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.
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 Fund.—The county court of any county shall have the power, upon petition of twenty per cent of the voters of such county, based on the number of votes cast at the last general election, to acquire and establish at the county seat, or at any other suitable place within the county, by purchase or otherwise, ground, park or grove, and to erect and maintain thereon a building or buildings, structure or structures, monument or monuments, as a memorial in memory of and in recognition of the virtues and sacrifices of the soldiers and sailors from the county in the World Wars, and may lay a tax for the purpose of acquiring and establishing the same of not more than five cents on the one hundred dollars, on all taxable property in the county, and thereafter a like tax of not more than two cents on the one hundred dollars, such tax to be levied and collected in like manner as the general taxes
of the county, which shall be kept separate in a fund to be
known as the "Memorial Fund": Provided, That in any
county, where such memorial has been established and
partly completed the amount of levy for acquiring and
establishing the same shall not be more than ten cents
on the hundred dollars, and thereafter a like tax of not
more than three cents on the hundred dollars of all tax-
able property in the county.

Whenever such memorial is established under this
section the county court shall appoint a board of directors
equal in number to the magisterial districts of the county
and select one from each of such districts from the citizens
thereof, with reference to their fitness for such office.
Such directors shall hold office for four year from the
first day of July following their appointment, and until
their successors are appointed. No person shall be ineli-
gible to appointment by reason of sex. Vacancies in the
board shall be reported to the county court and filled by
appointment in like manner as original appointments for
the unexpired term. The county court may remove any
director for misconduct or neglect of duty. No compensation shall be paid or allowed any director.

The board of directors of each memorial established under this section shall, immediately after their appointment, meet and organize by electing one of their number as president and one as secretary; a majority of all the members of any board shall constitute a quorum for the transaction of business. They shall make and adopt such by-laws, rules and regulations from time to time, for their own guidance and for the government and use of the memorial, as may be expedient and not inconsistent with this section. Such board shall have authority to contract for the construction or purchase of a memorial established under this section and for repairs thereon or maintenance thereof and the supervision, care and custody of the ground, structure or structures: Provided, however, That all contracts shall be approved by the county court and that the expenditures of all funds shall be subject to the approval of the county court, and all moneys belonging to the memorial fund shall be deposited in the treasury of
such county to the credit of the memorial fund and shall be
drawn therefrom on orders issued by the county court.
Such orders shall not be drawn except upon requisition
of the memorial board attached to proper authenticated
vouchers. Ground, park or a grove for a memorial estab-
lished under this section may be acquired by condem-
nation by such board in the same manner as the county
court may acquire other real estate for public uses and
purposes, and the title of all such property shall be and
vest in the county court. The board shall have power to
appoint a suitable custodian and assistants and prescribe
rules for their conduct, fix their duties and compensation,
and shall have power to remove such appointees and,
in general, to carry out the spirit and intention of this
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 struc-
ture of the greatest benefit to the greatest number; and
the board may exclude from the use of the building any
and all persons who shall wilfully violate such rules. The
board of directors may extend the use and privileges of
the building and structure to an educational institution
or to nonresidents of the county upon such terms and con-
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 ex-
pense 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.

Any person or persons, including corporations, who
desire to make donations of cash or other personal prop-
erty or real estate for the benefit of the memorial, shall
have the right to do so, and shall have the right to vest
the title thereof in the county court, to be held in trust
and controlled by such board, the same as the other prop-
erty owned or acquired, and according to the terms and
for the purposes set out in the deed, gift, devise or be-
quest.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Charles C. Morris
Chairman Senate Committee

J.R. Delauter
Chairman House Committee

Originated in the Senate

Takes effect from passage

E. Morgan
Clerk of the Senate

Ralph
Clerk of the House of Delegates

Donald B. Fickes
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 16th day of March, 1945.

Cassius Mearns
Governor

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

Wm. S. O'Keeffe, Secretary of State