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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

ENROLLED

HOUSE BILL No. 2689

(By  Delegate Ryan)

— ● —

Passed April 5, 1989

In Effect from Passage

ENROLLED
H. B. 2689

(By DELEGATE RYAN)

[Passed April 5, 1989; in effect from passage.]

AN ACT to amend and reenact section four, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enhancing ability of municipal and county hospitals to borrow money for hospital purposes.

Be it enacted by the Legislature of West Virginia:

That section four, 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 IV. HEALTH INSTITUTIONS.

§8-32-4. Legislative findings; authority of municipalities and county commissions to make appropriations; limitations and restrictions.

1 (a) The Legislature hereby finds that the support of
2 public or nonprofit health institutions dedicated to
3 making available to the general public health and
4 mental health services is for the general welfare of the
5 public and is a public purpose for which funds of a
6 municipality or county commission may be lawfully
7 expended. This section is enacted in view of this finding
8 and shall be liberally construed in the light thereof. As

9 used in this section, the term "health institution" means
10 a hospital, health or mental health clinic, regional or
11 community health or mental health center, mental
12 retardation facility, extended care facility, nursing
13 home, or other health or mental health institution, which
14 is open to the general public.

15 (b) Notwithstanding any statutory or charter provi-
16 sion to the contrary, municipalities and county commis-
17 sions are hereby empowered and authorized to approp-
18 riate funds, subject to the conditions and limitations set
19 forth in this section, for the establishment, cost,
20 operation, maintenance and projects of any health
21 institution, whether such health institution be situate
22 within or without the confines of any such municipality
23 or county. Funds may not be appropriated by a
24 municipality or county commission for the benefit and
25 use of any health institution unless such health institu-
26 tion is either owned and operated by a unit of govern-
27 ment, or is owned and operated by a nonstock, nonprofit
28 corporation chartered under the laws of or licensed to
29 do business in this state which provides in its charter
30 that no member trustee or member of the board of
31 directors (by whatever name the same may be called)
32 shall receive any compensation, gain or profit from such
33 corporation and which is operated in compliance with
34 such charter provisions. Any such appropriation shall be
35 made from the general funds of such municipality or
36 county commission not otherwise appropriated or from
37 federal revenue sharing funds received by such munic-
38 ipality or county commission.

39 (c) The recipient of any funds appropriated under the
40 provisions of this section shall upon demand at any time
41 make a full and complete accounting of all such funds
42 to the governing body of the municipality or county
43 commission which made such appropriation and shall in
44 every event without demand make to such governing
45 body an annual accounting thereof.

46 (d) Under no circumstances whatever shall any action
47 taken by any municipality or county commission under
48 the authority of this section give rise to or create any
49 indebtedness on the part of the municipality, the county,

50 the governing body of such municipality, the county
51 commission, any member of such governing body or
52 county commission or any municipal or county official
53 or employee.

54 (e) No provision within this article prohibits the
55 ability of a county or municipal hospital to borrow
56 money and to perform such actions and do those things
57 which are reasonably necessary to effectuate the
58 purposes of this section, including, but not limited to,
59 obtaining credit to further the mission of such hospital
60 and acceptance of a loan for working capital require-
61 ments, as that term is generally defined: *Provided*, That
62 the hospital complies with the provisions of subsection
63 (d) of this section so that any indebtedness created is at
64 no time an obligation of any municipality, the county
65 commission, any member of such governing body or
66 county commission or any municipal or county official
67 or employee.

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

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect from passage.

Joel C. Wells
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

James A. Tomlinson
President of the Senate

Robert C. Calvert
Speaker of the House of Delegates

The within *is approved* this the *27th*
day of *April*, 1989.

Gaston Caperton
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/89

Time 5:14