thousand dollars.

CHAPTER 11. TAXATION

Article 2. Assessors.

Section

5-(34). Salary of assessor of Nicholas county.

Sec. 5-(34). Nicholas County.—For the county of Nicholas, three thousand four hundred dollars.
AN ACT to amend and reenact section five, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred fifty-five, relating to the salaries of prosecuting attorneys.

[Passed January 11, 1956; in effect ninety days from passage. Approved by the Governor.]

Article 7. Salaries; Deputies and Assistants and Their Salaries.
Section 5. Salaries of prosecuting attorneys.

Be it enacted by the Legislature of West Virginia:

That section five, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as last amended and reenacted by chapter thirty-three, acts of the Legislature, regular session, one thousand nine hundred fifty-five, be amended and reenacted to read as follows:

Section 5. Salaries of Prosecuting Attorneys.—The annual compensation of the prosecuting attorney in each county, including the compensation provided by law for his services as attorney for boards of education and other administrative boards and officers in the county, shall, on and after January one, one thousand nine hundred fifty-seven, be in the amounts set forth in sections five-(one) to five-(fifty-five), inclusive, of this article.
CHAPTER 5

(House Bill No. 16—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the salaries of teachers.

[Passed February 9, 1956; in effect July 1, 1956. Approved by the Governor.]

Article 7. Teachers.

Section 2. Salaries for teachers; basic salaries; advanced salaries.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 2. Salaries for Teachers; Basic Salaries; Advanced Salaries.—For the purpose of this section, assistant superintendents, directors and supervisors of instruction, and elementary and secondary principals shall be defined as teachers:

County boards of education shall fix the rate of salary to be paid teachers in accordance with the following classifications and requirements:

(A) Basic salaries shall be the salaries fixed for teachers in accordance with the certification classification of the teachers. Such salaries shall be those set forth in the following schedule:

(1) For teachers holding five-year certificates secured by examination or other first-grade certificates, not less than one hundred sixty-five dollars a month.

(2) For teachers holding short course certificates, not less than one hundred seventy-five dollars a month.
(3) For teachers holding normal school or other certificates which required at the time of issuance at least two years of collegiate work, not less than two hundred fifteen dollars a month.

(4) For teachers holding certificates which required at the time of issuance at least three years of collegiate training, not less than two hundred thirty-five dollars a month.

(5) For teachers holding collegiate elementary, first-class high school, or other certificates of equal rank, based on a bachelor's degree earned in an approved institution, not less than three hundred ten dollars a month.

(6) For teachers who have received a master's degree in an institution qualified and approved to do graduate work, or have completed the requirements therefor, holding the collegiate elementary, first-class high school, or other certificate of equal rank, three hundred forty dollars a month.

(7) For teachers who have received a doctor's degree from an institution of university rank qualified and approved to confer the doctor's degree, holding the collegiate elementary, first-class high school, or other certificate of equal rank, at least three hundred forty-five dollars a month.

Basic salaries shall be uniform throughout the state for teachers holding equivalent credentials.

A teacher teaching his first regular term of school shall be paid the basic salary in accordance with his certification classification.

Upon the change of the certification classification of a teacher, the basic salary of that teacher shall be that of the new certification classification.

(B) Advanced salaries shall mean any salaries greater than basic salaries. Advanced salary increments shall be the increments added to the basic salaries of teachers for experience and for such other services as recognized herein. Salary increments for teaching experience shall be those set forth in the following schedule:
(1) For teachers who hold the short course or certificate of lower grade, the rate of salary shall be the basic salary plus at least six dollars a month for the second term, and the basic salary plus an additional annual increase of at least six dollars a month for each year taught thereafter to and including the seventh year.

(2) For teachers who hold the third-class elementary (standard normal) certificate, the rate of salary shall be the basic salary plus at least six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six dollars a month for each year taught thereafter to and including the ninth year.

(3) For teachers who hold the second-class collegiate certificate, the rate of salary shall be the basic salary plus at least six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six dollars a month for each year taught thereafter to and including the eleventh year.

(4) For teachers who hold the collegiate elementary, first-class high school, or other certificate of equal rank, based on a bachelor's degree earned in an approved institution, the rate of salary shall be the basic salary plus at least six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six dollars a month for each year taught thereafter to and including the fourteenth year.

(5) For teachers who have received a master's degree in an institution qualified and approved to do graduate work, holding a collegiate elementary certificate, first-class high school, or other certificate of equal rank, the rate of salary shall be the basic salary plus at least six dollars a month for the second term; and the basic salary plus an additional annual increase of at least six dollars a month for each year taught thereafter to and including the seventeenth year.

Boards of education may fix higher salaries for high school and elementary school principals, teachers of one-teacher schools, and any teacher assigned to or employed for duties other than or in addition to his regular instructional duties, by the addition of further increments con-
sistent with the duties performed. Such additional salary
increments shall conform to the regulations of the state
board of education.
Advanced salaries shall be uniform throughout the dis-
trict for teachers holding similar credentials and in the
same classification as to experience and duties.
Upon the change of the certification classification of the
teacher, his advanced salary increments as provided in
this section shall be added to his new basic salary created
by the change in the certification classification.
In determining the number of regular terms of school
a teacher has taught, boards of education shall credit as
regular teaching, service in armed forces of the United
States in the World War, and active work in educational
positions other than teaching, but no teacher shall be
given credit for teaching more than one regular term in
any school year.
Any board of education failing to comply with the pro-
visions of this section may be compelled to do so by
mandamus.

CHAPTER 6
(House Bill No. 28—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section eleven, article nine-a,
chapter eighteen of the code of West Virginia, one thousand
nine hundred thirty-one, as amended, relating to the allo-
cation of state aid for schools.

[Passed February 9, 1956; in effect July 1, 1956. Approved by the Governor.]

Article 9-a. Allocation of State Aid for Schools.
Section
11. Total county foundation program; amount of state aid.

Be it enacted by the Legislature of West Virginia:

That section eleven, article nine-a, chapter eighteen of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted to read as follows:
Section 11. **Total County Foundation Program; Amount of State Aid.**—The total foundation school program for each county for the next fiscal year shall be the sum of the amounts allowed the county under the preceding provisions of the formula.

Prior to the first day of July in each year, the state board shall determine the total foundation school program for each county for the next fiscal year. The board shall then allocate to each county its share of the total funds available for state aid to schools during such fiscal year. The amount of state aid for each county shall be the total foundation school program of the county for the year minus the local share of the county, determined for the year as provided in this article; except, however, the allocation of state aid to a county shall be not less than fifty dollars for each weighted pupil in the county, except, however, that in making computations under section seven of this article there shall be excluded from such computations any basic salary increase provided for teachers by the fifty-second Legislature.

In addition thereto, an amount of state aid necessary and for the purpose of paying basic and advanced salary increases for teachers, as provided by the fifty-second Legislature, shall be allocated to each county in an amount sufficient to pay such increases for the number of full-time teachers actually employed within the county during the preceding school year.

After such computation is completed, the state board shall immediately certify to each county board the amount of state aid allocated to the county for the next fiscal year.

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**CHAPTER 7**

*(Senate Bill No. 7—By Mr. Amos, by request)*

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended,
by adding thereto a new article, to be designated article eleven-a, relating to the authority of the board of governors of West Virginia university to issue revenue bonds to finance the construction of new buildings for West Virginia university and to pledge as security for such bonds the revenue collected at the university from certain student fees.

[Passed February 9, 1956; in effect ninety days from passage. Approved by the Governor.]

Article 11-a. Revenue Bonds for University Capital Improvements.

Section
1. Board of governors of West Virginia university authorized to issue revenue bonds for certain capital improvements.
2. Special university capital improvements fund created in state treasury; collections to be paid into special fund; authority of board of governors to pledge such collections as security for revenue bonds.
3. Issuance of revenue bonds.
4. Trust agreement for holders of bonds.
5. Sinking fund for payment of bonds.
6. Credit of state not pledged.
7. Bonds exempt from taxation.
8. Conflicting laws repealed.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article eleven-a, to read as follows:

Section 1. Board of Governors of West Virginia University Authorized to Issue Revenue Bonds for Certain Capital Improvements.—The board of governors of West Virginia university shall have authority, as provided in this article, to issue revenue bonds of the state, not to exceed ten million dollars in principal amount thereof, to finance the costs of providing new buildings for the college of agriculture, the agricultural experiment station, the agricultural extension division, the college of engineering, the engineering experiment station, and the
school of mines of West Virginia university. The principal of and interest on such bonds shall be payable solely from the special non-revolving fund herein provided for such payment. The costs of any such building or buildings shall include the cost of acquisition of land, the construction and equipment of any such building or buildings, and the provision of roads, utilities and other services necessary, appurtenant or incidental to such building or buildings; and shall also include all other charges or expenses necessary, appurtenant or incidental to the construction, financing and placing in operation of any such building or buildings.

Sec. 2. Special University Capital Improvements Fund Created in State Treasury; Collections to Be Paid Into Special Fund; Authority of Board of Governors to Pledge Such Collections as Security for Revenue Bonds.—There is hereby created in the state treasury a special non-revolving university capital improvements fund. On and after the first day of July, one thousand nine hundred fifty-seven, there shall be paid into such special fund all fees collected under the provisions of section one, article one-a, chapter twenty-five of this code, from students at the university other than students in the schools of medicine, medical technology, dentistry, dental technology, nursing and pharmacy, except such fees as are required by that section to be paid into other special funds.

The board of governors shall have authority to pledge all or such part of the revenue paid into the special university capital improvements fund as may be needed to meet the requirements of the sinking fund established in connection with any revenue bond issue authorized by this article, including a reserve fund for the payment of the principal of and interest on such revenue bond issue when other moneys in the sinking fund are insufficient therefor; and may provide in the resolution authorizing any issue of such bonds, and in any trust agreement made in connection therewith, for such priorities on the revenues paid into the special fund as may be necessary for the protection of the prior rights of
the holders of bonds issued at different times under the provisions of this article.

