

# WEST VIRGINIA LEGISLATURE

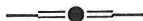
REGULAR SESSION, 1937



# ENROLLED

HOUSE BILL No. 464

(By Mr. Neal)



PASSED March 12, 1937

In Effect from Passage

464

**ENROLLED**

**House Bill No. 464**

(By MR. NEAL)

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[Passed March 12, 1937; in effect from passage.]

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AN ACT providing financial relief for the county court of Nicholas County; enabling such court to lay a larger levy than the limits now prescribed for levies by county courts for current purposes in order to maintain the basic and indispensable functions of said county; prescribing further limits for such current county levy; finding as a matter of fact that such county cannot maintain the basic and indispensable functions of government within present limitations for current levies on the various classes of property; prescribing the method whereby such additional levies may be made, and authorizing the laying of the same, and prescribing further maximum limits on the various classes of property for the laying of such county levy for current purposes.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Purpose of Act.* It is hereby found and as-  
2   certained as a matter of fact that the county court of Nicho-  
3   las County has been compelled to levy the maximum present  
4   authorized levy for current purposes on all classes of property  
5   in the fiscal year commencing on the first day of July, one  
6   thousand nine hundred thirty-three, the first day of July,  
7   one thousand nine hundred thirty-four, and the first day of  
8-9   July, one thousand nine hundred thirty-five, in order to  
10   maintain the basic and indispensable functions of government  
11   for which county courts have prior to such years imposed the  
12   levies; and has further been compelled to overdraft upon the  
13   general county fund of said county for which such levy was  
14   made, in order to maintain such basic and indispensable func-  
15   tions of government.

Sec. 2. *Finding of Facts by County Court; Publication.*

2   The said county court of Nicholas County is therefore hereby  
3   authorized and empowered on or before the thirtieth day of  
4   June, one thousand nine hundred thirty-seven, to ascertain  
5   and find as a matter of fact the total amount of such over-  
6   drafts for each of said three fiscal years, and in such case the  
7   court shall further find by as accurate an estimate as can

8 reasonably be made under the circumstances, the probable  
9 amount of overdraft for the fiscal year beginning the first  
10 day of July, one thousand nine hundred thirty-six; and such  
11 court shall also at such time further find the probable amount  
12 of additional funds required yearly for the proper carry-  
13 ing into effect of the recently enacted legislation known as  
14 the "Public Assistance Act"; and the court at such time shall  
15 also further find as a matter of fact that the minimum amount  
16 of levy for current county purposes, including the retirement  
17 of such overdraft during the three succeeding fiscal years, and  
18 the additional amount necessary for the proper carrying into  
19 effect of such "Public Assistance Act", shall be required in  
20 the future for the maintenance of the basic and indispensable  
21 functions of government; which findings shall be entered of  
22 record by said court and a copy of which findings shall be  
23 posted at the front door of said courthouse of said county  
24 within three days after the date thereof.

Sec. 3. *County Court Authorized to Lay Levy.* Said

2 county court of Nicholas County shall, at its session on the first  
3 Tuesday in August of each fiscal year thereafter, change and  
4 correct such finding of fact if they ascertain that the same

5 needs to be corrected in order to accord with facts at such  
6 time ascertained and existing; and such court is hereby au-  
7 thorized and empowered at such session to lay a levy for  
8 current county purposes in the manner now provided by law.  
9 And said court is hereby further authorized and empowered at  
10 such session to lay an additional levy for current county pur-  
11 poses, to be known as "additional county levy", which ad-  
12 ditional county levy shall be supplemental to the county cur-  
13 rent levy and the sum of the two levies shall not exceed the  
14 respective amounts ascertained by such findings of fact for  
15 the respective classes of property: *Provided, however,* That in  
16 no case shall the sum of both levies on class I property ex-  
17 ceed eleven and twenty-five one-hundredths; on class II prop-  
18 erty exceed twenty-two and five-tenths cents; and on classe~~y~~  
19 III and IV property exceed forty-five cents.

20 The relief provided for in this act shall be cumulative, and  
21 nothing in this act shall repeal any law now existing with  
22 respect to laying and collecting tax levies.

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

*Ant B. G. Thoms*

Chairman Senate Committee

*Wm. S. O'Brien*

Chairman House Committee

Originated in the.....

Takes effect..... passage.

*Chas. A. Rindley*

Clerk of the Senate

*Geo. A. Hare*

Clerk of the House of Delegates

*Chas. E. Hodge*

President of the Senate

*J. H. Thomas*

Speaker House of Delegates

The within..... this the.....

day of....., 1937.

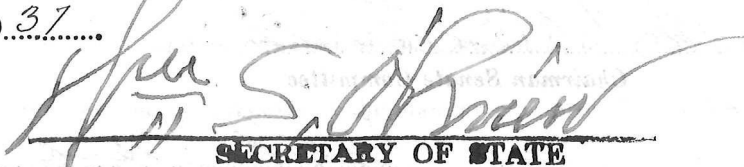
.....  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. MAR 19 1937  
Wm. S. O'BRIEN,  
Secretary of State

I certify that the foregoing act,  
having been presented to the Governor for  
his approval, and not having been returned  
by him to the House of the Legislature in  
which it originated within the time pre-  
scribed by the constitution of the state, has  
become a law without his approval.

This the 19<sup>th</sup> day of March,

1937.....

  
**SECRETARY OF STATE**

Chairman House Committee

Originated in the

Twice effect

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within

day of

1937

1937

1937

1937