

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

Com. Sub.
SENATE BILL NO. 86

(By Mr. POFFENBARGER AND.....)
MR. BROTHERTON, ORIGINAL SPONSORS

PASSED MARCH 2..... 1971

In Effect FROM..... Passage



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

86

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 non-stock, 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:

ARTICLE 32. INTERGOVERNMENTAL RELATIONS—CONTRIBUTIONS TO OR INVOLVEMENT WITH NONSTOCK, NONPROFIT CORPORATIONS FOR PUBLIC PURPOSES.

PART I. MUSEUMS; CULTURAL CENTERS, ETC.

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

1 (a) The Legislature hereby finds that the support of
2 nonstock, nonprofit corporations dedicated to making
3 available to the general public museums, facilities or
4 cultural centers for the appreciation, advancement or
5 enjoyment of art, crafts, music, dance, drama, nature,
6 science or other educational and cultural activities is for
7 the general welfare of the public and is a public purpose.

8 This section is enacted in view of this finding and shall be
9 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-

14 ment or enjoyment of art, crafts, music, dance, drama,
15 nature, science or other educational and cultural activities
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,

35 nonprofit corporation is operating or which is or will be
36 served by such nonstock, nonprofit corporation, if any,
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.

44 In every such case, the governing body of any such
45 municipality or any such county court and such corpora-
46 tion may agree for the appointment of additional mem-
47 bers to the board of directors of such corporation by such
48 governing body or county court, either as regular mem-
49 bers 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

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.

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

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

James M. Beane
Chairman Senate Committee

Phyllis R. Rutledge
Chairman House Committee

Originated in the Senate.

To take effect from passage.

John M. Myers
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Edw. G. G. G.
President of the Senate

Luc F. Bransky
Speaker House of Delegates

The within *approved* this the *10th*
day of *March*, 1971.

Arch A. Shouse Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/6/71

Time 12:50 p.m.