

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 963

(By Mr. Borishky and Mr. Cury)



PASSED March 10, 1967

In Effect Jan Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

#963

ENROLLED

House Bill No. 963

(By MR. BOIARSKY and MR. CAREY)

[Passed March 10, 1967; in effect from passage.]

AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seventeen, authorizing counties and municipalities to make appropriations to certain nonstock, nonprofit corporations for public purposes, subject to certain specified limitations.

Be it enacted by the Legislature of West Virginia:

That chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended, by adding thereto a new article, designated article seventeen, to read as follows:

**ARTICLE 17. CONTRIBUTIONS TO NONSTOCK, NONPROFIT
CORPORATIONS FOR PUBLIC PURPOSES.**

§ 8-17-1. Counties and municipalities may make appropriations to nonstock, nonprofit corporations for public purposes.

1 (a) The Legislature hereby finds that the support of
2 nonstock, nonprofit corporations dedicated to making
3 available to the general public museums or facilities for
4 the appreciation or enjoyment of art, music, dance, drama,
5 nature or science is for the general welfare of the public
6 and is a public purpose. This section is enacted in view
7 of this finding and shall be liberally construed in the light
8 thereof.

9 (b) When a nonstock, nonprofit corporation, chartered
10 under the laws of this state, (1) is organized for the con-
11 struction, maintenance or operation of museums or facil-
12 ities for the appreciation or enjoyment of art, music,
13 dance, drama, nature or science, and provides in its char-
14 ter that its buildings or facilities, or a designated portion
15 thereof, shall be devoted to the use by the public for all
16 purposes set forth in such charter without regard to race,
17 religion, national origin or economic circumstance,

18 and free from charge except such as is necessary to pro-
19 vide the means to keep the buildings, facilities and
20 grounds in proper condition and repair, and to pay the
21 cost of insurance, care, management, operations, teach-
22 ing, and attendants, so that the general public may have
23 the benefit of such establishment for the uses set forth
24 in such corporation's charter at as little expense as pos-
25 sible, (2) provides in its charter that no member trus-
26 tee, or member of the board of directors (by whatever
27 name the same may be called), of the corporation shall
28 receive any compensation, gain or profit from such cor-
29 poration, and (3) is operated in compliance with such
30 charter provisions as aforesaid, then the county court of
31 the county in which such nonstock, nonprofit corporation
32 is operating and the municipality (however created,
33 whether operating under a legislative charter, home rule
34 charter, or general law only, and notwithstanding any
35 statutory or municipal charter provisions to the contrary)
36 in which such corporation is operating, if any, may ap-
37 propriate funds subject to the provisions and limitations
38 set forth in subsections (c) and (d) of this section, to

39 such nonstock, nonprofit corporation, for such public pur-
40 poses: *Provided*, That such funds may be expended and
41 otherwise utilized only within the county, or municipal-
42 ity, as the case may be, making the appropriation thereof.
43 In every such case, the county court or governing body
44 of any such municipality and such corporation may agree
45 for the appointment of additional members to the board
46 of directors of such corporation by such county court or
47 governing body, either as regular members or in an
48 ex officio capacity.

49 (c) No funds appropriated by a county court or mu-
50 nicipality under the authority of this section shall be
51 disbursed by any such nonstock, nonprofit corporation
52 unless and until the expenditure thereof has been ap-
53 proved by the county court or the governing body of
54 such municipality, as the case may be, which made such
55 appropriation, and such corporation shall upon demand
56 at any time make a full and complete accounting of all
57 such funds to such county court or governing body, as
58 the case may be, and shall in every event without de-
59 mand make to such county court or governing body an
60 annual accounting thereof.

61 (d) Under no circumstances whatever shall any ac-
62 tion taken by any county court or municipality under
63 the authority of this section give rise to or create any
64 indebtedness on the part of the county, such county court
65 or municipality, the governing body of such municipality,
66 any member of the county court or such governing body
67 or any county or municipal official or employee.

68 (e) If any provision of this section or the application
69 thereof to any person or circumstance is held uncon-
70 stitutional or invalid, such unconstitutionality or inv^ul^u
71 idity shall not effect other provisions or applications of
72 this section, and to this end the provisions of this section
73 are declared to be severable.

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.

Howard Meyer
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Laban White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Huette C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/17/67

Time 3:07 P.M.