

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 95

(By Mr. Mitchell)

PASSED March 10 1945

In Effect From Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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Senate Bill No. 95
(BY MR. MITCHELL)

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AN ACT to amend and reenact section two, article three, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to memorials in memory of all persons who served in the armed forces of the United States; to provide revenue therefor; to provide a fund to erect new buildings, structures or monuments, acquire ground therefor; to remodel existing buildings; to provide a maintenance fund; to provide for a board of directors; to provide for the receipt of gifts; and to provide for a reasonable charge for the use of the facilities.

Be it enacted by the Legislature of West Virginia:

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

Section 2. *Memorials to Soldiers and Sailors; Memorial*

2 *Fund.*—The county court of any county shall have the
3 power, upon petition of twenty per cent of the voters of
4 such county, based on the number of votes cast at the last
5 general election, to acquire and establish at the county
6 seat, or at any other suitable place within the county,
7 by purchase or otherwise, ground, park or grove, and to
8 erect and maintain thereon a building or buildings, struc-
9 ture or structures, monument or monuments, as a me-
10 morial in memory of and in recognition of the virtues
11 and sacrifices of the soldiers and sailors from the county
12 in the World Wars, and may lay a tax for the purpose of
13 acquiring and establishing the same of not more than five
14 cents on the one hundred dollars, on all taxable property
15 in the county, and thereafter a like tax of not more than
16 two cents on the one hundred dollars, such tax to be
17 levied and collected in like manner as the general taxes

18 of the county, which shall be kept separate in a fund to be
19 known as the "Memorial Fund": *Provided*, That in any
20 county, where such memorial has been established and
21 partly completed the amount of levy for acquiring and
22 establishing the same shall not be more than ten cents
23 on the hundred dollars, and thereafter a like tax of not
24 more than three cents on the hundred dollars of all tax-
25 able property in the county.

26 Whenever such memorial is established under this
27 section the county court shall appoint a board of directors
28 equal in number to the magisterial districts of the county
29 and select one from each of such districts from the citizens
30 thereof, with reference to their fitness for such office.
31 Such directors shall hold office for four year from the
32 first day of July following their appointment, and until
33 their successors are appointed. No person shall be ineli-
34 gible to appointment by reason of sex. Vacancies in the
35 board shall be reported to the county court and filled by
36 appointment in like manner as original appointments for
37 the unexpired term. The county court may remove any

38 director for misconduct or neglect of duty. No compen-
39 sation shall be paid or allowed any director.

40 The board of directors of each memorial established
41 under this section shall, immediately after their appoint-
42 ment, meet and organize by electing one of their number
43 as president and one as secretary; a majority of all the
44 members of any board shall constitute a quorum for the
45 transaction of business. They shall make and adopt such
46 by-laws, rules and regulations from time to time, for their
47 own guidance and for the government and use of the
48 memorial, as may be expedient and not inconsistent with
49 this section. Such board shall have authority to contract
50 for the construction or purchase of a memorial established
51 under this section and for repairs thereon or maintenance
52 thereof and the supervision, care and custody of the
53 ground, structure or structures: *Provided, however, That*
54 all contracts shall be approved by the county court and
55 that the expenditures of all funds shall be subject to the
56 approval of the county court, and all moneys belonging to
57 the memorial fund shall be deposited in the treasury of

58 such county to the credit of the memorial fund and shall be
59 drawn therefrom on orders issued by the county court.
60 Such orders shall not be drawn except upon requisition
61 of the memorial board attached to proper authenticated
62 vouchers. Ground, park or a grove for a memorial estab-
63 lished under this section may be acquired by condem-
64 nation by such board in the same manner as the county
65 court may acquire other real estate for public uses and
66 purposes, and the title of all such property shall be and
67 vest in the county court. The board shall have power to
68 appoint a suitable custodian and assistants and prescribe
69 rules for their conduct, fix their duties and compensation,
70 and shall have power to remove such appointees and,
71 in general, to carry out the spirit and intention of this
72 section.

73 Each memorial established under this section shall be
74 free for the use of the inhabitants of the county, subject
75 to such reasonable rules and regulations as the board may
76 adopt, in order to render the use of such building or struc-
77 ture of the greatest benefit to the greatest number; and

78 the board may exclude from the use of the building any
79 and all persons who shall wilfully violate such rules. The
80 board of directors may extend the use and privileges of
81 the building and structure to an educational institution
82 or to nonresidents of the county upon such terms and con-
83 ditions as the board may prescribe.

84 The board of directors shall, on or before the first day
85 of July in each year, make a report to the county court,
86 stating the condition of the property, the various sums of
87 money received from the memorial fund, and from all
88 other sources, how much money was expended and for
89 what expended; also an itemized budget estimate of ex-
90 pense of the property for the ensuing year, with such
91 other information and suggestions as they deem of general
92 interest, or that may be required by the county court.

93 Any person or persons, including corporations, who
94 desire to make donations of cash or other personal prop-
95 erty or real estate for the benefit of the memorial, shall
96 have the right to do so, and shall have the right to vest
97 the title thereof in the county court, to be held in trust
98 and controlled by such board, the same as the other prop-

99 erty owned or acquired, and according to the terms and
100 for the purposes set out in the deed, gift, devise or be-
101 quest.

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

Charles C Morris

Chairman Senate Committee

J. A. DeGrueter Jr.
Chairman House Committee

Originated in the

Senate

Takes effect

From

passage

Harriet Hughes
Clerk of the Senate

Phillip
Clerk of the House of Delegates

Arnold W. Tickers

President of the Senate

John E. Amos
Speaker House of Delegates

The within

Approved

this the

16

day of

March

, 1945.

Oliver Meadows

Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 16 1945

Wm. S. O'BRIEN,
Secretary of State