WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1947

ENROLLED

SENATE BILL No. 129
(Committee Substitute)
(By Mr. ____________________________)

PASSED March 8, 1947

In Effect from ________ Passage
ENROLLED

COMMITTEE SUBSTITUTE FOR

Senate Bill No. 129

(Originating in the Committee On Veterans Affairs.)

[Passed March 8, 1947; 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, as amended by chapter one hundred forty-nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-five, relating to memorials to soldiers, sailors and marines, 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, repair, remove or replace existing buildings; to authorize the sale of existing war memorials and use the funds realized from the sale thereof together with other funds hereby authorized to create and establish and
maintain new memorials; to authorize contributions to memorials; 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, as amended by chapter one hundred forty-nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred forty-five, be amended and reenacted to read as follows:

Section 2-a.—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 for governor, 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, to remodel, repair, remove or replace exist-
ing buildings or structures, or, within its discretion, to contribute money out of the county treasury to aid in the erection or the maintenance, or both, of any building or buildings, structure or structures, where same is to be used with educational institutions operated by the state or any political subdivision thereof, or to aid in the erection or the maintenance, or both, of any memorial hospital owned and operated by a non-profit corporation incorporated under the laws of this state, as a memorial or memorials, and, also shall have the power to sell any existing building or structure established and owned by the county court as a war memorial and use the funds realized from the sale thereof together with other funds hereby authorized to create and establish and maintain new memorials, for the use of the public and to render the greatest benefit to the greatest number, in memory and in recognition of the virtues and sacrifices of the soldiers, sailors and marines from the state of West Virginia and each county thereof, and who served in the armed forces of the United States in the world wars. It is the declared purpose of this act to create or assist in
creating memorials to the memory of such soldiers, sailors and marines by aiding all the living, for their health, safety and betterment.

(b) The county court is authorized to and may lay a tax on all property in the county for the purposes of acquiring and establishing such memorials, remodeling, repairing, removing or replacing existing memorials, or making the initial contribution to memorials, said tax to be not in excess of the following maximum levies on each one hundred dollars' assessed valuation: On Class I property, six cents; on Class II property, twelve cents; and on Classes III and IV property, twenty-four cents; and thereafter for maintenance purposes a like tax to be not in excess of the following maximum levies on each one hundred dollars assessed valuation: On Class I property, two cents; on Class II property, four cents; and on Classes III and IV property, eight cents. 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 under construction or partly completed the amount of tax for acquiring and establishing the same, or making the initial contribution thereto, shall not be in excess of the following maximum levies on each one hundred dollars assessed valuation: On Class I property, three cents; on Class II property, six cents; and on Classes III and IV property, twelve cents; and thereafter for maintenance purposes a like tax to be not in excess of the following maximum levies on each one hundred dollars assessed valuation: On Class I property, two cents; on Class II property, four cents; and on Classes III and IV property, eight cents.

(c) Whenever such memorial is acquired or established wholly by the county court under this act, 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 years from the first day of July following their appointment, and until their successors are appointed. No person shall be inelig-
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ible 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 compens-
sation shall be paid or allowed any director.

The board of directors of each memorial shall, imme-
diately after their appointment, meet and organize by
electing one of their number as president and one as sec-
retary; 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 regula-
tions from time to time, for their own guidance and for
the government and use of the memorial, as may be ex-
pedient and not inconsistent with this section. Such
board shall have authority to contract for the construc-
tion 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 con-
tracts 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 may be acquired by condemnation 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 operated by a board of directors as provided hereby 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 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 struc-
ture to an educational institution or to nonresidents of
the county upon such terms and conditions 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 oth-
er 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.

(d) Whenever the county court contributes money
out of the county treasury to aid in the erection or the
maintenance, or both, of any building or buildings, struc-
ture or structures, where same is or are operated by the
state or any political subdivision thereof, or to aid in the
erection or the maintenance, or both, of a memorial hos-
pital owned and operated by a non-profit corporation in-
corporated under the laws of this state, as such memorial
or memorials, there shall be filed with the county court,
on or before the first day of July in each year, an annual
itemized report, for public inspection, of the operation,
income and expenditures for the twelve months preced-
ing as of the thirty-first day of May in each year, and the
condition of the property, by the officials, or board of
directors, as the case may be, in charge thereof, and in
the case of such memorial hospital such report also shall
contain a complete schedule of the rates and charges to
the public and the services rendered free to the indigent
and needy unable to pay therefor; and there also shall
be filed with the county court, on or before the first day
of July in each year, an itemized budget estimate of the
expense and operation of such memorial or memorials for
the ensuing year, with such other information and sug-
gestions as may be deemed of public interest, or that
may be required by the county court.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Forest L. McManus
Chairman Senate Committee

R. J. Matthew
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Johnson Morgan
Clerk of the Senate

________________________
Clerk of the House of Delegates

Bruce McVicker
President of the Senate

John E. Amos
Speaker House of Delegates

The within Approved this the 13th
day of March, 1947.

Dwight D. Eisenhower
Governor.

Filed in the Office of the Secretary of State
of West Virginia
WM. S. O'BRIEN,
SECRETARY OF STATE

MAR 13 1947