

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969



ENROLLED

HOUSE BILL No. 1033

(By Mr. Speaker, Mr. Boiesky,
and Mr. Seibert)



PASSED March 8, 1969

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-12-69

1033

ENROLLED

House Bill No. 1033

(By MR. SPEAKER, MR. BOIARSKY, and MR. SEIBERT)

[Passed March 8, 1969; in effect from passage.]

AN ACT to amend and reenact section seven, article one, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to trustees taking and holding property and providing that in the absence of gross negligence a trustee shall not be personally liable for any tort arising from or growing out of the ownership of property as a trustee.

Be it enacted by the Legislature of West Virginia:

That section seven, article one, chapter thirty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. RELIGIOUS ORGANIZATIONS.**§35-1-7. Trustees for real and personal property—May take and hold property.**

1 The trustee or trustees of any church, religious sect,
2 society or denomination, or of any individual church,
3 parish, congregation or branch, within this state, shall
4 have power to receive donations, gifts and bequests of
5 personal property, and, subject to the limitations of sec-
6 tion eight of this article, to take by devise, conveyance or
7 dedication or to purchase and to hold, real property, in
8 trust for such church, religious sect, society or denomina-
9 tion, or for any individual church, parish, congregation
10 or branch; and in their own name or names to sue or
11 be sued in all proper actions and suits, for or on account
12 of the real or personal property so held or claimed, and
13 for and on account of any matters relating thereto: *Pro-*
14 *vided*, That, in the absence of gross negligence, no trustee
15 shall be personally liable for any tort arising from or
16 growing out of the ownership of property as a trustee
17 and no such action or suit shall abate because of the death,
18 removal or resignation of any trustee, or the appointment
19 of another trustee, but may be proceeded with in the

20 name of the trustee or trustees by or against whom it was
21 instituted, or in the name of the succeeding trustee or
22 trustees. The trustee or trustees shall be accountable to
23 that church, religious sect, society, or denomination, or
24 to that individual church, parish, congregation or branch,
25 for which he or they hold in trust, for the use and man-
26 agement of such property, and shall surrender it to any
27 person or persons authorized to demand it.

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

William Tompa
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Abraham Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Lucy W. Jackson
President of the Senate

Ivor P. Biarsky
Speaker House of Delegates

The within *approved* this the *14th*
day of *March*, 1969.

Arch A. Shouse, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.