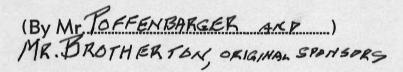
WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED Com. Sub. SENATE BILL NO. 86



PASSED MARGH 2. 1971

In Effect FROM Passage

FILED IN THE OFFICE JOHN D. ROCKEFELLER, IV SECRETARY OF STATE THIS DATE <u>3-11-71</u>

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 86

(By Mr. Poffenbarger and Mr. BROTHERTON, original sponsors)

[Passed March 2, 1971; in effect from passage.]

AN ACT to amend and reenact section one, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 section one, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

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ARTICLE 32. INTERGOVERNMENTAL RELATIONS—CONTRIBU-TIONS TO OR INVOLVEMENT WITH NONSTOCK, NONPROFIT CORPORATIONS FOR PUBLIC PUR-POSES.

PART I. MUSEUMS; CULTURAL CENTERS, ETC.

§8-32-1. Legislative findings; authority of municipalities and counties to make appropriations; limitations and restrictions.

(a) The Legislature hereby finds that the support of
 nonstock, nonprofit corporations dedicated to making
 available to the general public museums, facilities or
 cultural centers for the appreciation, advancement or
 enjoyment of art, crafts, music, dance, drama, nature,
 science or other educational and cultural activities is for
 the general welfare of the public and is a public purpose.
 This section is enacted in view of this finding and shall be
 liberally construed in the light thereof.

10 (b) When a nonstock, nonprofit corporation, chartered
11 under the laws of this state, (1) is organized for the
12 construction, maintenance or operation of museums,
13 facilities or cultural centers for the appreciation, advance-

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ment or enjoyment of art, crafts, music, dance, drama, 14 nature, science or other educational and cultural activities 15 16 and provides in its charter that its buildings or facilities. 17 or a designated portion thereof, shall be devoted to the 18 use by the public for all purposes set forth in such charter 19 without regard to race, religion, national origin or eco-20 nomic circumstance, and free from charge except such 21 as is necessary to provide the means to keep the buildings, 22 facilities and grounds in proper condition and repair, 23 and to pay the cost of insurance, care, management, 24 operations, teaching and attendants, so that the general 25 public may have the benefit of such establishment for 26 the uses set forth in such corporation's charter at as 27 little expense as possible, (2) provides in its charter that 28 no member trustee, or member of the board of directors 29 (by whatever name the same may be called), of the cor-30 poration shall receive any compensation, gain or profit 31 from such corporation, and (3) is operated in compliance 32 with such charter provisions as aforesaid, then, notwith-33 standing any statutory or municipal charter provisions 34 to the contrary, any municipality in which such nonstock, Enr. Com. Sub. for S. B. No. 86] 4

nonprofit corporation is operating or which is or will be 35 served by such nonstock, nonprofit corporation, if any, 36 37 and the county court of any county in which such non-38 stock, nonprofit corporation is operating or which is or 39 will be served by such nonstock, nonprofit corporation, 40 may appropriate funds subject to the provisions and limi-41 tations set forth in subsections (c) and (d) of this section, 42 to such nonstock, nonprofit corporation, for such public 43 purposes.

In every such case, the governing body of any such municipality or any such county court and such corporation may agree for the appointment of additional members to the board of directors of such corporation by such governing body or county court, either as regular members or in an ex officio capacity.

50 (c) No funds appropriated by a municipality or county 51 court under the authority of this section shall be dis-52 bursed by any such nonstock, nonprofit corporation 53 unless and until the expenditure thereof has been ap-54 proved by the governing body of such municipality or 55 any such county court, as the case may be, which made

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56 such appropriation, and such corporation shall upon 57 demand at any time make a full and complete accounting 58 of all such funds to such governing body or county court, 59 as the case may be, and shall in every event without de-60 mand make to such governing body or county court an 61 annual accounting thereof.

(d) Under no circumstances whatever shall any action
taken by any municipality or county court under the
authority of this section give rise to or create any indebtedness on the part of the municipality, the governing
body of such municipality, the county, such county court,
any member of such governing body or the county court
or any municipal or county official or employee.

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

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Originated in the Senate.

To take effect from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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PRESENTED TO THE GOVERNOR

Date 3/6/71 Time 12:50 p.m.