

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1947



ENROLLED

SENATE BILL No. 129

Committee Substitute

(By Mr. _____)



PASSED March 8, 1947

In Effect from Passage



129

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
2 the power, upon petition of twenty per cent of the voters
3 of such county, based on the number of votes cast at the
4 last general election for governor, to acquire and estab-
5 lish at the county seat, or at any other suitable place
6 within the county, by purchase or otherwise, ground,
7 park or grove, and to erect and maintain thereon a build-
8 ing or buildings, structure or structures, monument or
9 monuments, to remodel, repair, remove or replace exist-

10 ing buildings or structures, or, within its discretion, to
11 contribute money out of the county treasury to aid in the
12 erection or the maintenance, or both, of any building or
13 buildings, structure or structures, where same is to be
14 used with educational institutions operated by the state
15 or any political subdivision thereof, or to aid in the erec-
16 tion or the maintenance, or both, of any memorial hos-
17 pital owned and operated by a non-profit corporation
18 incorporated under the laws of this state, as a memorial
19 or memorials, and, also shall have the power to sell any
20 existing building or structure established and owned by
21 the county court as a war memorial and use the funds
22 realized from the sale thereof together with other funds
23 hereby authorized to create and establish and maintain
24 new memorials, for the use of the public and to render
25 the greatest benefit to the greatest number, in memory
26 and in recognition of the virtues and sacrifices of the
27 soldiers, sailors and marines from the state of West Vir-
28 ginia and each county thereof, and who served in the
29 armed forces of the United States in the world wars. It
30 is the declared purpose of this act to create or assist in

31 creating memorials to the memory of such soldiers, sail-
32 ors and marines by aiding all the living, for their health,
33 safety and betterment.

34 (b) The county court is authorized to and may lay a
35 tax on all property in the county for the purposes of ac-
36 quiring and establishing such memorials, remodeling,
37 repairing, removing or replacing existing memorials, or
38 making the initial contribution to memorials, said tax to
39 be not in excess of the following maximum levies on
40 each one hundred dollars' assessed valuation: On Class I
41 property, six cents; on Class II property, twelve cents;
42 and on Classes III and IV property, twenty-four cents;
43 and thereafter for maintenance purposes a like tax to
44 be not in excess of the following maximum levies on each
45 one hundred dollars assessed valuation: On Class I prop-
46 erty, two cents; on Class II property, four cents; and on
47 Classes III and IV property, eight cents, such tax to be
48 levied and collected in like manner as the general taxes
49 of the county, which shall be kept separate in a fund
50 to be known as the "Memorial Fund": *Provided*, That in
51 any county where such memorial has been established

52 and under construction or partly completed the amount
53 of tax for acquiring and establishing the same, or mak-
54 ing the initial contribution thereto, shall not be in excess
55 of the following maximum levies on each one hundred
56 dollars assessed valuation: On Class I property, three
57 cents; on Class II property, six cents; and on Classes III
58 and IV property, twelve cents; and thereafter for main-
59 tenance purposes a like tax to be not in excess of the fol-
60 lowing maximum levies on each one hundred dollars
61 assessed valuation: On Class I property, two cents; on
62 Class II property, four cents; and on Classes III and IV
63 property, eight cents.

64 (c) Whenever such memorial is acquired or estab-
65 lished wholly by the county court under this act, the
66 county court shall appoint a board of directors equal in
67 number to the magisterial districts of the county and
68 select one from each of such districts from the citizens
69 thereof, with reference to their fitness for such office.
70 Such directors shall hold office for four years from the
71 first day of July following their appointment, and until
72 their successors are appointed. No person shall be inelig-

73 ible to appointment by reason of sex. Vacancies in the
74 board shall be reported to the county court and filled by
75 appointment in like manner as original appointments for
76 the unexpired term. The county court may remove any
77 director for misconduct or neglect of duty. No compen-
78 sation shall be paid or allowed any director.

