WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1951

ENROLLED
Committee Substitute for
SENATE BILL NO. 53
(Originatied in the Committee
on the Judiciary)
(By Mr. ..........................................................)

PASSED March 10, 1951

In Effect Thirty days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 53
[Originating in the Committee on the Judiciary.]

[Passed March 10, 1951; in effect ninety days from passage.]

AN ACT to amend article six, chapter forty-four of the code of
West Virginia, one thousand nine hundred thirty-one, as
amended, by adding thereto a new section to be designated section two-a, relating to the investment of trust
funds by boards of trustees or fiduciaries of any university, college, seminary or other institution of learning and
of any hospital, church or other eleemosynary or charitable institution.

Be it enacted by the Legislature of West Virginia:

That article six, chapter forty-four of the code of West Vir-
ginia, one thousand nine hundred thirty-one, as amended, be
amended by adding thereto a new section to be designated section two-a to read as follows:

Section 2-a. *Securities in Which Certain Fiduciaries May Invest Trust Funds.*—The board of trustees of or any fiduciary for any university, college, seminary or other institution of learning and of any hospital, church or other eleemosynary or charitable institution or association, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing property, real or personal, now or hereafter coming into their custody, care or control, other than property of the classes enumerated in section two of this article, shall exercise the judgment and care under the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Within the limitations of the foregoing standard, fiduciaries mentioned in this section are authorized to acquire and retain without any order of any court every kind of property real, per-
sonal or mixed, and every kind of investment, specifically
including but not by way of limitation, bonds, debentures
and other corporate obligations, and stocks, preferred or
common, which men of prudence, discretion and intelli-
gence acquire or retain for their own account, and within
the limitations of the foregoing standard, such fiduciaries
may retain property properly acquired, without limita-
tion as to time and without regard to its suitability for
original purchase.

Nothing contained in this section shall be construed as
authorizing any departure from, or variation of, the
express terms or limitations set forth in any will, agree-
ment, court order or other instrument creating or de-
fining any such fiduciaries' duties and powers, but the
terms "legal investment" or "authorized investment" or
words of similar import, as used in any such instrument
with respect to such fiduciaries shall be taken to include
any investment which is permitted by the terms of the
preceding paragraph: Provided, however, That this para-
graph shall not be construed as restricting the power of a
court of proper jurisdiction to permit any such fiduciaries
to deviate from the terms of any will, agreement, or other instrument relating to the acquisition, investment, reinvestment, exchange, retention, sale or management of property, real or personal.

Nothing contained in this section shall be construed as a declaration of legislative intent that the standards herein prescribed for investments by such fiduciaries shall be denied to or inapplicable with respect to investments by other fiduciaries named in section two of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Robert C. Byrd
Chairman Senate Committee

Jane O. Frye
Chairman House Committee

Originated in the Senate.

Takes effect

Frank V. Thompson
Clerk of the Senate

J.R. Goff
Clerk of the House of Delegates

Abraham J. Rotter
President of the Senate

W.E. Sams
Speaker House of Delegates

The within approved this the 16th day of March, 1951.

Owen L. Patterson
Governor.

Of West Virginia, MAR 16 1951
D. Pitt O'Brien,
Secretary of State