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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

SENATE BILL NO. 18

(By Mr. Parby and Mr. Gilson)



PASSED February 18, 1976

In Effect from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/1/76

ENROLLED

Senate Bill No. 18

(By MR. DARBY and MR. NELSON)

[Passed February 18, 1976; in effect from passage.]

AN ACT to amend article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five, authorizing municipalities and counties to make appropriations for public purposes to nonstock, non-profit corporations chartered for the purpose of celebrating the American Revolution Bicentennial; subject to certain specified limitations.

Be it enacted by the Legislature of West Virginia:

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

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

PART V. CELEBRATION OF AMERICAN REVOLUTION BICENTENNIAL.

§8-32-5. Legislative findings; authority of municipalities and counties to make appropriations for bicentennial celebration; 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, programs, activities or
4 events organized by a bicentennial commission, commit-
5 tee, group, organization or community for the purpose of
6 providing historical or cultural activities, municipal,
7 county or regional improvement events or other programs
8 related to the celebration of the American Revolution

9 Bicentennial, is for the general welfare of the public and
10 is a public purpose for which funds of a municipality or
11 county may be lawfully expended. This section is enacted
12 in view of this finding and shall be liberally construed in
13 the light thereof.

14 (b) When a bicentennial commission, committee,
15 group, organization or community, (hereinafter referred
16 to as corporation) is chartered as a nonstock, nonprofit
17 corporation under the laws of this state, and, (1) is or-
18 ganized for the purpose of providing historical or cultural
19 activities, municipal, county or regional improvement
20 events or other programs related to the celebration of the
21 American Revolution Bicentennial, and provides in its
22 charter that its programs, activities or events shall be de-
23 voted to the use by the public for all purposes set forth
24 in such charter without regard to race, sex, religion,
25 national origin or economic circumstance, and free from
26 charge except such as is necessary to provide the means to
27 keep any buildings, facilities or grounds in proper condi-
28 tion and repair, or to pay the cost of insurance, care, man-
29 agement, operations, programs, activities or events, so
30 that the general public may have the benefit of such
31 establishments, programs, activities or events for the
32 uses set forth in such corporation's charter at as little
33 expense as possible, (2) provides in its charter that no
34 member, trustee or member of the board of directors (by
35 whatever name the same may be called), of the corpo-
36 ration shall receive any compensation, gain or profit from
37 such corporation, and (3) is operated in compliance
38 with such charter provisions as aforesaid, any municipi-
39 pality in the county in which such corporation is operat-
40 ing, and the county commission of any county in which
41 such corporation is operating, are hereby empowered and
42 authorized to appropriate funds to any such corporation,
43 subject to the provisions and limitations set forth in this
44 section.

45 (c) Any appropriation shall be made from the gen-
46 eral funds of such municipality or county that have not
47 been otherwise appropriated: *Provided*, That no appro-
48 priation shall be made after December thirty-one, one

49 thousand nine hundred seventy-six. Each corporation
50 receiving an appropriation from a municipality or county
51 shall upon demand at any time make a full and complete
52 accounting of all such funds to such governing body
53 of the municipality or to the county commission, as the
54 case may be, and shall in every event without demand
55 make to such governing body or county commission an
56 accounting thereof.

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

65 (e) No municipality or county commission may ap-
66 propriate funds to any corporation under this article
67 unless and until such corporation has recorded a certified
68 copy of its corporate charter in the county in which the
69 principal office of such corporation is located, and has
70 received from the prosecuting attorney a written state-
71 ment that the charter of such corporation contains the
72 necessary language to comply with the provisions of
73 this article.

74 (f) No officer, agent or instrumentality of the state
75 shall require that local government funds be appropri-
76 ated or expended under this section as a prerequisite
77 for, or as matching funds for, a federal or state grant
78 or as a prerequisite to entitle such corporation to receive
79 a grant of federal or state funds.

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

James L. Davis
Chairman Senate Committee

Norman C. Frustan
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. C. Dellon Jr.
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. T. Brantley Jr.
President of the Senate

Louis F. M. Mans
Speaker House of Delegates

The within *approved* this the *28th*
day of *February*, 1976

Arthur A. Shouse Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/23/76

Time 2:52 p.m.