If any balance shall remain in the special university capital improvements fund after the board has issued the maximum of ten million dollars' worth of bonds authorized by this article, and after the requirements of all sinking funds and reserve funds established in connection with the issue of such bonds have been satisfied, such balance may and shall be used solely for the redemption of any of the outstanding bonds issued hereunder which by their terms are then redeemable, or for the purchase of bonds at the market price, but at not exceeding the price, if any, at which such bonds shall in the same year be redeemable, and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued. Whenever all outstanding bonds issued hereunder shall have been paid, the special university capital improvements fund shall cease to exist and any balance then remaining in such fund shall be transferred to the general revenue fund of the state. Thereafter all fees formerly paid into such special fund shall be paid into the general revenue fund of the state.

Sec. 3. Issuance of Revenue Bonds.—The issuance of bonds under the provisions of this article shall be authorized by a resolution of the board of governors, which shall recite an estimate by the board of the cost of the proposed building or buildings; and shall provide for the issuance of bonds in an amount sufficient, when sold as hereinafter provided, to provide moneys sufficient to pay such cost, less the amount of any other funds available for the construction of the building or buildings from any appropriation, grant or gift therefor. Such resolution shall prescribe the rights and duties of the bondholders and the board, and for such purpose may prescribe the form of the trust agreement hereinafter referred to. The bonds shall be of such series, bear such date or dates, mature at such time or times not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding five per cent per annum, payable semi-annually; be in such denomina-
tions; be in such form, either coupon or fully registered
without coupons, carrying such registration exchangea-
ility and interchangeability privileges; be payable in
such medium of payment and at such place or places;
be subject to such terms of redemption at such prices
not exceeding one hundred five per cent of the princi-
al amount thereof, and be entitled to such priorities on
the revenues paid into the special university capital im-
provements fund as may be provided in the resolution
authorizing the issuance of the bonds or in any trust
agreement made in connection therewith. The bonds
shall be signed by the governor, and by the president
of the board of governors, under the great seal of the
state, attested by the secretary of state, and the coupons
attached thereto shall bear the facsimile signature of the
president of the board. In case any of the officers whose
signatures appear on the bonds or coupons cease to be
such officers before the delivery of such bonds, such sig-
natures shall nevertheless be valid and sufficient for all
purposes the same as if such officers had remained in of-
lice until such delivery.

Such bonds shall be sold in such manner as the board
may determine to be for the best interests of the state,
taking into consideration the financial responsibility of
the purchaser, the terms and conditions of the purchase,
and especially the availability of the proceeds of the
bonds when required for payment of the cost of such
building or buildings, such sale to be made at a price not
lower than a price which, when computed upon stand-
ard tables of bond values, will show a net return of not
more than six per cent per annum to the purchaser upon
the amount paid therefor. The proceeds of such bonds
shall be used solely for the payment of the cost of such
building or buildings, and shall be deposited in the state
treasury in a special fund and checked out as provided
by law for the disbursement of other state funds. If the
proceeds of such bonds, by error in calculation or other-
wise, shall be less than the cost of such building or build-
ings, additional bonds may in like manner be issued to
provide the amount of the deficiency; and unless other-
wise provided for in the resolution or trust agreement
hereinafter mentioned, shall be deemed to be of the same issue, and shall be entitled to payment from the same fund, without preference or priority, as the bonds before issued for such building or buildings. If the proceeds of bonds issued for such building or buildings shall exceed the cost thereof, the surplus shall be paid into the sinking fund to be established for payment of the principal and interest of such bonds as hereinafter provided. Prior to the preparation of definitive bonds, the board may, under like restrictions, issue temporary bonds with or without coupons, exchangeable for definitive bonds upon their issuance.

The bonds issued under the provisions of this article shall be and have all the qualities of negotiable instruments under the law merchant and under the negotiable instruments law of this state.

Sec. 4. Trust Agreement for Holders of Bonds.—The board may enter into an agreement or agreements with any trust company, or with any bank having the powers of a trust company, either within or outside the state, as trustee for the holders of bonds issued hereunder, setting forth therein such duties of the board in respect to the payment of the bonds, the fixing, establishing and collecting of the fees hereinbefore referred to, the acquisition, construction, improvement, maintenance, operation, repair and insurance of such building or buildings, the conservation and application of all moneys, the security for moneys on hand or on deposit, and the rights and remedies of the trustee and the holders of the bonds, as may be agreed upon with the original purchasers of such bonds; and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations, protecting and enforcing the rights and remedies of the trustee and the bondholders, and providing for approval by the original purchasers of the bonds of the appointment of consulting engineers and of the security given by those who contract to construct such building or buildings, and for approval by the consulting engineers of all contracts for construction. Any
such agreement entered into by the board shall be binding in all respects on such board and its successors from time to time in accordance with its terms; and all the provisions thereof shall be enforceable by appropriate proceedings at law or in equity, or otherwise.

Sec. 5. Sinking Fund for Payment of Bonds.—From the special university capital improvements fund the board shall make periodic payments to the state sinking fund commission in an amount sufficient to meet the requirements of any issue of bonds sold under the provisions of this article, as specified in the resolution of the board authorizing the issue and in any trust agreement entered into in connection therewith. The payments so made shall be placed by the commission in a special sinking fund which is hereby pledged to and charged with the payment of the principal of the bonds of such issue and the interest thereon, and to the redemption or repurchase of such bonds, such sinking fund to be a fund for all bonds of such issue without distinction or priority of one over another. The moneys in the special sinking fund, less such reserve for payment of principal and interest as may be required by the resolution of the board authorizing the issue and any trust agreement made in connection therewith, may be used for the redemption of any of the outstanding bonds payable from such fund which by their terms are then redeemable, or for the purchase of bonds at the market price; but at not exceeding the price, if any, at which such bonds shall in the same year be redeemable; and all bonds redeemed or purchased shall forthwith be cancelled and shall not again be issued.

Sec. 6. Credit of State Not Pledged.—No provisions of this article shall be construed to authorize the board at any time or in any manner to pledge the credit or taxing power of the state, nor shall any of the obligations or debts created by the board under the authority herein granted be deemed to be obligations of the state.

Sec. 7. Bonds Exempt from Taxation.—All bonds issued by the board under the provisions of this article
3 shall be exempt from taxation by the state of West Virginia, or by any county, school district or municipality thereof.

Sec. 8. Conflicting Laws Repealed.—The powers conferred by this article shall be in addition and supplemental to the existing powers of the board of governors.

The provisions of any other law or laws conflicting with the provisions of this article shall be and the same are hereby superseded to the extent of any such conflict.

CHAPTER 8

(Com. Sub. for Senate Bill No. 21—Originating in the Senate Committee on Finance)

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; by adding thereto a new article, to be designated article twelve-a, relating to the authority of the West Virginia board of education to issue revenue bonds to finance the construction of a new building for Marshall college and to pledge as security for such bonds the revenue collected at Marshall college from certain student fees.

[Passed February 9, 1956; in effect ninety days from passage. Approved by the Governor.]


Section
1. West Virginia board of education authorized to issue revenue bonds for certain capital improvements.
2. Special Marshall college capital improvements fund created in state treasury; collections to be paid into special fund; authority of West Virginia board of education to pledge such collections as security for revenue bonds.
3. Issuance of revenue bonds.
4. Trust agreement for holders of bonds.
5. Sinking fund for payment of bonds.
6. Credit of state not pledged.
7. Bonds exempt from taxation.
8. Conflicting laws repealed.
Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article twelve-a, to read as follows:

Section 1. West Virginia Board of Education Authorized to Issue Revenue Bonds for Certain Capital Improvements.—The West Virginia board of education shall have authority, as provided in this article, to issue revenue bonds of the state, not to exceed nine hundred fifty thousand dollars in principal amount thereof, to finance the cost of providing a health and physical education building for Marshall college. The principal of and interest on such bonds shall be payable solely from the special non-revolving fund herein provided for such payment. The costs of any such building or buildings shall include the cost of acquisition of land, the construction and equipment of any such building or buildings, and the provision of roads, utilities and other services necessary, appurtenant or incidental to such building or buildings; and shall also include all other charges or expenses necessary, appurtenant or incidental to the construction, financing and placing in operation of any such building or buildings.

Sec. 2. Special Marshall College Capital Improvements Fund Created in State Treasury; Collections to Be Paid Into Special Fund; Authority of West Virginia Board of Education to Pledge Such Collections as Security for Revenue Bonds.—There is hereby created in the state treasury a special non-revolving Marshall college capital improvements fund. On and after the first day of July, one thousand nine hundred fifty-seven, there shall be paid into such special fund all fees collected under the provisions of section one, article one-a, chapter twenty-five of this code, from students at Marshall college, except such fees as are required by that section to be paid into other special funds. The board of education shall have authority to pledge all or such part of the revenue paid into the special Marshall college capital improvement fund as may be needed
to meet the requirements of the sinking fund established
in connection with any revenue bond issue authorized by
this article, including a reserve fund for the payment of
the principal of and interest on such revenue bond issue
when other moneys in the sinking fund are insufficient
therefor; and may provide in the resolution authorizing
any issue of such bonds, and in any trust agreement made
in connection therewith, for such priorities on the reve-
 nues paid into the special fund as may be necessary for
the protection of the prior rights of the holders of bonds
issued at different times under the provisions of this
article.

If any balance shall remain in the special Marshall col-
lege capital improvement fund after the board has issued
the maximum of nine hundred fifty thousand dollars'
worth of bonds authorized by this article, and after the
requirements of all sinking funds and reserve funds es-
established in connection with the issue of such bonds
have been satisfied, such balance may and shall be used
solely for the redemption of any of the outstanding bonds
issued hereunder which by their terms are then redeem-
able, or for the purchase of bonds at the market price,
but at not exceeding the price, if any, at which such
bonds shall in the same year be redeemable; and all bonds
redeemed or purchased shall forthwith be cancelled and
shall not again be issued. Whenever all outstanding bonds
issued hereunder shall have been paid, the special Mar-
shall college capital improvement fund shall cease to
exist and any balance then remaining in such fund shall
be transferred to the general revenue fund of the state.
Thereafter all fees formerly paid into such special fund
shall be paid into the general revenue fund of the state.

