

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

Com. Sub. for
SENATE BILL NO. 4

(By ~~Mr.~~ *Originating in the Committee*)
on Judiciary

PASSED February 13 1974

In Effect from Passage



FILED IN THE OFFICE

EDGAR F. HEISKELL III

SECRETARY OF STATE

THIS DATE 2-22-74

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 4

(Originating in the Committee on the Judiciary)

[Passed February 13, 1974; in effect from passage.]

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 four, authorizing municipalities to appropriate funds for the benefit of certain health institutions; setting forth certain legislative findings; defining the term "health institution"; specifying certain conditions and limitations; relating to accounting for such funds; and specifying that indebtedness shall not be created.

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 four, 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 to make appropriations; limitations and restrictions.

- 1 (a) The Legislature hereby finds that the support of
- 2 public or nonprofit health institutions dedicated to making

3 available to the general public health and mental health
4 services is for the general welfare of the public and is a
5 public purpose for which funds of a municipality may be
6 lawfully expended. This section is enacted in view of this
7 finding and shall be liberally construed in the light there-
8 of. As used in this section, the term "health institution"
9 means a hospital, health or mental health clinic, regional
10 or community health or mental health center, mental
11 retardation facility, extended care facility, nursing home,
12 or other health or mental health institution, which is
13 open to the general public.

14 (b) Notwithstanding any statutory or charter provision
15 to the contrary, a municipality is hereby empowered and
16 authorized to appropriate funds, subject to the conditions
17 and limitations set forth in this section, for the establish-
18 ment, cost, operation, maintenance and projects of any
19 health institution, whether such health institution be
20 situate within or without the corporate limits of such
21 municipality. Funds may not be appropriated by a munic-
22 ipality for the benefit and use of any health institution
23 unless such health institution is either owned and operated
24 by a unit of government, or is owned and operated by a
25 nonstock, nonprofit corporation chartered under the laws
26 of this state which provides in its charter that no member
27 trustee or member of the board of directors (by what-
28 ever name the same may be called) shall receive any
29 compensation, gain or profit from such corporation and
30 which is operated in compliance with such charter pro-
31 visions. Any such appropriation shall be made from the
32 general funds of such municipality not otherwise appro-
33 priated or from federal revenue sharing funds received
34 by such municipality.

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

42 (d) Under no circumstances whatever shall any action
43 taken by any municipality under the authority of this

44 section give rise to or create any indebtedness on the part
45 of such municipality, the governing body of such municipi-
46 pality, any member of such governing body or any mu-
47 nicipal official or employee.

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

H. Darrell Worley
Chairman Senate Committee

Lawrence H. Thurston
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard D. Carlson
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

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

Lewis T. Mann
Speaker House of Delegates

The within approved this the 22nd
day of February, 1974.

Arch A. Phares, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/18/14

Time 4:35 pm.