ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 313

(By Mr. Ballard)

Passed February 14th 1934

In Effect from Passage
ENROLLED BILL
(H. B. No. 313)

[Passed February 14, 1934; in effect from passage.]

AN ACT to amend and reenact section twenty-three of an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known and designated as house bill number two hundred thirty-four.

Be it enacted by the Legislature of West Virginia:

That section twenty-three of an act of the Legislature of West Virginia, second extraordinary session, one thousand nine hundred thirty-three, known and designated as house bill number two hundred thirty-four, be amended and reenacted so as to read as follows:

Section 23. When the entire apportionment of levies for the payment of such contractual indebtedness existing at the time of the adoption of the “tax limitation amendment”, together with the application to such indebtedness of such part, if any, of the levies allocated for current expenses and not required
6 therefor and applied to such indebtedness as hereinabove pro-
7 vided, are not sufficient to meet the current requirements of
8 principal and/or interest upon legally existing contractual in-
9 debtedness, existing at the time of the adoption of the "tax
10 limitation amendment" and remaining unpaid, then the levying
11 body shall prepare a statement showing in detail:
12 (1) The items of expenditure upon which the estimate of
13 current expense is based;
14 (2) A detailed itemized statement of:
15 (a) The bonded indebtedness, if any there be, existing prior
16 to the adoption of the "tax limitation amendment", in whole
17 or in part, not provided for by the levies hereinbefore author-
18 ized;
19 (b) Other contractual indebtedness, not bonded, if any there
20 be, legally incurred prior to the adoption of the "tax limitation
21 amendment", in whole or in part, not provided for by the levies
22 hereinbefore authorized;
23 (3) The requirements of such bonded indebtedness not pro-
24 vided for by the levies hereinbefore authorized;
25 (a) The requirements of such other contractual indebtedness,
26 not bonded, not provided for by the levies hereinbefore author-
27 ized;
28 (4) The separate and aggregate amounts of the real, per-
29 sonal, and public utility properties in each class subject to tax-
30 ation within the taxing district;
31 (5) The rates of levy in cents on each one hundred dollars’
32 assessed valuation of each class of property necessary to pro-
33 duce the amount required (a) for such bonded indebtedness,
34 and (b) for such other contractual indebtedness not bonded,
35 and not provided for by the levies hereinbefore authorized, and
36 which rates of levies shall be in the proportion of one cent on
37 class I property, two cents on class II property, and four cents
38 on classes III and/or IV property.
39 The recording officer of the fiscal body shall forthwith for-
40 ward a certified copy of this statement to the state tax commis-
41 sioner in the same manner and at the same time as required in
42 sections eleven, thirteen and fifteen of this article for the regu-
43 lar levies imposed by the levying body, and notice of this pro-
44 posed levy shall be published at the same time and in the same
45 manner as required for other levies proposed by the fiscal body.
46 The tax commissioner upon receipt of such estimate shall pro-
47 cease to carefully examine and analyze the estimate for current
48 expense and determine what items, if any, may be reduced or
49 eliminated therefrom. If the tax commissioner find that any of
50 such items, in whole or in part, may be eliminated or reduced
51 without impairing the governmental functions of such fiscal
52 body, he shall require such fiscal body to so eliminate or reduce
53 such estimate until such estimate shall constitute only so much
54 as may in the opinion of the tax commissioner be indispensable
55 to the orderly discharge of the governmental functions of such
56 fiscal body; and such proportion of the levies for current ex-
57 pense as are represented by such reductions may be applied
58 by said fiscal body to the increase of the levies of such fiscal
59 body for contractual indebtedness. The tax commissioner shall
60 also carefully examine the itemized list of contractual obliga-
61 tions for the payment of which the levy under this section is
62 proposed to be made, and shall ascertain whether such obliga-
63 tions are in fact contractual; whether the same were created
64 prior to the adoption of the “tax limitation amendment”, and
65 whether or not, except for the levy proposed under this sec-
66 tion, the obligation thereof will be impaired. The tax commis-
67 sioner shall make a statement of his findings in writing, and if
such findings of the tax commissioner show that the levies for
current expense of such fiscal body are no more than are in-
dispensable to the orderly discharge of the governmental func-
tions of such fiscal body, and that except for the levies pro-
posed to be laid under this section, the obligation of valid con-
tracts incurred prior to the adoption of the "tax limitation
amendment" will be impaired, the fiscal body may then with
the approval of the tax commissioner lay such a levy on the sev-
eral classes of property in proportion to one cent on class I
property, two cents on class II property, and four cents on
classes III and/or IV properties, which, together with the other
levies provided for in this article, shall not exceed any consti-
tutional limitations applicable thereto in effect immediately
prior to the time of the adoption of the "tax limitation amend-
ment", at the same time and in the same manner as other levies
in this article provided for, and the proceeds thereof when
collected, together with the other levies for such contractual in-
debtedness herein provided for, shall be held and kept separate
and apart from all other funds of said fiscal body and shall be
used solely for the purpose of paying such indebtedness.
CORRECTLY ENROLLED

Dee E. Lutes
Clerk of the House of Delegates.

A. E. Maines
President of the Senate.

The within is..........................................................

this....................day of...................................., 1934.

Filed in the office of the Secretary of State of West Virginia

FEB 21 1934

Wm. S. O'Brien, Secretary of State

Governor.