Sec. 3. Issuance of Revenue Bonds.—The issuance of
bonds under the provisions of this article shall be au-
thorized by a resolution of the board of education, which
shall recite an estimate by the board of the cost of the
proposed building or buildings; and shall provide for the
issuance of bonds in an amount sufficient, when sold as
hereinafter provided, to provide moneys sufficient to pay
such cost, less the amount of any other funds available
for the construction of the building or buildings from any appropriation, grant or gift therefor. Such resolution shall prescribe the rights and duties of the bondholders and the board, and for such purpose may prescribe the form of the trust agreement hereinafter referred to. The bonds shall be of such series, bear such date or dates, mature at such time or times not exceeding thirty years from their respective dates, bear interest at such rate or rates not exceeding five per cent per annum, payable semi-annually; be in such denominations; be in such form, either coupon or fully registered without coupons, carrying such registration exchangeability and interchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption at such prices not exceeding one hundred five per cent of the principal amount thereof, and be entitled to such priorities on the revenues paid into the special state colleges' capital improvements fund as may be provided in the resolution authorizing the issuance of the bonds or in any trust agreement made in connection therewith. The bonds shall be signed by the governor, and by the president of the board of education, under the great seal of the state, attested by the secretary of state, and the coupons attached thereto shall bear the facsimile signature of the president of the board. In case any of the officers whose signatures appear on the bonds or coupons cease to be such officers before the delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until such delivery.

Such bonds shall be sold in such manner as the board may determine to be for the best interests of the state, taking into consideration the financial responsibility of the purchaser, the terms and conditions of the purchase, and especially the availability of the proceeds of the bonds when required for payment of the cost of such building or buildings, such sale to be made at a price not lower than a price which, when computed upon standard tables of bond values, will show a net return of not more than six per cent per annum to the purchaser upon the
amount paid therefor. The proceeds of such bonds shall be used solely for the payment of the cost of such building or buildings, and shall be deposited in the state treasury in a special fund and checked out as provided by law for the disbursement of other state funds. If the proceeds of such bonds, by error in calculation or otherwise, shall be less than the cost of such building or buildings, additional bonds may in like manner be issued to provide the amount of the deficiency, but in no case to exceed nine hundred fifty thousand dollars as provided in section one of this article; and unless otherwise provided for in the resolution or trust agreement hereinafter mentioned, shall be deemed to be of the same issue, and shall be entitled to payment from the same fund, without preference or priority, as the bonds before issued for such building or buildings. If the proceeds of bonds issued for such building or buildings shall exceed the cost thereof, the surplus shall be paid into the sinking fund to be established for payment of the principal and interest of such bonds as hereinafter provided. Prior to the preparation of definitive bonds, the board may, under like restrictions, issue temporary bonds with or without coupons, exchangeable for definitive bonds upon their issuance.

The bonds issued under the provisions of this article shall be and have all the qualities of negotiable instruments under the law merchant and under the negotiable instruments law of this state.

Sec. 4. Trust Agreement for Holders of Bonds.—The board may enter into an agreement or agreements with any trust company, or with any bank having the powers of a trust company, either within or outside the state, as trustee for the holders of bonds issued hereunder, setting forth therein such duties of the board in respect to the payment of the bonds, the fixing, establishing and collecting of the fees hereinbefore referred to, the acquisition, construction, improvement, maintenance, operation, repair and insurance of such building or buildings, the conservation and application of all moneys, the security for moneys on hand or on deposit, and the rights
and remedies of the trustee and the holders of the bonds, as may be agreed upon with the original purchasers of such bonds; and including therein provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations, protecting and enforcing the rights and remedies of the trustee and the bondholders, and providing for approval by the original purchasers of the bonds of the appointment of consulting engineers and of the security given by those who contract to construct such building or buildings, and for approval by the consulting engineers of all contracts for construction. Any such agreement entered into by the board shall be binding in all respects on such board and its successors from time to time in accordance with its terms; and all the provisions thereof shall be enforceable by appropriate proceedings at law or in equity, or otherwise.

Sec. 5. Sinking Fund for Payment of Bonds.—From the special Marshall college capital improvement fund the board shall make periodic payments to the state sinking fund commission in an amount sufficient to meet the requirements of any issue of bonds sold under the provisions of this article, as specified in the resolution of the board authorizing the issue and in any trust agreement entered into in connection therewith. The payments so made shall be placed by the commission in a special sinking fund which is hereby pledged to and charged with the payment of the principal of the bonds of such issue and the interest thereon, and to the redemption or repurchase of such bonds, such sinking fund to be a fund for all bonds of such issue without distinction or priority of one over another. The moneys in the special sinking fund, less such reserve for payment of principal and interest as may be required by the resolution of the board authorizing the issue and any trust agreement made in connection therewith, may be used for the redemption of any of the outstanding bonds payable from such fund which by their terms are then redeemable, or for the purchase of bonds at the market price; but at not exceeding the price, if any, at which such bonds shall in the
Sec. 6. Credit of State Not Pledged.—No provisions of this article shall be construed to authorize the board at any time or in any manner to pledge the credit or taxing power of the state, nor shall any of the obligations or debts created by the board under the authority herein granted be deemed to be obligations of the state.

Sec. 7. Bonds Exempt from Taxation.—All bonds issued by the board under the provisions of this article shall be exempt from taxation by the state of West Virginia, or by any county, school district or municipality thereof.

Sec. 8. Conflicting Laws Repealed.—The powers conferred by this article shall be in addition and supplemental to the existing powers of the board of education. The provisions of any other law or laws conflicting with the provisions of this article shall be and the same are hereby superseded to the extent of any such conflict.

CHAPTER 9
(Senate Bill No. 11—By Mr. Bean, Mr. President)

AN ACT to approve "The Southern Regional Education Compact" and to authorize the state of West Virginia to become a party thereto, subject to the approval of other states now parties to the compact.

[Passed February 8, 1956; in effect ninety days from passage. Approved by the Governor.]

The Southern Regional Education Compact.

Section
1. Approval of compact.
2. Engrossed copies to be furnished other states.
Be it enacted by the Legislature of West Virginia:

Section 1. Approval of Compact.—The following compact is hereby approved and ratified, and the state of West Virginia is hereby declared to be a party thereto, subject to the approval of other states now parties to the compact, and all agreements, covenants and obligations therein shall be binding upon the state of West Virginia.

The Southern Regional Education Compact

WHEREAS, The states who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the southern states in the professional, technological, scientific, literary and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

WHEREAS, Meharry Medical college of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment, be turned over to the southern states, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the southern states and Meharry Medical college, which proposal, because of the present financial condition of the institution, has been approved by the said states who are parties hereto; and

WHEREAS, The said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities; now, therefore,

In consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area for regional edu-
cation supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The states do further hereby establish and create a joint agency which shall be known as the “Board of Control for Southern Regional Education” (hereinafter referred to as the “board”), the members of which board shall consist of the governor of each state, ex officio, and four additional citizens of each state to be appointed by the governor thereof, with the advice and consent of the senate, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the legislature of that state. The governor shall continue as a member of the board during his tenure of office as governor of the state; but the members of the board appointed by the governor shall hold office for a period of four years, except that in the original appointments one board member so appointed by the governor shall be designated at the time of his appointment to serve an initial term of two years, one board member to serve an initial term of three years, and the remaining board members to serve the full term of four years, but thereafter the successor of each appointed board member shall serve the full term of four years. Vacancies on the board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the board shall be a chairman, a vice chairman, a secretary, a treasurer, and such additional officers as may be created by the board from time to time. The board shall meet annually and officers shall be elected to hold office until the next annual meeting. The board shall have the right to formulate and establish by-laws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it, including the right
to create and appoint an executive committee and a finance
committee with such powers and authority as the board
may delegate to them from time to time. The board may,
within its discretion, elect as its chairman, a person who is
not a member of the board, provided such person resides
within a signatory state; and upon such election, such per-
son shall become a member of the board with all the rights
and privileges of such membership.

It shall be the duty of the board to submit plans and rec-
ommendations to the states from time to time for their ap-
proval and adoption by appropriate legislative action for
the development, establishment, acquisition, operation and
maintenance of educational schools and institutions within
the geographical limits of the regional area of the states, of
such character and type and for such educational purposes,
professional, technological, scientific, literary, or other-
wise, as they may deem and determine to be proper, neces-
sary or advisable. Title to all such educational institutions
when so established by appropriate legislative actions of
the states and to all properties and facilities used in con-
nection therewith shall be vested in said board as the
agency of and for the use and benefit of the said states and
the citizens thereof; and all such educational institutions
shall be operated, maintained and financed in the manner
herein set out, subject to any provisions or limitations
which may be contained in the legislative acts of the
states, authorizing the creation, establishment and opera-
tion of such educational institutions.

In addition to the power and authority heretofore
granted, the board shall have the power to enter into such
agreements or arrangements with any of the states and
with educational institutions or agencies, as may be re-
quired in the judgment of the board, to provide adequate
services and facilities for the graduate, professional, and
technical education for the benefit of the citizens of the re-
spective states residing within the region, and such addi-
tional and general power and authority as may be vested
in the board from time to time by legislative enactment
of the said states.

Any two or more states who are parties of this compact
shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the board representing such states provided such agreement is submitted to and approved by the board prior to the establishment of such institutions.

Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the bureau of the census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more states shall have given legislative approval of this compact within said eighteen months' period, it shall be and become binding upon such six or more states sixty days after the date of legislative approval by the sixth state; and the governors of such six or more states shall forthwith name the members of the board from their states as hereinabove set out, and the board shall then meet on call of the governor of any state approving this compact, at which time the board shall elect officers, adopt by-laws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the
date hereof, upon such conditions as may be agreed upon
at the time: Provided, however, That with respect to any
state whose constitution may require amendment in order
to permit legislative approval of the compact, such state
or states shall become parties hereto upon approval of
this compact by legislative action within seven years from
the date hereof, upon such conditions as may be agreed
upon at the time.