79 The board of directors of each memorial shall, imme-
80 diately after their appointment, meet and organize by
81 electing one of their number as president and one as sec-
82 retary; a majority of all the members of any board shall
83 constitute a quorum for the transaction of business. They
84 shall make and adopt such by-laws, rules and regula-
85 tions from time to time, for their own guidance and for
86 the government and use of the memorial, as may be ex-
87 pedient and not inconsistent with this section. Such
88 board shall have authority to contract for the construc-
89 tion or purchase of a memorial established under this
90 section and for repairs thereon or maintenance thereof
91 and the supervision, care and custody of the ground,
92 structure or structures: *Provided, however,* That all con-
93 tracts shall be approved by the county court and that the

94 expenditures of all funds shall be subject to the approval
95 of the county court, and all moneys belonging to the
96 memorial fund shall be deposited in the treasury of such
97 county to the credit of the memorial fund and shall be
98 drawn therefrom on orders issued by the county court.
99 Such orders shall not be drawn except upon requisition
100 of the memorial board attached to proper authenticated
101 vouchers. Ground, park or a grove for a memorial may
102 be acquired by condemnation by such board in the same
103 manner as the county court may acquire other real estate
104 for public uses and purposes, and the title of all such
105 property shall be and vest in the county court. The board
106 shall have power to appoint a suitable custodian and
107 assistants and prescribe rules for their conduct, fix their
108 duties and compensation, and shall have power to remove
109 such appointees and, in general, to carry out the spirit
110 and intention of this section.

111 Each memorial operated by a board of directors as
112 provided hereby shall be free for the use of the inhabi-
113 tants of the county, subject to such reasonable rules and
114 regulations as the board may adopt, in order to render

115 the use of such building or structure of greatest benefit
116 to the greatest number; and the board may exclude from
117 the use of the building any and all persons who shall
118 wilfully violate such rules. The board of directors may
119 extend the use and privileges of the building and struc-
120 ture to an educational institution or to nonresidents of
121 the county upon such terms and conditions as the board
122 may prescribe.

123 The board of directors shall, on or before the first day
124 of July in each year, make a report to the county court,
125 stating the condition of the property, the various sums
126 of money received from the memorial fund, and from all
127 other sources, how much money was expended and for
128 what expended; also an itemized budget estimate of ex-
129 pense of the property for the ensuing year, with such oth-
130 er information and suggestions as they deem of general
131 interest, or that may be required by the county court.

132 Any person or persons, including corporations, who
133 desire to make donations of cash or other personal prop-
134 erty or real estate for the benefit of the memorial, shall
135 have the right to do so, and shall have the right to vest

136 the title thereof in the county court, to be held in trust
137 and controlled by such board, the same as the other prop-
138 erty owned or acquired, and according to the terms and
139 for the purposes set out in the deed, gift, devise or be-
140 quest.

141 (d) Whenever the county court contributes money
142 out of the county treasury to aid in the erection or the
143 maintenance, or both, of any building or buildings, struc-
144 ture or structures, where same is or are operated by the
145 state or any political subdivision thereof, or to aid in the
146 erection or the maintenance, or both, of a memorial hos-
147 pital owned and operated by a non-profit corporation in-
148 corporated under the laws of this state, as such memorial
149 or memorials, there shall be filed with the county court,
150 on or before the first day of July in each year, an annual
151 itemized report, for public inspection, of the operation,
152 income and expenditures for the twelve months preced-
153 ing as of the thirty-first day of May in each year, and the
154 condition of the property, by the officials, or board of
155 directors, as the case may be, in charge thereof, and in
156 the case of such memorial hospital such report also shall

157 contain a complete schedule of the rates and charges to
158 the public and the services rendered free to the indigent
159 and needy unable to pay therefor; and there also shall
160 be filed with the county court, on or before the first day
161 of July in each year, an itemized budget estimate of the
162 expense and operation of such memorial or memorials for
163 the ensuing year, with such other information and sug-
164 gestions as may be deemed of public interest, or that
165 may be required by the county court.

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

Forest L. McNear
Chairman Senate Committee

R. S. Matthews
Chairman House Committee

Originated in the Senate

Takes effect from passage.

Howard Myers
Clerk of the Senate

J. Althoff
Clerk of the House of Delegates

Orville M. Vickers
President of the Senate

John E. Amos
Speaker House of Delegates

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

Charles M. Mason
Governor.



Filed in the Office of the Secretary of State
of West Virginia. **MAR 13 1947**
WM. S. O'BRIEN,
SECRETARY OF STATE