

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 156

(By Mr. Speaker, Mr. Flannery)



PASSED February 15 1949

In Effect July 1, 1949 Passage



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House Bill No. 156

(By MR. SPEAKER, MR. FLANNERY)

[Passed February 15, 1949; in effect July 1, 1949.]

AN ACT to amend and reenact section nineteen, article three, chapter sixty of the code of West Virginia, as last amended by chapter thirteen, acts of the Legislature, regular session, one thousand nine hundred forty-seven, 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 thirteen, acts of the Legislature, regular session, one thousand nine hundred forty-seven, be amended and reenacted to read as follows:

Section 19. *Amount of Operating and Reserve Fund;*

2 *Payments to Municipalities for Reimbursement of Ex-*

3 *penditures in Enforcing State Laws; Disposition of Ex-*
4 *cess.*—All moneys collected by the commission shall be
5 credited to the operating fund until that fund reaches an
6 amount sufficient for the current and routine require-
7 ments of the department, this amount to be fixed by the
8 commission with the approval of the governor, and not
9 to exceed at any time the sum of one million five hundred
10 thousand dollars. The receipts in excess of the require-
11 ments of the operating fund shall be paid into the reserve
12 fund until the amount of the reserve fund equals three
13 hundred fifty thousand dollars.

14 From receipts in excess of the requirements of the op-
15 erating and reserve funds, the sum of fifty thousand dol-
16 lars shall, upon requisition of the governor, be paid
17 monthly into the state treasury and credited to a special
18 fund to be established for the purpose of state payments
19 to municipalities. During the biennium beginning on the
20 first day of July, one thousand nine hundred forty-nine,
21 from receipts in excess of the above requirements, the
22 further sum of one hundred thousand dollars, as additional
23 temporary relief for municipalities, shall, upon requisition

24 of the governor, be paid quarterly into the state treasury
25 and credited to such special fund. The money in such
26 fund shall be apportioned by the treasurer among the
27 incorporated municipalities of the state on the basis of
28 population, determined as follows:

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

33 (b) If the municipality be one that was created sub-
34 sequent to the taking of the last preceding federal de-
35 cennial census, ninety-five per centum of the population
36 shown by the census taken in pursuance of section three,
37 article two, chapter eight of this code shall be the basis.

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

44 No payments shall be made to any municipality on a

45 basis including population within any such additional
46 area unless and until the governing body of the munici-
47 pality shall request the state treasurer, in writing, to
48 cause to be taken a census of the population in the addi-
49 tional area, and until after such census shall have been
50 completed. Upon receiving such request the state treas-
51 urer shall appoint two enumerators to take such census,
52 who shall be residents of the county in which the addi-
53 tional area, or some part of it, is situate. Such census
54 shall be taken as of the first day of the calendar month in
55 which the taking of the census is commenced, and shall
56 exhibit the names of all persons who were residents of
57 such additional area on that day. There shall be annexed
58 to the census the affidavit of the enumerators, setting
59 forth that due care was exercised in the taking of the
60 census and that it does not contain any inaccuracy of
61 which the affiants have knowledge. The enumerators shall
62 each be paid as compensation the sum of fifty dollars if
63 the population in additional area does not exceed one
64 thousand, and, if it exceed one thousand, then twenty-five
65 dollars for each additional five hundred or part thereof

66 in excess of one hundred. The state treasurer shall pay
67 the compensation of the enumerators out of the special
68 fund mentioned in this section and shall deduct the
69 amount so paid from the next payment made by the state
70 treasurer to the municipality.

71 The amounts paid to municipalities are paid for the
72 purpose of reimbursing the municipalities for their ex-
73 penditures in enforcing state laws for the protection of
74 life and property.

75 All receipts of the commission, not otherwise disposed
76 of by this section, shall, upon requisition of the governor,
77 be paid monthly into the state general revenue fund.

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

Forest L. Mcner

Chairman Senate Committee

R. Brantner

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949 passage:

Howard Myers

Clerk of the Senate

J. R. Smith

Clerk of the House of Delegates

W. Frankley Houston

President of the Senate

W. G. Shuman

Speaker House of Delegates

The within approved this the 17th

day of February, 1949.

Okey L. Patton

Governor.



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

FEB 17 1949

D. PITT O'BRIEN,

SECRETARY OF STATE