After becoming effective this compact shall thereafter
continue without limitation of time: Provided, however,
That it may be terminated at any time by unanimous
action of the states: And provided further, That any
state may withdraw from this compact if such with­
drawal is approved by its legislature, such withdrawal
to become effective two years after written notice thereof
to the board accompanied by a certified copy of the
requisite legislative action, but such withdrawal shall
not relieve the withdrawing state from its obligations
hereunder accruing up to the effective date of such
withdrawal. Any state so withdrawing shall ipso facto
cease to have any claim to or ownership of any of
the property held or vested in the board or to any of
the funds of the board held under the terms of this
compact.

If any state shall at any time become in default in
the performance of any of its obligations assumed herein
or with respect to any obligation imposed upon said state
as authorized by and in compliance with the terms and
provisions of this compact, all rights, privileges and
benefits of such defaulting state, its members on the
board and its citizens shall ipso facto be and become
suspended from and after the date of such default. Unless
such default shall be remedied and made good within a
period of one year immediately following the date of
such default, this compact may be terminated with re­
spect to such defaulting state by an affirmative vote of
three-fourths of the members of the board (exclusive
of the members representing the state in default), from
and after which time such state shall cease to be a party
to this compact and shall have no further claim to or own­
ership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of this compact; but such termination shall in no manner release such defaulting state from any accrued obligations or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

IN WITNESS WHEREOF this compact has been approved and signed by governors of the several states, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the eighth day of February, one thousand nine hundred forty-eight.

STATE OF ALABAMA
By James E. Folsom, Governor

STATE OF ARKANSAS
By Ben Laney, Governor

STATE OF FLORIDA
By Millard F. Caldwell, Governor

STATE OF GEORGIA
By M. E. Thompson, Governor

STATE OF KENTUCKY
By Earle D. Clements, Governor

STATE OF LOUISIANA
By J. H. Davis, Governor

STATE OF MARYLAND
By Wm. Preston Lane, Jr., Governor

STATE OF MISSISSIPPI
By F. L. Wright, Governor

STATE OF NORTH CAROLINA
By R. Gregg Cherry, Governor

STATE OF OKLAHOMA
By Roy J. Turner, Governor

STATE OF SOUTH CAROLINA
By J. Strom Thurmond, Governor

STATE OF TENNESSEE
By Jim McCord, Governor

STATE OF TEXAS
By Beauford H. Jester, Governor

COMMONWEALTH OF VIRGINIA
By Wm. M. Tuck, Governor

STATE OF WEST VIRGINIA
By Clarence W. Meadows, Governor

Sec. 2. Engrossed Copies to Be Furnished Other States.—Immediately upon the enactment hereof, the governor shall sign and send to the governor of each state that is a party to the above compact an engrossed copy of this act.
CHAPTER 10

(House Bill No. 9—By Mr. Speaker, Mr. Flannery)

AN ACT authorizing the issuance and sale of not exceeding ten million dollars of road bonds of the state of West Virginia to raise money for road construction and maintenance purposes under and by virtue of the “Good Roads Amendment” to the constitution adopted at the general election held in November, one thousand nine hundred twenty; to provide for the distribution and expenditure of the proceeds of sale thereof, and to provide for the levy and collection of an annual state tax and other revenue sufficient to pay semi-annually the interest on such bonds and the principal thereof within twenty-five years.

[Passed February 9, 1956; in effect from passage. Approved by the Governor.]

Road Bonds.

Section 1. Road bonds; amount; when may issue.
2. Transfer fee; registration fee; where payable; interest rate; tax exempt.
3. Form of bond.
4. Form of coupon.
5. Listing by auditor.
6. State road sinking fund sources used to pay bonds and interest; investment of remainder.
7. Tax levy to pay, unless other funds available.
8. Sale by governor; minimum price.
9. Proceeds paid into state road fund.
10. Plates property of state.
11. Auditor to be custodian of unsold bonds.
12. Interim certificates.
13. Payment of expenses.

Be it enacted by the Legislature of West Virginia:

Section 1. Road Bonds; Amount; When May Issue.—
2 Bonds of the state of West Virginia of the par value of ten million dollars are hereby authorized to be issued and sold for the purpose of raising funds for assisting in building, constructing and maintaining the system of roads and highways provided for by the constitution.
Such bonds may be issued by the governor in such amounts, in coupon or registered form, in such denominations, at such times and bearing such date or dates as the governor may determine, and shall become due and payable serially in equal amounts beginning one year and ending twenty-five years from the date thereof:

Provided, however, That no bonds may be issued under the provisions of this act until bonds authorized and issued under the provisions of the “Good Roads Amendment” to the constitution of the state, ratified at the general election held in November, one thousand nine hundred twenty, have been retired and canceled out of the state road sinking fund created by section six, chapter one hundred thirteen, acts of the Legislature of West Virginia, one thousand nine hundred twenty-one, in an amount equal to or greater than the amount to be issued hereunder at any one time.

Sec. 2. Transfer Fee; Registration Fee; Where Payable; Interest Rate; Tax Exempt.—The auditor and the treasurer are hereby authorized to arrange for the transfer of registered bonds, and for each such transfer a fee of fifty cents shall be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. Bonds taken in exchange shall be canceled by the auditor and treasurer and be carefully preserved by the treasurer. The treasurer shall make provisions for registering “payable to bearer” bonds, and for each bond registered a fee of fifty cents shall likewise be charged by and paid to the state of West Virginia, to the credit of the state road sinking fund. All of such bonds shall be payable at the office of the treasurer of the state of West Virginia, or, at the option of the holder, at some bank in the city of New York to be designated by the governor. The bonds shall bear interest at a rate not exceeding four and one-half per cent per annum, payable semi-annually, on the first day of __________, and the first day of __________, of each year, to bearer, at the office of the treasurer of the state of West Virginia, at the capitol of the state, or at the bank designated by the governor, upon presentation and surrender of interest coupons, then due, in the case of coupon bonds. In the
case of registered bonds the treasurer of the state of West Virginia shall issue his check for the interest then due on the first day of , and of each year, and mail it to the registered owner at his address as shown by the record of registration. Both the principal and interest of the bonds shall be payable in lawful money of the United States of America and the bonds shall be exempt from taxation by the state of West Virginia, or by any county, district, or municipality thereof, which facts shall appear on the face of the bonds as part of the contract with the holder thereof.

Sec. 3. Form of Bond.—The bonds and coupons shall be engraved and the bonds shall be signed on behalf of the state of West Virginia, by the treasurer thereof, under the great seal of the state, and countersigned by the auditor of the state, and shall be in the following form or to the following effect, as nearly as may be, namely:

COUPON ROAD BOND
(Or registered road bond, as the case may be)

OF THE

STATE OF WEST VIRGINIA

$ No. 

The state of West Virginia, under and by virtue of authority of an act of the Legislature passed at the regular session of one thousand nine hundred fifty-six, on the day of , one thousand nine hundred fifty-six, and approved by the governor on the day of , one thousand nine hundred fifty-six, which is hereby made a part hereof as fully as if set forth at length herein, acknowledges itself to be indebted to, and hereby promises to pay to the bearer hereof (in the case of a coupon bond) or to or assigns (the owner of record, in case of registered bonds) on the day of , 19 , in lawful money of the United States of America at the office of the treasurer of the state of West Virginia at the capitol of said state, or at the option of the holder at bank in the city of New York, the sum of dollars, with interest thereon at per centum per annum from date, pay-
able semi-annually in like lawful money of the United
States of America at the treasurer's office or bank afore-
said, on the first day of .......... and the first day of ..........
of each year, (and in the case of coupon bonds) accord-
ing to the tenor of the annexed coupons bearing the
engraved facsimile signature of the treasurer of the
state of West Virginia, upon surrender of such coupons.
This bond (in case of a coupon bond) may be exchanged
for a registered bond of like tenor upon application to
the treasurer of the state of West Virginia.

To secure the payment of this bond, principal sum
and interest, when other funds and revenues sufficient
are not available for that purpose, it is agreed that,
within the limits prescribed by the constitution, the
board of public works of the state of West Virginia shall
annually cause to be levied and collected an annual
state tax on all property in the state, until this bond is
fully paid, sufficient to pay the annual interest on this
bond and the principal sum thereof within the time this
bond becomes due and payable.

This bond is hereby made exempt from any taxation
by the state of West Virginia, or by any county, district,
or municipal corporation thereof.

In testimony whereof, witness the signature of the
treasurer of the state of West Virginia, and the counter-
signature of the auditor of the state, hereto affixed ac-
cording to law, dated the .......... day of .........., one
thousand nine hundred .........., and the seal of the state
of West Virginia.

(Signature)

Treasurer of the State of West Virginia

Countersigned:

Auditor of the State of West Virginia

Sec. 4. Form of Coupon.—The form of coupon shall be
substantially as follows, to-wit:

STATE OF WEST VIRGINIA

Bond No. .......... Coupon No. ..........

On the first day of .........., 19.........., the state of West
Virginia will pay to the bearer, in lawful money of the United States of America, at the office of the treasurer of the state, or at the option of the holder at --- bank in the city of New York, the sum of --- dollars, the same being semi-annual interest on Road Bond No. ---

Treasurer of the State of West Virginia

The signature of the treasurer to such coupon shall be by his engraved facsimile signature and the coupons shall be numbered in the order of their maturity, from number one consecutively. The bonds and coupons may be signed by the present treasurer and auditor, or by any of their respective successors in office, and bonds signed by the persons now in office may be sold by the governor or his successor in office without being signed by the successor in office of the present treasurer or auditor.

