WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 963

(By Mr. Barbour and Mr. Cary)

PASSED March 10, 1967

In Effect upon Passage

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

(a) The Legislature hereby finds that the support of nonstock, nonprofit corporations dedicated to making available to the general public museums or facilities for the appreciation or enjoyment of art, music, dance, drama, nature or science 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.

(b) When a nonstock, nonprofit corporation, chartered under the laws of this state, (1) is organized for the construction, maintenance or operation of museums or facilities for the appreciation or enjoyment of art, music, dance, drama, nature or science, and provides in its charter that its buildings or facilities, or a designated portion thereof, shall be devoted to the use by the public for all purposes set forth in such charter without regard to race, religion, national origin or economic circumstance,
and free from charge except such as is necessary to provide the means to keep the buildings, facilities and grounds in proper condition and repair, and to pay the cost of insurance, care, management, operations, teaching, and attendants, so that the general public may have the benefit of such establishment for the uses set forth in such corporation's charter at as little expense as possible, (2) provides in its charter that no member trustee, or member of the board of directors (by whatever name the same may be called), of the corporation shall receive any compensation, gain or profit from such corporation, and (3) is operated in compliance with such charter provisions as aforesaid, then the county court of the county in which such nonstock, nonprofit corporation is operating and the municipality (however created, whether operating under a legislative charter, home rule charter, or general law only, and notwithstanding any statutory or municipal charter provisions to the contrary) in which such corporation is operating, if any, may appropriate funds subject to the provisions and limitations set forth in subsections (c) and (d) of this section, to
such nonstock, nonprofit corporation, for such public purposes: *Provided,* That such funds may be expended and otherwise utilized only within the county, or municipality, as the case may be, making the appropriation thereof.

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

(c) No funds appropriated by a county court or municipality under the authority of this section shall be disbursed by any such nonstock, nonprofit corporation unless and until the expenditure thereof has been approved by the county court or the governing body of such municipality, as the case may be, which made such appropriation, and such corporation shall upon demand at any time make a full and complete accounting of all such funds to such county court or governing body, as the case may be, and shall in every event without demand make to such county court or governing body an annual accounting thereof.
(d) Under no circumstances whatever shall any action taken by any county court or municipality under the authority of this section give rise to or create any indebtedness on the part of the county, such county court or municipality, the governing body of such municipality, any member of the county court or such governing body or any county or municipal official or employee.

(e) If any provision of this section or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not effect other provisions or applications of this section, and to this end the provisions of this section are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempar
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE GOVERNOR

Date 3/12/62
Time 3:02 P.M.