WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

HOUSE BILL No. 233

(By Mr. Speaker, Mr. Ayres)

PASSED March 6, 1947

In Effect from Passage
ENROLLED

House Bill No. 233
(By Mr. Speaker, Mr. Amos)

[Passed March 6, 1947; in effect from passage.]

AN ACT to amend and reenact section nineteen, article three, chapter sixty of the code of West Virginia, as last amended by chapter nine, acts of the Legislature, regular session, one thousand nine hundred forty-five, relating to the operating and reserve funds and other moneys of the state liquor control commission, and providing for payments to municipalities for the purpose of reimbursing municipalities for their expenditures in enforcing state laws for the protection of life and property.

Be it enacted by the Legislature of West Virginia:

That section nineteen, article three, chapter sixty of the code of West Virginia, as amended by chapter nine, acts of the Legislature, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 19. Amount of Operating and Reserve Fund;

2 Payments to Municipalities for Reimbursement of
Expenditures in Enforcing State Laws; 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 fixed by the commission with the approval of the governor, and not to exceed at any time the sum of one million five hundred thousand dollars. The receipts in excess of the requirements of the operating fund shall be paid into the reserve fund until the amount of the reserve fund equals three hundred fifty thousand dollars.

From receipts in excess of the requirements of the operating and reserve funds, the sum of fifty thousand dollars shall, upon requisition of the governor, be paid monthly into the state treasury and credited to a special fund to be established for the purpose of state payments to municipalities. The money in such fund shall be apportioned by the treasurer among the incorporated municipalities of the state on the basis of population, determined as follows:

(a) If the municipality be one that was in existence
at the time of the taking of the last preceding federal
decennial census, the population as shown by that census
shall be the basis.

(b) If the municipality be one that was created sub-
sequent to the taking of the last preceding federal
decennial census, ninety-five per centum of the popula-
tion shown by the census taken in pursuance of section
three, article two, chapter eight of this code shall be the
basis.

(c) If the municipality be one into which additional
area has been taken pursuant to law subsequent to the
time of the fixing of the basis for that municipality,
ninety-five per centum of the population of the additional
area added to the population theretofore fixed as the
basis for that municipality shall thereafter be the basis.

No payments shall be made to any municipality on a
basis including population within any such additional
area unless and until the governing body of the munici-
pality shall request the state treasurer, in writing, to
cause to be taken a census of the population in the addi-
tional area, and until after such census shall have been
completed. Upon receiving such request the state treasurer shall appoint two enumerators to take such census, who shall be residents of the county in which the additional area, or some part of it, is situate. Such census shall be taken as of the first day of the calendar month in which the taking of the census is commenced, and shall exhibit the names of all persons who were residents of such additional area on that day. There shall be annexed to the census the affidavit of the enumerators, setting forth that due care was exercised in the taking of the census and that it does not contain any inaccuracy of which the affiants have knowledge. The enumerators shall each be paid as compensation the sum of fifty dollars if the population in the additional area does not exceed one thousand, and, if it exceed one thousand, then twenty-five dollars for each additional five hundred or part thereof in excess of one hundred. The state treasurer shall pay the compensation of the enumerators out of the special fund mentioned in this section and shall deduct the amount so paid from the next payment made by the state treasurer to the municipality.
The amounts paid to municipalities is paid for the purpose of reimbursing the municipalities for their expenditures in enforcing state laws for the protection of life and property.

All receipts of the commission, not otherwise disposed of by this section, shall, upon requisition of the governor, be paid monthly into the state general revenue fund.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 12 day of March, 1947.

Governor.

Filed in the Office of the Secretary of State of West Virginia, MAR 13, 1947.

Secretary of State