Sec. 5. Listing by Auditor.—All coupon and registered bonds issued under this act shall be separately listed by the auditor of the state in books provided for the purpose, in each case giving the date, number, character and amount of obligations issued, and in case of registered bonds, the name and postoffice address of the person, firm or corporation registered as the owner thereof.

Sec. 6. State Road Sinking Fund Sources Used to Pay Bonds and Interest; Investment of Remainder.—Into the state road sinking fund there shall be paid all moneys received from the annual state tax levy on the taxable property in the state levied under the provisions of this act, from any and all appropriations made by the state from other sources for the purpose of paying the interest on such bonds or paying off and retiring the bonds, from fines, forfeitures and penalties, if any, made applicable by law for the payment of such bonds or the interest thereon, from transfer fees as herein provided, and from any source whatsoever, which is made liable by law for the payment of the principal of such bonds or the interest thereon.

All such funds shall be kept by the treasurer in a
separate account, under the designation aforesaid, and all money belonging to the fund shall be deposited in the state treasury to the credit thereof.

Such fund shall be applied by the treasurer of the state first to the payment of the semiannual interest on such bonds as it shall become due as herein provided. The remainder of the fund shall be turned over by the state treasurer to the state sinking fund commission, whose duty it shall be to invest the same in bonds of the government of the United States, bonds of the state of West Virginia, or any political subdivision thereof: Provided, however, That bonds so purchased by the state sinking fund commission shall mature so as to provide sufficient money to pay off all bonds herein provided to be issued as they become due; and the money so paid into the state road sinking fund under the provisions of this act shall be expended for the purpose of paying the interest and principal of the bonds hereby provided for as they severally become due and payable and for no other purpose except that the fund may be invested until needed, as herein provided.

Sec. 7. Tax Levy to Pay, Unless Other Funds Available.—In order to provide the revenue necessary for the payment of the principal and interest of such bonds, as hereinbefore provided, the board of public works, within the limits prescribed by the constitution, is authorized, empowered and directed to lay annually a tax upon all real and personal property subject to taxation within this state, sufficient to pay interest on the bonds accruing during the current year and one twenty-fifth of the total issue (at par value) of such bonds, for such number of years, not exceeding twenty-five, as may be necessary to pay the interest thereon and to pay off the principal sum of the bonds; and such taxes, when so collected, shall not be liable for or applicable to any other purpose: Provided, however, That if there be other funds in the state treasury, or in the state road funds, in any fiscal year, not otherwise appropriated, or if other sources of revenue be hereafter provided by law for the purpose, the board of public works is authorized, empowered and
directed to set apart, in any year there be such funds, or other sources of revenue provided for such purpose, a sum sufficient to pay the interest on bonds accruing during the current year, and to pay off, and retire the principal of such bonds, or any part thereof, at maturity.

The authority hereby vested in the board of public works shall be in addition to the authority now vested in it by present law.

Sec. 8. Sale by Governor; Minimum Price.—The governor shall sell the bonds herein mentioned at such time or times as he may determine necessary to provide funds for road construction and maintenance purposes, as herein provided, upon recommendation of the state road commission. All sales shall be at not less than par and accrued interest. All interest coupons becoming payable prior to the sale date shall be canceled by the treasurer and rendered ineffective, before the delivery of the bonds so sold.

Sec. 9. Proceeds Paid Into State Road Fund.—The proceeds of all sales of bonds herein authorized shall be paid into the state road fund created by section one, article three, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended.

Sec. 10. Plates Property of State.—The plates from which the bonds authorized by this act are engraved shall be the property of the state of West Virginia.

Sec. 11. Auditor to Be Custodian of Unsold Bonds.—The state auditor shall be the custodian of all unsold bonds issued pursuant to the provisions of this act.

Sec. 12. Interim Certificates.—The governor may authorize the issuance of interim certificates to be issued to the purchasers of such bonds to be held by them in lieu of engraved bonds. When interim certificates are so issued, they shall become full and legal obligations of the state of West Virginia under all of the provisions of this act just as fully and completely as the engraved and permanent bonds.
Sec. 13. Payment of Expenses.—All necessary expenses incurred in the execution of this act shall be paid out of the state road fund on warrants of the auditor of the state drawn on the state treasurer.

CHAPTER 11

(Senate Com. Sub. for House Bill No. 13—Originating in the Senate Committee on Finance)

AN ACT to amend article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by amending and reenacting section eighty thereof, and by adding thereto two new sections, to be designated sections eighty-a and ninety-one, all relating to the annual license tax to be paid by foreign corporations, and to the annual license fee to be paid by domestic and foreign insurance corporations, and other organizations licensed by the insurance commissioner.

[Passed February 9, 1956; in effect July 1, 1956. Approved by the Governor.]

Article 12. License Taxes.

Section

80. License tax on foreign corporations.
80-a. Additional license tax on domestic and foreign corporations and other business organizations licensed by the insurance commissioner.
91. Repeal; partial invalidity.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by amending and reenacting section eighty thereof, and by adding thereto two new sections, to be designated sections eighty-a and ninety-one, to read as follows:

Section 80. License Tax on Foreign Corporations.—
2 Every foreign corporation holding property or doing busi-
ness in this state shall make report to the auditor annually in the third month preceding the beginning of the license tax year, in which report shall be set out: (a) The name of each corporation, the name of the state or country by which incorporated, the date of the incorporation, the date of the certificate of the secretary of state authorizing it to do business in this state, the place of its principal office, the names and postoffice addresses of its president, secretary and its officers, if any, charged with the duty of making returns of its property for taxation and the name and postoffice address of its attorney of record in this state; (b) the number of shares of its authorized capital stock having a par value and the par value of each share, and the number of its issued and outstanding shares and the par value of each share; (c) the number of shares of its authorized capital stock having no par value, the number of shares of such stock authorized to be issued and the considerations fixed for the issue of each share of the same by its charter or board of directors, and the number of shares thereof issued and outstanding; (d) the value of the property owned and used by such corporation within this state, where situate, of what it consists, and the number of acres of land it holds in this state, and the value of its property owned and used without this state; and (e) the proportion of its capital stock which is represented by property owned and used in the state of West Virginia. Such report shall be verified by the affidavit of the president, secretary or other executive officers of such corporation.

It shall be the duty of the auditor to assess and fix the license tax of such corporation according to the proportion of its issued and outstanding capital stock which is represented by its property owned and used in this state, which license tax shall be at the rate prescribed in section seventy-eight of this article, plus seventy-five percent of such tax: Provided, That no such corporation shall pay an annual license tax of less than two hundred fifty dollars, which shall be in addition to the fee of the auditor as statutory attorney in fact. The auditor may in any case require such additional information as he may deem nec-
necessary to enable him to assess and fix the just amount of
license tax of such corporation; and it shall be his duty
to notify every such corporation of the amount so assessed
by him and it shall be the duty of the corporation to pay
the same to the auditor of the state within thirty days
thereafter, and if it fail to do so it shall be liable to the
penalties prescribed in sections eighty-six and eighty-
seven of this article.

Sec. 80-a. Additional License Tax on Domestic and For-

domestic

eign Corporations and Other Business Organizations Li-
censed by the Insurance Commissioner.—Every domestic
or foreign corporation, company, or other business or-
ganization, licensed by the insurance commissioner to
engage in business in this state, except such as may be
exempted by the provisions of section eighty-eight of this
article, shall pay to the auditor an additional annual li-
cense fee, as provided in this section. In the case of any
such company or other such licensed organization hav-
ing capital stock and/or unassigned surplus, the amount
of the license tax shall be calculated upon the capital
stock or unassigned surplus of the company or organi-
ation whichever is greater, as shown by the last annual
statement on file in the office of the insurance commis-
sioner and calculated upon the schedule provided in this
section. The minimum additional license tax provided in
this section shall be two hundred fifty dollars per annum,
payable by any licensed company or organization to which
the provisions of this section apply. Every such company
shall furnish to the auditor all such information necessary
for the proper calculation of the tax:

TAX SCHEDULE

Issued and outstanding capital stock
or unassigned surplus as the case may be:  Tax

<table>
<thead>
<tr>
<th>Issued and outstanding capital stock</th>
<th>Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not over $100,000</td>
<td>$250.00</td>
</tr>
<tr>
<td>Over $100,000 but not over $125,000</td>
<td>$265.00</td>
</tr>
<tr>
<td>Over $125,000 but not over $150,000</td>
<td>$280.00</td>
</tr>
<tr>
<td>Over $150,000 but not over $175,000</td>
<td>$295.00</td>
</tr>
<tr>
<td>Over $175,000 but not over $200,000</td>
<td>$310.00</td>
</tr>
</tbody>
</table>
31 Over $200,000 but not over $1,000,000... 355.00
32 on first $200,000, and an additional 15¢ on each $1,000 or fraction thereof in excess of $200,000.
34 Over $1,000,000 but not over $5,000,000... 425.00
35 on first $1,000,000, and an additional 15¢ on each $1,000 or fraction thereof in excess of $1,000,000.
37 Over $5,000,000 but not over $10,000,000... 1,275.00
38 on first $5,000,000, and an additional 16¢ on each $1,000 or fraction thereof in excess of $5,000,000.
40 Over $10,000,000 but not over $15,000,000... 2,125.00
41 on first $10,000,000, and an additional 17¢ on each $1,000 or fraction thereof in excess of $10,000,000.
44 Over $15,000,000 but not over $20,000,000... 3,025.00
45 on first $15,000,000, and an additional 18¢ on each $1,000 or fraction thereof in excess of $15,000,000.
48 Over $20,000,000... 5,000.00

Sec. 91. Repeal; Partial Invalidity.—The provisions of all acts or parts of acts, or of this code, which are inconsistent with the provisions of sections eighty and eighty-a of this article and chapter are hereby repealed to the extent of any such inconsistency. The provisions of this act are severable and if any shall be held unconstitutional or invalid, such determination shall not affect or impair any of the remaining provisions hereof.

