

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

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## ENROLLED

SENATE BILL No. 13

(By Mr. Allen)

PASSED February 21 1941

In Effect 90 days from Passage



ENROLLED  
SENATE SUBSTITUTE  
FOR  
Senate Bill No. 13  
(BY MR. ALLEN)

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[Passed February 21, 1941; in effect 90 days from passage.]

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AN ACT to authorize the county court of Pocahontas county, West Virginia, to acquire lands and to erect and maintain a hospital as a memorial to soldiers and sailors of the World War; to provide for raising funds by taxation for the purchase of such lands and the construction, equipment and maintenance of such hospital, and to provide for the maintenance and management of such hospital by a board of directors to be appointed by said county court.

*Be it enacted by the Legislature of West Virginia:*

Section 1. *Memorial to Soldiers and Sailors; Memorial*

2 *Fund.* The county court of Pocahontas county, West Vir-  
3 ginia, shall have the power, upon petition of not less than  
4 twenty per cent of the voters of such county, based on the  
5 number of votes cast for governor at the last general elec-  
6 tion, to acquire and establish at the county seat, or  
7 adjacent thereto, by purchase or otherwise, lands and to  
8 erect and maintain thereon a hospital to be used as a  
9 memorial in memory of and in recognition of the virtues  
10 and sacrifices of the soldiers and sailors from said county  
11 in the World War, and to lay a tax for the purpose of  
12 acquiring, establishing and operating such hospital, of not  
13 more than one cent on Class No. I property; two cents on  
14 Class II property; and four cents on Classes III and IV  
15 property; which rates of levy may be made up from any  
16 unused county-wide rates allocated for county current  
17 purposes and not needed for such county current purposes  
18 and from any unused county-wide school debt rates not  
19 needed for such debt purposes and not now available for  
20 school current purposes under the provisions of section

21 seven, article eight, chapter eleven of the code of West  
 22 Virginia, as amended by chapters one hundred thirty-  
 23 two and one hundred thirty-three of the acts of the  
 24 Legislature, one thousand nine hundred thirty-nine, and  
 25 such taxes shall be levied and collected in like manner as  
 26 the general taxes of the county. The taxes derived from  
 27 said levy shall be kept in a separate fund to be known as  
 28 the "Memorial Fund."

29 Whenever such hospital is established under this act,  
 30 said county court shall appoint a board of directors con-  
 31 sisting of one resident from each magisterial district of  
 32 the county without regard to sex, giving consideration to  
 33 their fitness of such office. Such directors shall hold  
 34 office for four years from the first day of July following  
 35 their appointment, and until their successors are ap-  
 36 pointed and qualified. Vacancies in the board shall be  
 37 reported to said county court and filled for the unexpired  
 38 term by appointment in like manner as the original ap-  
 39 pointments were made. The said county court may  
 40 remove any director for misconduct or neglect of duty.  
 41 No compensation shall be paid or allowed any director.

42 The board of directors of any hospital established as a  
43 memorial under this act shall, immediately after their  
44 appointment, meet and organize by electing one of their  
45 number as president and one as secretary; a majority of  
46 such board shall constitute a quorum for the transaction  
47 of business. They shall make and adopt such by-laws,  
48 rules and regulations from time to time, for their own  
49 guidance and for the government and use of said hospital,  
50 as the board may deem expedient and not inconsistent  
51 with this act. Such board shall have authority to contract  
52 for the construction or purchase of a hospital established  
53 under this act and for repairs thereon and for the maintenance  
54 and operation thereof and for the supervision, care  
55 and custody of said land, structure or structures.

56 All contracts shall be approved by said county court and  
57 the expenditure of all sums shall be subject to the approval  
58 of said county court. All monies belonging to the  
59 memorial fund shall be deposited in the treasury of said  
60 county court to the credit of the memorial fund and shall  
61 be drawn therefrom only on orders issued by the county  
62 court. Such orders shall not be drawn except upon

63 requisition of the memorial board attached to properly  
64 authenticated vouchers. The title to all such property  
65 shall be vested in the county court. The board shall have  
66 power to appoint a suitable custodian and assistants and  
67 prescribe rules for their conduct, fix their duties and com-  
68 pensation, and shall have power to remove such ap-  
69 pointees and, in general, to carry out the spirit and in-  
70 tention of this act.

71 Any hospital established under this act shall be free for  
72 the use of the inhabitants of said county, subject to such  
73 reasonable rules and regulations and charges for hos-  
74 pitalization as the board may adopt, in order to render  
75 the use of such hospital of the greatest benefit to the  
76 greatest number; and the board may exclude from the  
77 use of such hospital any and all persons who shall wilfully  
78 violate such rules. The board of directors may extend the  
79 use and privileges of such hospital to nonresidents of the  
80 county upon such terms and conditions as the board may  
81 prescribe.

82 The board of directors, on or before the first day of  
83 July of each year, shall make a report to the county

84 court, showing the condition of the property, the various  
85 sums of money received from the memorial fund, and  
86 from all other sources, how such money was expended  
87 and for what expended; and shall submit an itemized  
88 budget estimate of expenses of the hospital for the en-  
89 suing year, with such other information and suggestions  
90 as they may deem of general interest, or that may be re-  
91 quired by said county court.

92 Said county court is empowered to receive from any  
93 person, firm or corporation, by deed, gift, devise or  
94 bequest, funds and property of any kind for the benefit  
95 of such hospital and the title to same shall be vested in  
96 said county court, and said county court and board shall  
97 hold such funds and property in trust and administer the  
98 same according to the terms and for the purposes set forth  
99 in such deed, gift, devise or bequest.

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

G. H. McKinn  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

Alfred Watkins  
Clerk of the Senate

Cliff  
Clerk of the House of Delegates

Byron Randolph  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within approved this the 1st  
day of March, 1941.

Marshall M. Neely  
Governor.

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Filed in the office of the Secretary of State  
of West Virginia.

Wm. S. O'Brien  
Secretary of State

MAR 3 1941