WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

--- ○ ---

ENROLLED

Com. Sub. for

HOUSE BILL No. H.559

(By Delegate Lehite)

--- ○ ---

Passed March 6, 1992

In Effect Ninety Days 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, relating to monuments, tablets and memorials; setting the minimum number of members of county memorial board at five; setting the maximum number of members of county memorial board at eleven; and requiring at least one member be appointed from each magisterial district within the county.

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, be amended and reenacted to read as follows:

ARTICLE 3. MONUMENTS, TABLETS AND MEMORIALS.

§10-3-2. Memorials to soldiers and sailors; sale of existing memorials; memorial fund; levies; board of directors; report of board to county commission; use of memorial; itemized report for public inspection; itemized budget estimate.

1 (a) The county commission of any county shall have the power, upon petition of twenty percent 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 existing 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 struc-
tures, 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 nonprofit 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 commission 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 section 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 commission is authorized to and may
lay a tax on all property in the county for the purposes
of acquiring and establishing such memorials, remodel-
ing, repairing, removing or replacing existing memori-
als, 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 commission under this section, the county commission shall appoint a board of directors composed of at least five members with at least one member from each of the magisterial districts of the county not to exceed a total of eleven members. 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 ineligible to appointment by reason of sex. Vacancies in the board shall be reported to the county commission and filled by appointment in like manner as original appointments for the unexpired term. The county commission 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 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 bylaws, rules and
Enr. Com. Sub. for H. B. 4559] 4

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 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, That all contracts shall be approved by the county commission and that the expenditures of all funds shall be subject to the approval of the county commission, 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 commission. 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 commission may acquire other real estate for public uses and purposes, and the title of all such property shall be and vest in the county commission. 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 structure 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
commission, 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 expense 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 commission.

Any person or persons, including corporations, desiring to make donations of cash or other personal property 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 commission, to be held in trust and controlled by such board, the same as the other property owned or acquired, and according to the terms and for the purposes set out in the deed, gift, devise or bequest.

(d) Whenever the county commission contributes 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 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 hospital owned and operated by a nonprofit corporation incorporated under the laws of this state, as such memorial or memorials, there shall be filed with the county commission, 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 preceding 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 commission, 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 sugges-
168 tions as may be deemed of public interest, or that may
169 be required by the county commission.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 22nd day of March, 1992.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/4/99
Time 2:42 PM