ENROLLED

SENATE BILL NO. 18

(By Mr. Darby and Mr. Nelson)

PASSED February 15, 1976

In Effect from Passage

F.L.Ed IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA

THIS DATE 3/1/76
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, nonprofit 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 nonstock, nonprofit corporations dedicated to making available to the general public, programs, activities or events organized by a bicentennial commission, committee, group, organization or community for the purpose of providing historical or cultural activities, municipal, county or regional improvement events or other programs related to the celebration of the American Revolution
Bicentennial, is for the general welfare of the public and is a public purpose for which funds of a municipality or county may be lawfully expended. This section is enacted in view of this finding and shall be liberally construed in the light thereof.

(b) When a bicentennial commission, committee, group, organization or community, (hereinafter referred to as corporation) is chartered as a nonstock, nonprofit corporation under the laws of this state, and, (1) is organized for the purpose of providing historical or cultural activities, municipal, county or regional improvement events or other programs related to the celebration of the American Revolution Bicentennial, and provides in its charter that its programs, activities or events shall be devoted to the use by the public for all purposes set forth in such charter without regard to race, sex, religion, national origin or economic circumstance, and free from charge except such as is necessary to provide the means to keep any buildings, facilities or grounds in proper condition and repair, or to pay the cost of insurance, care, management, operations, programs, activities or events, so that the general public may have the benefit of such establishments, programs, activities or events 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, any municipality in the county in which such corporation is operating, and the county commission of any county in which such corporation is operating, are hereby empowered and authorized to appropriate funds to any such corporation, subject to the provisions and limitations set forth in this section.

(c) Any appropriation shall be made from the general funds of such municipality or county that have not been otherwise appropriated: Provided, That no appropriation shall be made after December thirty-one, one
thousand nine hundred seventy-six. Each corporation
receiving an appropriation from a municipality or county
shall upon demand at any time make a full and complete
accounting of all such funds to such governing body
of the municipality or to the county commission, as the
case may be, and shall in every event without demand
make to such governing body or county commission an
accounting thereof.
(d) Under no circumstances whatever shall any ac-
tion taken by any municipality or county commission
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 commission, any member of such governing body
or county commission or any municipal or county official
or employee.
(e) No municipality or county commission may ap-
propriate funds to any corporation under this article
unless and until such corporation has recorded a certified
copy of its corporate charter in the county in which the
principal office of such corporation is located, and has
received from the prosecuting attorney a written state-
ment that the charter of such corporation contains the
necessary language to comply with the provisions of
this article.
(f) No officer, agent or instrumentality of the state
shall require that local government funds be appropri-
ated or expended under this section as a prerequisite
for, or as matching funds for, a federal or state grant
or as a prerequisite to entitle such corporation to receive
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

Glenn F. Freeland  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

J. C. Delong  
Clerk of the Senate

W. A. Blankenship  
Clerk of the House of Delegates

W. E. Brittain, Jr.  
President of the Senate

Lester P. Mann  
Speaker House of Delegates

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

A. V. Shaufler  
Governor