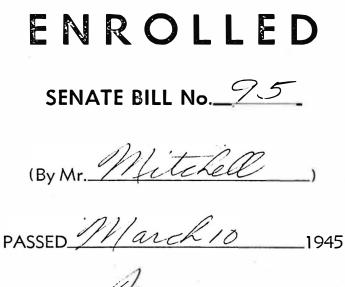
## WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1945** 



In Effect Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



## ENROLLED Senate Bill No. 95

(By MR. MITCHELL)

[Passed March 10, 1945; in effect from passage.]

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:

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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 in the county, and thereafter a like tax of not more than 15 16 two cents on the one hundred dollars, such tax to be 17 levied and collected in like manner as the general taxes

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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 section the county court shall appoint a board of directors 27 28 equal in number to the magisterial districts of the county and select one from each of such districts from the citizens 29 thereof, with reference to their fitness for such office. 30 Such directors shall hold office for four year from the 31 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 board shall be reported to the county court and filled by 35 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 under this section shall, immediately after their appoint-41 42 ment, meet and organize by electing one of their number as president and one as secretary; a majority of all the 43 members of any board shall constitute a quorum for the 44 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 for the construction or purchase of a memorial established 50 51 under this section and for repairs thereon or maintenance thereof and the supervision, care and custody of the 52 ground, structure or structures: Provided, however, That 53 54 all contracts shall be approved by the county court and that the expenditures of all funds shall be subject to the 55 56 approval of the county court, and all moneys belonging to the memorial fund shall be deposited in the treasury of 57

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58 such county to the credit of the memorial fund and shall be 59 drawn therefrom on orders issued by the county court. Such orders shall not be drawn except upon requisition 60 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 condemnation by such board in the same manner as the county 64 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.

Each memorial established under this section shall be free for the use of the inhabitants of the county, subject to such reasonable rules and regulations as the board may adopt, in order to render the use of such building or structure 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.

The board of directors shall, on or before the first day of July in each year, make a report to the county court, stating the condition of the property, the various sums of money received from the memorial fund, and from all other sources, how much money was expended and for what expended; also an itemized budget estimate of expense of the property for the ensuing year, with such other information and suggestions as they deem of general 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 and100 for the purposes set out in the deed, gift, devise or be-101 quest.

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The Joint Committee on Enrolled Bills hereby certifies that

the foregoing bill is correctly enrolled.

ours Chairman Senate Committee Chairman House Committee Originated in the Takes offer passage Clerk of the Senate Clerk of the House of Delegates une d President of the Senate Ć Speaker House of Delegates 16 .this the The within... .\_. 1945. day of. Find in the since of the Secretary of State Governor. of Wood Virginia\_MAR 16 1945 Mm. S. O'BRIEN, Secretary of Plate