CHAPTER 12
(House Bill No. 12—By Mr. Speaker, Mr. Flannery)

AN ACT to amend and reenact section two-b, article seventeen, and section two, article eighteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the imposition, collection and disposition of an additional tax on the sale of cigarettes, and upon the use, consumption or storage of
cigarettes in this state, and declaring the purpose therefor and limitations thereon.

[Passed February 9, 1956; in effect July 1, 1956. Approved by the Governor.]

Article

17. Excise Tax on Sale of Cigarettes.

18. Excise Tax on Use, Consumption or Storage of Cigarettes.

Be it enacted by the Legislature of West Virginia:

That section two-b, article seventeen, and section two, article eighteen, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 17. Excise Tax on Sale of Cigarettes.

Section 2-b. Additional cigarette tax for support of schools.

Section 2-b. Additional Cigarette Tax for Support of Schools.—For the purpose of providing additional revenue for the support of free schools, there is hereby levied and imposed, on and after midnight of the last day of June, one thousand nine hundred fifty-six, in addition to the taxes imposed by sections two and two-a of this article, an additional excise tax of one and one-half cents on each ten cigarettes, or fractional part thereof, sold within this state. Except as otherwise provided in this section, all provisions of this article relating to the levy, imposition and collection of the regular excise tax on the sale of cigarettes shall be applicable to the levy, imposition and collection of such additional tax. Notwithstanding other provisions of this article to the contrary, all moneys received from the additional tax imposed by this section, less deductions allowed by this article for refunds and for costs of of administration and operation, shall be paid by the tax commissioner into the general school fund, to be used solely for the support of free schools: Provided, however, That the additional one-half cent tax on each ten cigarettes or fractional part thereof imposed or levied
22 by this section shall be suspended on the last day of
23 June, one thousand nine hundred fifty-eight.

Article 18. Excise Tax on Use, Consumption or Storage of
Cigarettes

Section
2. Levy of tax on cigarettes.

Section 2. Levy of Tax on Cigarettes.—For the purpose
2 of providing revenue for the general fund of this state
3 an excise tax is hereby levied, on and after midnight of
4 the last day of June, one thousand nine hundred fifty-six,
5 on the use, consumption or storage of cigarettes by con-
6 sumers in this state at the rate of two and one-half cents
7 on each ten cigarettes or fractional part thereof: Provided,
8 however, That the tax shall not apply if the tax
9 levied in article seventeen of this chapter has been paid:
10 Provided further, That the additional one-half cent tax on
11 each ten cigarettes or fractional part thereof imposed or
12 levied by this section shall be suspended on the last day
13 of June, one thousand nine hundred fifty-eight.

CHAPTER 13

(Senate Com. Sub. for House Bill No. 10—Originating in the
Senate Committee on Finance)

AN ACT to amend and reenact article twenty-three, chapter
nineteen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to horse racing.

[Passed February 9, 1956; in effect July 1, 1956. Approved by the Governor.]

Article 23. Horse Racing.

Section
1. Racing commission established; meetings and report to governor;
   number; terms; power and duties.
2. Qualifications and compensation of members, secretary, steward
   and employees.
3. Horse racing revenues paid into general fund.
4. License for horse racing for stake, purse or reward.
5. Application for license; priority of racing dates; review.
6. Procedure for suspension or revocation of a license.
7. Per diem tax on tracks; tax on pool contribution; how taxes paid; financial responsibility of licensee.
8. Disposition of funds for payment of outstanding pari-mutuel tickets.
9. Only pari-mutuel system of wagering permitted; minors; auditor.
10. Conducting race meet without license; penalty.
11. License tax to be in lieu of all other taxes.
12. Gaming statutes not to apply to pari-mutuel system of wagering.
13. Licenses for jockeys, etc.; relief fund for.
14. Number of races daily.
15. Internal affairs and business of licensee.
17. Inconsistent laws repealed.

Be it enacted by the Legislature of West Virginia:

That article twenty-three, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. Racing Commission Established; Meetings and Report to Governor; Number; Terms; Power and Duties.—There is hereby created the West Virginia racing commission, which shall be a corporation and, as such, may contract and be contracted with, sue and be sued, and shall have a corporate seal. Said commission shall have its principal office in the state capitol at Charleston, and shall meet annually at its office in the month of January, and at such other times and places as shall be designated by its chairman. It shall also make and publish annually a report to the governor of the business transacted by it.

The commission shall consist of three members, all of whom shall be actual and bona fide residents of this state and not more than two of whom shall at any one time belong to the same political party. They shall be appointed by the governor by and with the advice and consent of the Senate. The term of office of the members of such commission shall be four years, except that of the first appointees, one shall be appointed for two years, one for three years and one for four years, and their appointments shall be made within twenty days after this act shall become effective, and their successors shall thereafter be appointed for terms of four years each.
No person not a bona fide member of the commission shall vote upon or participate in the deliberations of the commission on any matter which may come before it. Said commission shall have all the powers necessary to carry out fully and effectively all the purposes of this act, and shall have the power to prescribe reasonable regulations under which all races shall be conducted within the state of West Virginia except as hereinafter provided. The commission may at any time, for the violation of any such regulation, or for any fraudulent practices, require the removal of any racing official or racing employee employed by any licensee licensed hereunder; and shall have power to summon witnesses and to administer oaths or affirmations to such witnesses and take testimony whenever in the judgment of said commission it may be necessary for the discharge of its duties. False swearing on the part of any witness shall be deemed perjury and shall be punished as such.

Sec. 2. Qualifications and Compensation of Members, Secretary, Steward and Employees.—The compensation of the members of the commission shall not exceed the sum of twenty-five dollars per day, and actual bona fide expenses, while actually engaged in the business of the commission, and shall not exceed the sum of two thousand five hundred dollars per annum in the aggregate for compensation. The commission shall, under the restrictions and within the qualifications hereinafter set forth, appoint a secretary and steward, to represent the commission, and such additional help as shall be reasonably necessary to administer the provisions of this act; and shall, within the limits prescribed by the Legislature, fix their compensation and actual expenses. The compensation and actual expenses of the members and employees of the commission shall be paid from the funds in the hands of the state treasurer collected from the license tax on pari-mutuel wagering and shall be itemized in the budget in the same manner as all other departments of the state government, but no such expenses shall be paid unless an itemized account thereof, under oath, be first filed with the state auditor.
(a) No person who directly or indirectly has an interest in any manner whatsoever, including an interest as owner, lessor, lessee, stockholder or employee, in any race track, where horse race meetings may be held, shall be eligible for appointment to the commission.

(b) No person while serving as a member of the Legislature, or as an elective officer of this state, shall be eligible for appointment to the commission.

(c) No person convicted of an offense, which, under the laws of this state or any other state or of the United States of America, constitutes a felony or a violation of chapter sixty-one, article four of this code, shall be eligible for appointment to the commission.

(d) No person shall knowingly be employed by the commission in any capacity whatsoever who shall:

1. Directly or indirectly, or in any capacity, own or have an interest in any race track where horse race meetings may be held, including an interest as owner, lessor, lessee, stockholder or employee.

2. At the time of his employment as a racing official be or have been within one year prior thereto, a member of the Legislature or an elective officer of this state, unless he is experienced and qualified as a racing official.

3. Have been prior to the time of his employment, or shall during the time of his employment, convicted of an offense, which, under the laws of this state or any other state or of the United States of America, constitutes a felony or a violation of chapter sixty-one, article four of this code.

4. In any manner have delegated to him the duties and powers of the members of the commission, as director or supervisor of racing, or in any other manner or capacity whatsoever.

Any steward employed by the commission or by a licensee thereof, shall be a person of integrity, and experienced and qualified for such position by the generally accepted practices and customs of horse racing in the United States.
Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction, shall be confined in jail not less than six months nor more than one year and be fined not less than five hundred nor more than one thousand dollars, or in the discretion of the court, by both such fine and imprisonment. Venue of such offense shall be in the county, or any one of the counties, wherein the person violating this section carried out any duties of, or performs any work for, the commission, which constitutes the basis of the charge or complaint against him.

Sec. 3. Horse Racing Revenues Paid Into General Fund.

—All revenues collected pursuant to the provisions of this article, as license taxes, pari-mutuel pool operation taxes or otherwise, including all moneys accruing to the state from unredeemed pari-mutuel tickets, shall be paid directly to the treasurer of the state of West Virginia and be deposited by him to the credit of the general revenue fund of the state. Remittance of all such collected and accrued revenues shall be made by the commission to the state treasurer at least one time during each thirty-day period of the racing season, and a final remittance as to any particular race meeting shall be made within thirty days from and after the close of each such race meeting.

Sec. 4. License for Horse Racing for Stake, Purse or Reward.—No person shall hereafter hold or conduct any horse race meeting within the state of West Virginia whereat horse racing shall be permitted for any stake, purse or reward except under the license of the West Virginia racing commission. However, nothing in this act shall be construed to prevent in any way the use of any grounds, enclosure or race track owned and controlled by any person for any local, county or state fair, agriculture or livestock exposition, even though racing be conducted thereat, when no wagering or pari-mutuel pool selling upon the result of the racing so held thereat is permitted within the knowledge or acquiescence of the person conducting the same and when the pari-mutuel pool system of wagering is not conducted.
Sec. 5. Application for License; Priority of Racing Dates; Review.—Any person desiring to conduct a horse race meeting within the state of West Virginia to permit or conduct pari-mutuel pools shall apply to the West Virginia racing commission for a license to do so. Such application shall be filed with the commission at least thirty days prior to the first day of each horse race meeting which said person proposes to hold or conduct. The commission shall prescribe blank forms in making such applications. Such applications shall specify the days upon which said race meeting is to be conducted. It shall state the name of the person making such application, the postoffice address of the person making such application, the number of days he intends to hold or conduct such meeting (which shall be successive week days, excluding Sundays), and the location of the place or track or enclosure where he proposes to hold or conduct such race meeting.

In fixing the dates for race meetings at the various tracks in this state the commission shall consider the racing circuits with which the race tracks in this state are associated, or contiguous to, and shall also consider dates which are calculated to increase the tax revenues accruing from racing.

