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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

HOUSE BILL No. 1456

(By ~~Mr.~~ Del. Latta)



Passed April 3, 1985

In Effect Ninety Days From Passage



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SECRETARY OF STATE

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H. B. 1456

(By DELEGATE SATTES)

[Passed April 3, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing municipalities and counties to make appropriations for the celebration of historical and commemorative occasions; legislative findings; nonprofit corporations eligible to receive such appropriations; such appropriations to be made from general funds; requiring accounting of funds received; requiring recipients to return any unexpended funds at the conclusion of the funded event; prohibiting indebtedness to be incurred for such appropriations; recordation and certification of an eligible nonprofit corporation's charter; and prohibiting such appropriation as a prerequisite for grants.

Be it enacted by the Legislature of West Virginia:

That section five, 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 OR HEALTH INSTITUTIONS FOR PUBLIC PURPOSES.

**PART V. CELEBRATION OF HISTORICAL AND
COMMEMORATIVE EVENTS.**

§8-32-5. Legislative findings; authority of municipalities and counties to make appropriations for the celebration of

historical and commemorative events; 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 events
4 organized by a commission, committee, group, organization or
5 community, for the purpose of providing historical or cultural
6 activities, municipal, county or regional improvement events
7 or other programs related to the celebration of historical and
8 commemorative events, is for the general welfare of the public
9 and is a public purpose for which funds of a municipality or
10 county may be lawfully expended. This section is enacted in
11 view of this finding and shall be liberally construed in the light
12 thereof.

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

40 and limitations set forth in this section.

41 (c) Any appropriation shall be made from the general funds
42 of such municipality or county that have not been otherwise
43 appropriated. Each corporation receiving an appropriation
44 from a municipality or county shall upon demand at any time
45 make a full and complete accounting of all such funds to such
46 governing body of the municipality or to the county
47 commission, as the case may be, and shall in every event
48 without demand make to such governing body or county
49 commission an accounting thereof. Each corporation shall
50 return to the county or municipality all of the funds the county
51 or municipality appropriated pursuant to this section or
52 pursuant to the previous enactments of this section for the
53 celebration of the American Revolution Bicentennial which are
54 unexpended after the conclusion of the programs, activities or
55 events relating to the historical or commemorative event. The
56 county or municipality may at any time set a date after the
57 conclusion of the programs, activities or events by which such
58 return shall be made.

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

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

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

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

Bruce A. DeLoach
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Welch
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

Don Tolson
President of the Senate

Joseph P. Albright
Speaker of the House of Delegates

The within *approved* this the *13th*
April
day of _____, 1985.

Richard A. Pearce Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/10/85

Time 9:29 A.M.