WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 1185

(By Mr. Wimmer)
Mr. Stone

PASSED April 15 1973
In Effect 7 from Passage

FILED IN THE OFFICE
EDGAR F. REISBELL III
SECRETARY OF STATE
THIS DATE, 5/3/73
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 or convey or lease property to certain nonstock, 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, conveyances or leases; limitations and restrictions.

1 (a) The Legislature hereby finds that the support of non-stock, nonprofit corporations dedicated to making available to the general public (1) museums, historic landmarks, facilities or cultural centers for the appreciation, advancement or enjoyment of art, crafts, music, dance, drama, nature, science or
other educational and cultural activities or (2) parks, playgrounds, athletic fields, stadiums, swimming pools, skating rinks, arenas or other public park and recreational facilities for
the promotion, advancement or enjoyment of education, recreation and health 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 (i) museums, historic landmarks, facilities or cultural centers for the appreciation, advancement or enjoyment of art, crafts, music, dance, drama, nature, science or other educational and cultural activities or (ii) parks, playgrounds, athletic fields, stadiums, swimming pools, skating rinks, arenas or other public park and recreational facilities for the promotion, advancement or enjoyment of education, recreation and health 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, sex, 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, 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 nonstock, nonprofit corporation is operating or which is or will be served by such nonstock, nonprofit corporation, may appropriate funds, subject to the provisions and limitations set forth in subsections (c) and (d) of this section, to such nonstock, nonprofit corporation, for such public
purposes or convey or lease real or personal property, with
or without consideration, to such nonstock, nonprofit corpora-
tion, for such public purposes, except that no such conveyance
or lease may be made by a municipality or a county court to
such nonstock, nonprofit corporation for any of the public
purposes set forth in (2) of subsection (a) of this section if
such county has a county parks and recreation commission or
board operating in or for such county, or participates in a
consolidated recreation commission or board with a munici-
pality as the case may be: Provided, That if at any time such
property ceases to be used for such public purposes, it
shall by operation of law revert to and vest in the municipality
or county court which conveyed or leased the same and
such nonstock, nonprofit corporation shall thereafter have
no right, title or interest therein or thereto.

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

(c) No funds appropriated by a municipality or county
court under the authority of this section shall be disbursed by
any such nonstock, nonprofit corporation unless and until the
expenditure thereof has been approved 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 munici-
pality, 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.

N. Darrel Darby  
Chairman Senate Committee

Clarence L. Christie, Jr.  
Chairman House Committee

Originated in the House.
Takes effect from passage.

Howard W. Carson  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. T. Goodwin, Jr.  
President of the Senate

Lewis F. M. Mann  
Speaker House of Delegates

The within __________________ is hereby approved this the ____________ day of ___________________________, 1973.

Aubie S. Lowery  
Governor