The commission shall promptly consider such applications and within ten days after the filing of such application with the commission, shall grant or reject any application for a license. If said license is refused, said commission shall forthwith publicly state its reasons for the refusal in writing, attach them to the application so refused and immediately notify the applicant. Such refusal and reasons for same shall, at all times, be subject to inspection upon application of anyone desiring to inspect same. Said findings shall be subject to review by mandamus in any court of this state having jurisdiction, including the circuit court of the county wherein the horse race meeting is proposed to be held, with the right to appeal to the supreme court of appeals in the manner prescribed by law.

Sec. 6. Procedure for Suspension or Revocation of a
License.—The commission shall not suspend or revoke a license until after a hearing has been held in the county wherein the licensee is or has been conducting race meetings. Notice of such hearing shall be served on the licensee at least ten days prior to the hearing. Such notice shall set forth the reasons for such proposed suspension or revocation and be served in the manner set forth in this code for the service of a summons. Appeal from the decision of the commission shall lie in the circuit court of the county wherein such hearing is held, with the right of appeal to the supreme court of appeals in the manner provided by law.

Sec. 7. Per Diem Tax on Tracks; Tax on Pool Contribution; How Taxes Paid; Financial Responsibility of Licensee.—A person operating any horse race track one mile or more in length shall pay each day upon which horse races are run, a license tax of five hundred dollars; any race track less than one mile in length shall pay for each day upon which horse races are run, a license tax of two hundred fifty dollars; Provided, however, That the per diem tax shall not apply to horse shows or county fairs at which racing is conducted for not more than six days. Any person licensed by the commission to conduct racing and to permit and conduct pari-mutuel wagering under this article shall, in addition to the aforementioned tax, pay to the racing commission of the state of West Virginia a tax of five per cent of the total contribution to all pari-mutuel pools conducted or made at any and every race meeting licensed under this article. Such payments shall be made to the commission or its agents after the last race on each day and every day of each and every race meeting, and shall be made from all contributions to all pari-mutuel pools to each and every race of the day, which payments shall be deposited with the treasurer of the state of West Virginia to the credit of the general revenue fund.

Any person making application for a license for a meeting to be held on any track in the state of West Virginia, shall, when required, furnish satisfactory evidence to the commission of his or their ability to pay license fees,
purses, salaries of officials and other expenses incident to the meeting. In the event the applicant is not able to furnish such satisfactory evidence of his or their ability to pay such expenses and fees, then the commission may require bond or other adequate security for not more than four successive days before such license is issued.

Sec. 8. Disposition of Funds for Payment of Outstanding Pari-Mutuel Tickets.—All moneys held by any licensee for payment of outstanding pari-mutuel tickets, if not claimed within one year after the close of any race meeting, shall be turned over by the licensee to the commission within fifteen days after the expiration of such one-year period, and the licensee shall give such information as the commission may require concerning such outstanding and unredeemed tickets. All such moneys shall be deposited by the commission with the treasurer of the state of West Virginia, to be kept by him in a special account to be known as “West Virginia Racing Commission Special Account—Unredeemed Pari-Mutuel Tickets.” The commission shall cause to be published one time, in some newspaper published of general circulation in the county in which such race meeting was held, a notice to the holders of such unredeemed tickets, notifying them to present such tickets for payment at the office of the commission in the city of Charleston within one year from the date of the publication of such notice.

Any such tickets that shall not be presented for payment within one year from the date of the publication of the notice shall thereafter be irredeemable, and the moneys theretofore held for the redemption of such tickets shall become the property of the state of West Virginia, and be deposited to the credit of the general fund of the state, and be expended in such manner as may be provided by law.

The cost for the publication of the notice provided for by this section shall be paid from the funds in the hands of the state treasurer collected from the license tax on pari-mutuel wagering, when not otherwise provided in the budget; but no such costs shall be paid unless an item-
ized account thereof, under oath, be first filed with the state auditor.

Sec. 9. Only Pari-Mutuel System of Wagering Permitted; Minors; Auditor.—A person licensed by the commission shall permit only the pari-mutuel system of wagering within the enclosure at which horse racing is held, and the commission deducted by the licensee from the said pari-mutuel pool shall not exceed fourteen per cent of the total pari-mutuel pools for the day, including the license fee of the gross amount handled hereinbefore provided for, plus the breakage, which shall be made and calculated to the dime. Such breakage shall be retained by the licensee: Provided, however, That no holder of such license shall permit or allow any person under the age of twenty-one years to wager thereat, knowing or having reason to believe that such person is under the age of twenty-one years. Any violation of this proviso shall be punishable by revocation of license.

An auditor of pari-mutuel pools shall be appointed by the commission and shall be compensated by said commission. He shall be an experienced public accountant. Said auditor shall have free access to the space or enclosure where the pari-mutuel pool system of wagering is conducted or calculated at any race meeting to which he shall be assigned for the purpose of ascertaining whether or not said licensee is retaining only the commission provided for in said section. He shall also, for the same purposes only, have full and free access to all records and papers pertaining to such pari-mutuel pool system of wagering, and shall report to the commission in writing, under oath, whether or not the licensee has retained any commissions in excess of those permitted under this article.

Sec. 10. Conducting Race Meet without License; Penalty.—Any person aiding or abetting in the conduct of any meeting in the state of West Virginia at which racing and wagering on the same is permitted, without a license duly issued, not suspended or revoked and unappealed from by the commission, shall be guilty of a
misdemeanor, and, upon conviction, shall be punished by
a fine of not less than one thousand dollars for each day
of such unauthorized meeting, or by imprisonment not
exceeding one year, or by both fine and imprisonment,
in the discretion of the court: Provided, That no punish-
ment shall be imposed upon any licensee for conducting
a race meeting during the time that an appeal from the
action of the commission suspending or revoking his li-
cense theretofore is pending.

Sec. 11. License Tax to Be in Lieu of All Other Taxes.—
The license tax herein imposed shall be in lieu of all
other license, income, excise, special or franchise taxes
of the state of West Virginia, and no county, city, town
or other municipality or other political subdivision of the
state of West Virginia shall be empowered to levy or
impose any license, income, excise, special or franchise
tax on any such person engaged in the business of con-
ducting a meeting at which horse races are run for stakes,
purses or reward under the jurisdiction of and being li-
censed by the commission, or on the operation or main-
tenance of the pari-mutuel system, or on the sale of any
commodity during a meeting at which horse races are
run, or at any such horse race track.

Sec. 12. Gaming Statutes Not to Apply to Pari-Mutuel
System of Wagering.—Section one, article ten, chapter
sixty-one of the code of West Virginia, one thousand nine
hundred thirty-one, relating to gaming tables and de-
vices, shall not apply to the pari-mutuel pool system of
wagering in manner and form as provided for in this act
at any meeting within the state of West Virginia where-
at horse racing shall be permitted for any stake, purse or
reward, by any person having license for holding or con-
ducting such horse race meeting as provided by this act.

Sec. 13. Licenses for Jockeys, etc.; Relief Fund for.—
The commission may license jockeys, trainers, and
grooms, register colors, assumed names, apprentice con-
tracts, authorized agents, and charge a fee therefor.
All moneys collected from fees as well as moneys col-
lected from fines imposed by the stewards, starter or
other racing official shall be paid into a relief fund and
paid out on order of the commission for the expenses of hospitalization, medical care and/or funeral expenses of jockeys, grooms or trainers, except members of the commission, at said race meeting, who become ill or are injured while in the discharge of their duties under the jurisdiction of the commission, and who are not subject to coverage under the workmen's compensation fund of this state. Balances in said fund in excess of five thousand dollars, less any relief obligations outstanding, shall be transferred to the general revenue fund of this state.

Sec. 14. Number of Races Daily.—The commission shall fix a minimum but not a maximum number of races to be held on any respective racing day.

Sec. 15. Internal Affairs and Business of Licensee.—The commission shall not interfere in the internal business or affairs of any licensee.

Sec. 16. Definitions.—Definitions and explanations of certain technical terms and words used in this act are as follows:

“Pari-Mutuel” is a French word meaning, “a mutuel or collective pool that can be divided among those who have contributed their wagers to one central agency, the odds to be reckoned in accordance to the collective amounts wagered upon each contestant running in a race upon which the pool is made, but the total to be divided among the first three contestants on the basis of the number of wagers on these.” A pool is, “a combination of interests in a joint wagering enterprise, or a stake in such enterprise.” In the division of a pool there occurs a percentage left over. This is known as “legitimate break-age.” “To the dime” is defined to mean that wagers shall be figured to and paid to the dime.

Sec. 17. Inconsistent Laws Repealed.—All other acts, whether general or local, public or private, inconsistent with the provisions of this act are hereby repealed: Provided, That nothing herein contained shall in any way affect, abridge or abolish the authority of a municipality to impose a license tax as authorized by section thirteen-c, article four, chapter eight of this code.
AN ACT directing the auditor to transfer certain accrued balances now in special revenue accounts of the department of labor, bedding division; department of purchases, printing division; real estate board; West Virginia state aeronautics commission, license fees; department of mines, strip mining permit fees; occupational health (turnpike); West Virginia racing commission; department of agriculture, inspection service; public service commission, public utilities; to the general revenue fund.

[Passed February 9, 1956; in effect from passage. Approved by the Governor.]

Section 1. Transfer of balances in special revenue accounts.

Be it enacted by the Legislature of West Virginia:

Section 1. Transfer of Balances in Special Revenue Accounts.—Balances in certain special revenue accounts having been carried for several years on state financial records, and there being no practical reason for carrying said balances upon the state financial records, effective upon passage of this bill the state auditor shall transfer the following sums in special revenue funds to the general revenue fund, as follows: (a) Department of labor, bedding division, the sum of eight thousand dollars; (b) department of purchases, printing division, the sum of one hundred thousand dollars; (c) real estate board, the sum of two hundred ten thousand dollars; (d) West Virginia state aeronautics commission, license fees, the sum of two thousand five hundred dollars; (e) department of mines, strip mining permit fees, the sum of twenty thousand dollars; (f) occupational health (turnpike), the
AN ACT creating a Grant county memorial hospital building fund, authorizing the county court of Grant county to transfer unexpended funds and surpluses in county funds to said building fund, and to transfer all funds in the Grant county courthouse fund to said memorial hospital fund.

