WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED
Com.  Sub.
SENATE BILL NO. 56

(By Mr. TOFFENBARGER, A.C.P.)
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
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.

(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.

(b) When a nonstock, nonprofit corporation, chartered under the laws of this state, (1) is organized for the construction, maintenance or operation of museums, facilities or cultural centers for the appreciation, advance-
ment or enjoyment of art, crafts, music, dance, drama, nature, science or other educational and cultural activities 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, notwithstanding any statutory or municipal charter provisions to the contrary, any municipality in which such nonstock,
A nonprofit corporation is operating or which is or will be
served by such nonstock, nonprofit corporation, if any,
and the county court of any county in which such non-
stock, nonprofit corporation is operating or which is or
will be served by such nonstock, nonprofit corporation,
may appropriate funds subject to the provisions and limi-
tations set forth in subsections (c) and (d) of this section,
to such nonstock, nonprofit corporation, for such public
purposes.

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

(c) No funds appropriated by a municipality or county
court under the authority of this section shall be dis-
bursed by any such nonstock, nonprofit corporation
unless and until the expenditure thereof has been ap-
proved by the governing body of such municipality or
any such county court, 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 governing body or county court, as the case may be, and shall in every event without demand make to such governing body or county court an 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take 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 10th day of March, 1971.

Governor
PRESENTED TO THE GOVERNOR

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