

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1185

(By Mr. Winnmore)
Mr. Stone



PASSED April 14, 1973

In Effect From Passage



FILED IN THE OFFICE
EDGAR F. NEWMAN III
SECRETARY OF STATE
THIS DATE 5/3/73

1185

ENROLLED

House Bill No. 1185

(By MR. DINSMORE and MR. JONES, of Monongalia)

[Passed April 14, 1973; in effect from passage.]

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-
2 stock, nonprofit corporations dedicated to making available to
3 the general public (1) museums, historic landmarks, facilities
4 or cultural centers for the appreciation, advancement or enjoy-
5 ment of art, crafts, music, dance, drama, nature, science or

6 other educational and cultural activities or (2) parks, play-
7 grounds, athletic fields, stadiums, swimming pools, skating
8 rinks, arenas or other public park and recreational facilities for
9 the promotion, advancement or enjoyment of education, recrea-
10 tion and health is for the general welfare of the public and is a
11 public purpose. This section is enacted in view of this finding
12 and shall be liberally construed in the light thereof.

13 (b) When a nonstock, nonprofit corporation, chartered
14 under the laws of this state, (1) is organized for the con-
15 struction, maintenance or operation of (i) museums, historic
16 landmarks, facilities or cultural centers for the appreciation, ad-
17 vancement or enjoyment of art, crafts, music, dance, drama,
18 nature, science or other educational and cultural activities or
19 (ii) parks, playgrounds, athletic fields, stadiums, swimming
20 pools, skating rinks, arenas or other public park and recrea-
21 tional facilities for the promotion, advancement or enjoyment of
22 education, recreation and health and provides in its charter that
23 its buildings or facilities, or a designated portion thereof, shall
24 be devoted to the use by the public for all purposes set forth in
25 such charter without regard to race, sex, religion, national origin
26 or economic circumstance, and free from charge except such as
27 is necessary to provide the means to keep the buildings, facili-
28 ties and grounds in proper condition and repair, and to pay the
29 cost of insurance, care, management, operations, teaching and
30 attendants, so that the general public may have the benefit of
31 such establishment for the uses set forth in such corporation's
32 charter at as little expense as possible, (2) provides in its
33 charter that no member trustee, or member of the board of
34 directors (by whatever name the same may be called), of the
35 corporation shall receive any compensation, gain or profit from
36 such corporation, and (3) is operated in compliance with such
37 charter provisions as aforesaid, then, notwithstanding any
38 statutory or municipal charter provisions to the contrary, any
39 municipality in which such nonstock, nonprofit corporation is
40 operating or which is or will be served by such nonstock, non-
41 profit corporation, if any, and the county court of any county
42 in which such nonstock, nonprofit corporation is operating or
43 which is or will be served by such nonstock, nonprofit corpora-
44 tion, may appropriate funds, subject to the provisions and
45 limitations set forth in subsections (c) and (d) of this section,
46 to such nonstock, nonprofit corporation, for such public

47 purposes or convey or lease real or personal property, with
48 or without consideration, to such nonstock, nonprofit corpora-
49 tion, for such public purposes, except that no such conveyance
50 or lease may be made by a municipality or a county court to
51 such nonstock, nonprofit corporation for any of the public
52 purposes set forth in (2) of subsection (a) of this section if
53 such county has a county parks and recreation commission or
54 board operating in or for such county, or participates in a
55 consolidated recreation commission or board with a munic-
56 ipality as the case may be: *Provided*, That if at any time such
57 property ceases to be used for such public purposes, it
58 shall by operation of law revert to and vest in the municipality
59 or county court which conveyed or leased the same and
60 such nonstock, nonprofit corporation shall thereafter have
61 no right, title or interest therein or thereto.

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

68 (c) No funds appropriated by a municipality or county
69 court under the authority of this section shall be disbursed by
70 any such nonstock, nonprofit corporation unless and until the
71 expenditure thereof has been approved by the governing body
72 of such municipality or any such county court, as the case may
73 be, which made such appropriation, and such corporation
74 shall upon demand at any time make a full and complete
75 accounting of all such funds to such governing body or county
76 court, as the case may be, and shall in every event without
77 demand make to such governing body or county court an
78 annual accounting thereof.

79 (d) Under no circumstances whatever shall any action
80 taken by any municipality or county court under the authority
81 of this section give rise to or create any indebtedness on the
82 part of the municipality, the governing body of such munici-
83 pality, the county, such county court, any member of such
84 governing body or the county court or any municipal or county
85 official or employee.

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

N. Darrel Darby

Chairman Senate Committee

Laurence C. Christian 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. Brotherton Jr.

President of the Senate

Lewis T. M. Means

Speaker House of Delegates

The within *Approved* this the *25th*
April day of _____, 1973.

Arch A. Moore Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 4/25/73

Time 3:35 pm.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA