WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 156

(By Mr. Speaker, Mr. Flanary)

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-
penditures 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. During the biennium beginning on the first day of July, one thousand nine hundred forty-nine, from receipts in excess of the above requirements, the further sum of one hundred thousand dollars, as additional temporary relief for municipalities, shall, upon requisition
of the governor, be paid quarterly into the state treasury
and credited to such special fund. 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 de-
cennial census, ninety-five per centum of the population
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 municipality shall request the state treasurer, in writing, to cause to be taken a census of the population in the additional 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 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 are paid for the
purpose of reimbursing the municipalities for their ex-
penditures 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.

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the House of Delegates
Takes effect July 1, 1949

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approve this the 17th day of February, 1949.

[Signature]
Governor

Filed in the Office of the Secretary of State of West Virginia
FEB 17 1949
D. MITT O'BRIEN,
SECRETARY OF STATE