

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

194

ENROLLED

SENATE BILL NO. 194

(By Mr. McCurt)

PASSED March 11th 1961

In Effect July 1st 1961 Passage



Filed in Office of the Secretary of State
of West Virginia **MAR 17 1961**
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
Senate Bill No. 194
(By MR. McCOURT)

[Passed March 11, 1961; in effect July 1, 1961.]

AN ACT to amend and reenact section five, article ten, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to county funds.

Be it enacted by the Legislature of West Virginia:

That section five, article ten, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. *County Funds.*—The amount of the county
2 fund provided each year by a county court shall not be
3 less than twelve per cent of the total which the county is
4 legally authorized to levy for current purposes by section
5 ten, article eight, chapter eleven of the code of West

6 Virginia, one thousand nine hundred thirty-one, as amend-
7 ed: *Provided, however,* That the said twelve per cent
8 of such total shall not be required to be provided by the
9 county court if it shall be determined, prior to the laying
10 of the county's levies, that an amount less than such per
11 cent will be sufficient to meet the reasonably anticipated
12 general needs of the county. Such a determination shall
13 require the agreement of at least two of the following
14 persons: The tax commissioner, the state director, and
15 the member of the county court who is ex officio member
16 of the county council at the time such determination is
17 made. Such a determination shall be in writing; shall
18 state the specific amount determined upon as sufficient
19 to meet the reasonably anticipated general relief needs
20 of the county; shall be signed by the three persons desig-
21 nated or by at least two of them; and shall be filed of
22 record in the office of the tax commissioner. Complete
23 duplicates shall be filed in the office of the state director
24 and with the county court, respectively. The county court
25 shall levy for general relief not less than the amount so
26 determined and agreed: *Provided further,* That if a

27 county court finds that expenditures mandatory under
28 other provisions of law aggregate in excess of eighty-eight
29 per cent of the total amount which the county court is
30 authorized by law to levy for current purposes, the court
31 may petition the tax commissioner for authority to pro-
32 vide an amount less than that required by the first para-
33 graph of this section. If the tax commissioner finds that
34 other mandatory expenditures for the county will exceed
35 eighty-eight per cent of the authorized total levy for cur-
36 rent purposes, he may authorize the county court to pro-
37 vide a lesser amount than that required by said first
38 paragraph, but he shall require the maximum amount
39 possible under the circumstances.

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

James Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withrow
Chairman House Committee

Originated in the Senate.

Takes effect July 1, 1961 passage.

J. Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Pearson
President of the Senate

Julius W. Singletary Jr.
Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

Wm. Barr
Governor



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JOE F. BURDETTE
SECRETARY OF STATE