

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939



ENROLLED

HOUSE BILL No. 226

(By Mr. Flint)



PASSED March 9, 1939

In Effect ninety days from Passage

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House Bill No. 226

(BY MR. FLINT)

[Passed March 9, 1939; in effect ninety days from passage.]

AN ACT providing further financial relief for the county court of Raleigh 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 levies; 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 by which 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. *Overdraft in General County Fund of Raleigh*

2 *County.* It is hereby found and ascertained as a matter
3 of fact that notwithstanding the provisions of law now exist-
4 ing, including chapter one hundred fifty-two, acts of the
5 Legislature, regular session, one thousand nine hundred
6 thirty-seven, respecting the financial and fiscal affairs of
7 Raleigh county, and it appearing that further relief in the
8 nature of that afforded by said chapter one hundred fifty-
9 two, acts of the Legislature, regular session, one thousand
10 nine hundred thirty-seven, is necessary, in that, it is further
11 found and ascertained as a matter of fact that the county
12 court of Raleigh county has been compelled to levy the maxi-
13 mum present authorized levy for current purposes on all
14 classes of property in the fiscal years commencing on the
15 first day of July, one thousand nine hundred thirty-six, the
16 first day of July, one thousand nine hundred thirty-seven,
17 and the first day of July, one thousand nine hundred thirty-
18 eight, in order to maintain the basic and indispensable func-
19 tions of government for which county courts have prior
20 thereto imposed the levies; and has further been compelled
21 to overdraft upon the general county fund of said county,

22 for which such levy was made, in order to maintain such
23 basic and indispensable functions of government.

Sec. 2. *Finding of Facts by County Court; Posting.* The

2 said county court of Raleigh county is, therefore, hereby
3 authorized and empowered, on or before the thirtieth day of
4 June, one thousand nine hundred forty, to ascertain and find
5 as a matter of fact the total amount of such overdrafts for
6 each of the aforesaid three fiscal years, and in such case the
7 court shall further find as accurate an estimate as can reason-
8 ably be made under the circumstances, the probable amount
9 of overdraft for the fiscal year beginning the first day of
10 July, one thousand nine hundred forty; and such court shall
11 also at such time further find the probable amount of addi-
12 tional funds required yearly for the proper carrying into
13 effect of the "Public Welfare Law of One Thousand Nine
14 Hundred thirty-six"; which shall be required in the future
15 for the maintenance of the basic and indispensable functions
16 of government; which findings shall be entered of record by
17 said court and a copy of such findings shall be posted at the
18 front door of said courthouse of said county within three days
19 after the date thereof.

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

2 Said county court of Raleigh county shall, after said findings
3 of fact have been made, at its session on the first Tuesday
4 in August of the fiscal year of one thousand nine hundred
5 forty—one thousand nine hundred forty-one, change and
6 correct such findings of fact, if they ascertain that the same
7 needs to be corrected in order to accord with the facts at
8 such times ascertained and existing; and such court, in addi-
9 tion to the levies prescribed by section ten, article eight,
10 chapter eleven, code of West Virginia, one thousand nine
11 hundred thirty-one, as amended, is hereby further authorized
12 and empowered at the session and adjourned session pre-
13 scribed by said section of the code, and in the manner therein
14 set forth in said section for the laying of the levies therein
15 prescribed, to lay an additional levy for current county pur-
16 poses to be known as “additional county levy” on each class
17 of property in the county or its subdivisions, according to
18 the last assesment, which additional county levy shall be
19 supplemental to the current county levy authorized under
20 said section ten, and the sum of the levies shall not exceed the
21 respective amounts ascertained by such finding of fact for

22 the respective classes of property: *Provided, however,* That
23 in no case shall the sum of both levies per hundred dollars
24 assessed valuation on Class I property exceed eleven and
25 twenty-five one hundredths cents; on Class II property ex-
26 ceed twenty-two and five tenths cents; and on Classes III
27 and IV property exceed forty-five cents.

28 The relief provided for in this act shall be cumulative and
29 nothing in this act shall repeal any law now existing with
30 respect to laying or collecting tax levies.

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 17th day of March,

1939

James S. O'Brien

SECRETARY OF STATE

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

E. O. Wiseman

Chairman Senate Committee

Wm. B. Walker

Chairman House Committee

Originated in the

House of Delegates

Takes effect

ninety days from

passage.

Chas. M. ...

Clerk of the Senate

Wm. S. Hall

Clerk of the House of Delegates

Wm. M. ...

President of the Senate

James Tay Thomas

Speaker House of Delegates

The within

this the

day of

, 1933.

Governor.



SECRETARY OF STATE