[Passed January 26, 1956; in effect from passage. Approved by the Governor.]

Section
1. Grant county memorial hospital building fund; transfer of funds.

Be it enacted by the Legislature of West Virginia:

Section 1. Grant County Memorial Hospital Building Fund; Transfer of Funds.—The county court of Grant county is hereby authorized and empowered to create a special Grant county memorial hospital building fund. Said county court is also empowered from year to year to transfer unexpended funds and surpluses in the general county fund or any other fund of said county to said hospital building fund and to expend such fund for the purpose of building, equipping, maintaining and operating a Grant county memorial hospital.

Said county court is also authorized and empowered to transfer all funds in the Grant county courthouse fund,
CHAPTER 16

(House Bill No. 4—By Mr. Curtis)

AN ACT to authorize and empower the park board of the city of Wellsburg to use funds levied and collected under authority of a special levy election for the completion of the Wellsburg municipal swimming pool, including grading, fencing, establishing, improving, equipping, developing, operating, maintaining, administering and managing said Wellsburg municipal swimming pool.

[Passed January 26, 1956; in effect from passage. Approved by the Governor.]

Section

1. Wellsburg municipal swimming pool.

WHEREAS, Under authority of a special levy election held in the year one thousand nine hundred fifty-three, the city of Wellsburg, county of Brooke, laid a special levy for the years one thousand nine hundred fifty-four, one thousand nine hundred fifty-five and one thousand nine hundred fifty-six; and

WHEREAS, Some doubt has arisen as to the propriety of using the special levy funds for the completion of the Wellsburg municipal swimming pool at the fourth ward playground site; and

WHEREAS, The park board of the city of Wellsburg now has a sum of money on hand collected under authority of said special levy, and additional funds will come into its hands under authority of said special levy; therefore,
Be it enacted by the Legislature of West Virginia:

Section 1. Wellsburg Municipal Swimming Pool.—The park board of the city of Wellsburg is hereby authorized and empowered to use and expend the funds now on hand and to be collected in the future under authority of a special election held in the year one thousand nine hundred fifty-three, for the purpose of the completion of the Wellsburg municipal swimming pool, including grading, fencing, establishing, improving, equipping, developing, operating, maintaining, administering and managing said Wellsburg municipal swimming pool situate at the fourth ward playground site.
RESOLUTIONS

HOUSE CONCURRENT RESOLUTION NO. 2

(By Mr. Davis)

[Adopted January 16, 1956.]

Amending and adopting Joint Rules of the Senate and House of Delegates.

Resolved by the House of Delegates, the Senate concurring therein:

(1) That Joint Rule No. 5 of the Senate and House of Delegates for the last regular session of the Legislature be amended and adopted to read as follows:

5. Introduction of Bills.—No bill, other than an appropriation bill, shall be introduced in either House after the fiftieth day of a regular session held in odd-numbered years unless permission to introduce the bill be given by a concurrent resolution, setting out the title of the bill, and adopted by a two-thirds vote of all the members of each House present and voting.

During regular sessions held in even-numbered years, no bill, other than the annual budget bill and bills coming within the purview of a proclamation issued by the Governor in accordance with the provisions of section twenty-two, article six, of the State Constitution, shall be filed for introduction or be introduced in either House unless permission to introduce the bill be given by a concurrent resolution, setting out the title of the bill and adopted by a two-thirds vote of all the members elected to each House.

When permission is requested to introduce a bill under the provisions hereof, triplicate copies of such bill shall accompany the resolution when filed for introduction or introduced.

(2) That all other Joint Rules of the Senate and House of Delegates as adopted by the regular session of the Legislature of one thousand nine hundred fifty-five are hereby adopted and shall govern the proceedings of this regular session of the Legislature.
Providing for studies, surveys and investigations of the various proposals to extend the West Virginia Turnpike and to make reports thereon.

Whereas, Extensions of the West Virginia Turnpike is a matter of great importance to the welfare and development of this State and of interest to all the people of West Virginia; and

Whereas, Various plans for obtaining turnpike extensions have been embodied in the several bills and resolutions which have been before the Legislature at this session; and public and other hearings have been held by the Judiciary Committees of both Houses on said bills and resolutions at which testimony was given by the West Virginia Turnpike Commission, the West Virginia State Road Commission and banking and engineering firms; and

Whereas, No surveys have been made nor reports furnished the Legislature showing estimated or anticipated vehicular traffic, income, maintenance and operation costs, costs of construction, length of time required for construction, location and other facts or estimates necessary for a decision in the matter; and

Whereas, The lack of such reports and surveys has resulted in a reluctance on the part of members of the Legislature to support bills or joint resolutions providing a financial plan for turnpike extensions; and

Whereas, A minimum period of at least three months is needed for making preliminary surveys and reports to supply such facts and information; therefore, be it

Resolved by the House of Delegates, the Senate concurring therein:

The President of the Senate and the Speaker of the House and the members of the Rules Committees of the Senate and House of Delegates, and one additional member of the Senate to be designated by the President thereof, are hereby appointed a committee of twenty to be known as the "Interim Committee
on Turnpike Extensions”, and the President of the Senate and
the Speaker of the House of Delegates with the prior approval
of said Committee are authorized, empowered and directed to:

(a) Employ competent and recognized traffic, consulting and
construction engineers and other competent and qualified per­
sons to make a preliminary survey, study and report showing
estimated or anticipated traffic volumes, revenues, cost of oper­
ation and maintenance, recommended location and description
of type and cost of construction to determine the desirability,
feasibility or nonfeasibility of:

1. An extension of the West Virginia Turnpike from Reed,
West Virginia, northward to the Parkersburg area and the
Ohio state line;

2. An extension of the West Virginia Turnpike from Reed,
West Virginia, northward to the Pennsylvania line;

3. An extension of the West Virginia Turnpike from its
southern terminus southward to the Virginia line;

4. Such other matters concerning said proposed extensions
of said West Virginia Turnpike as are necessary or incidental
to determine the desirability, feasibility, method of construc­
tion and financing said extensions.

The preliminary surveys, reports and study herein required
to be made shall include all of the information necessary and
shall be of a quality and in such detail as to establish the feasi­
bility or nonfeasibility of said extensions under both a revenue
bond and a general obligation bond plan of financing.

The President of the Senate and the Speaker of the House,
with the approval of said Committee had prior thereto, are
hereby authorized to enter into contracts with the persons,
firms or associations so employed pertaining to the work to be
done or services to be performed, fixing compensation therefor
and time and method of payment. Any contract or agreement
so entered into shall contain the express provision that the
work to be done or services to be performed shall be reported
on as hereinafter provided for on or before July 1, 1956.

The State Road Commission and the West Virginia Turnpike
Commission shall make available to the engineers or persons
so employed pursuant hereto such maps, aerial surveys, traffic counts and other data and information in its possession or accessible to it as may be necessary, useful or helpful in preparing the study, report and survey contemplated in this resolution, and said commissions shall cooperate and assist in every practical way and manner in making and completing said study, report and survey. The engineers and other persons so employed shall make a report to said committee on or before July 1, 1956. The meeting of said committee at which said report, study and survey are received shall be open to the public and press. Copies of any and all reports shall be made available to the Governor and all members of the Legislature at least ten days prior to the convening of any session of the Legislature. If a majority of the committee is of the opinion that an extension, or extensions, of said turnpike is feasible, under a revenue bond plan of financing or a general obligation bond plan of financing, or a combination thereof, or by any other reasonable means, the Governor shall be requested to call a special or extraordinary session of the Legislature to consider legislation pertaining to turnpike extensions, it being the intent of the Legislature that any special or extraordinary session will be called in ample time to submit any constitutional question to a vote of the people at the General Election on November 6, 1956.

After said study, report and survey have been made, as herein provided, and after the same have been heard and reported on to the committee, said committee may, by a majority vote, provide for further and additional study, report and survey and for extensions and modifications of contracts with engineers and other persons, firms or associations employed pursuant hereto, and shall report thereon to the next session of the Legislature.

The sum of Sixty Thousand Dollars ($60,000.00) or so much thereof as may be needed, is hereby appropriated for the expenses of the Committee, one-half thereof to be paid from the contingent fund of the Senate and one-half thereof from the contingent fund of the House of Delegates, upon proper requisitions of the Clerks of the two Houses.

The Clerk of the Senate and the Clerk of the House of Dele-
gates, upon the approval of the President of the Senate and the Speaker of the House, shall draw their requisitions upon the Auditor, payable equally out of the contingent fund of the House of Delegates and the contingent fund of the Senate for such expenditures and expenses of said Committee as are authorized by this resolution. Requisitions to the Auditor for payment of expenses of said Committee shall be accompanied by the approval of said expenses, signed by the President of the Senate and the Speaker of the House.

HOUSE CONCURRENT RESOLUTION NO. 13

(By Mr. Bowles)

[Adopted February 9, 1956.]

Continuing the Commission on Education.

Resolved by the House of Delegates, the Senate concurring therein:

That the Commission on Education, established by Senate Concurrent Resolution No. 3, adopted May 13, 1955, is hereby continued with all power and authority heretofore granted by Senate Concurrent Resolution No. 3.

The Commission shall report recommendations and findings from time to time and shall make a complete report to the 1957 regular session of the Legislature.

The expenses of the Commission shall be paid from the appropriations for legislative committees and from the appropriations for the Joint Committee on Government and Finance made by this session of the Legislature.
DISPOSITION OF BILLS ENACTED
Regular Session, 1955.

The first column gives the number of the bill and the second column the chapter assigned to it. House Bills appear first, followed by Senate Bills.

**HOUSE BILLS**

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