

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 275

(By Mr. *Gainer & Mr. Ginson*)



PASSED March 19, 1977

In Effect ninety days from Passage



# ENROLLED

## COMMITTEE SUBSTITUTE FOR

### Senate Bill No. 275

(By MR. GAINER and MR. BENSON)

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[Passed March 19, 1977; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one, three and four, article thirty-two, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the authorization of municipalities and counties to contribute to and secure federal grants for certain nonstock, nonprofit corporations or health institutions for certain public purposes; requiring that such corporations be either chartered in this state or licensed or authorized to do business therein; and authorizing county commissions to appropriate funds for health institutions.

*Be it enacted by the Legislature of West Virginia:*

That sections one, three and 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 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
- 2 nonstock, nonprofit corporations dedicated to making

3 available to the general public (1) museums, historic  
4 landmarks, facilities or cultural centers for the apprecia-  
5 tion, advancement or enjoyment of art, crafts, music,  
6 dance, drama, nature, science or other educational and  
7 cultural activities or (2) parks, playgrounds, athletic  
8 fields, stadiums, swimming pools, skating rinks, arenas  
9 or other public park and recreational facilities for the  
10 promotion, advancement or enjoyment of education,  
11 recreation and health is for the general welfare of the  
12 public and is a public purpose. This section is enacted  
13 in view of this finding and shall be liberally construed in  
14 the light thereof.

15 (b) When a nonstock, nonprofit corporation, chartered  
16 under the laws of this state, or licensed to do business  
17 in this state, (1) is organized for the construction, mainte-  
18 nance or operation of (i) museums, historic landmarks,  
19 facilities or cultural centers for the appreciation, ad-  
20 vancement or enjoyment of art, crafts, music, dance,  
21 drama, nature, science or other educational and cultural  
22 activities or (ii) parks, playgrounds, athletic fields,  
23 stadiums, swimming pools, skating rinks, arenas or other  
24 public park and recreational facilities for the promotion,  
25 advancement or enjoyment of education, recreation and  
26 health and provides in its charter that its buildings or  
27 facilities, or a designated portion thereof, shall be de-  
28 voted to the use by the public for all purposes set forth  
29 in such charter without regard to race, sex, religion,  
30 national origin or economic circumstance, and free from  
31 charge except such as is necessary to provide the means  
32 to keep the buildings, facilities and grounds in proper  
33 condition and repair, and to pay the cost of insurance,  
34 care, management, operations, teaching and attendants,  
35 so that the general public may have the benefit of such  
36 establishment for the uses set forth in such corporation's  
37 charter at as little expense as possible, (2) provides in  
38 its charter that no member trustee, or member of the  
39 board of directors (by whatever name the same may  
40 be called), of the corporation shall receive any compen-  
41 sation, gain or profit from such corporation, and (3) is  
42 operated in compliance with such charter provisions as  
43 aforesaid, then, notwithstanding any statutory or munici-

44 pal charter provisions to the contrary, any municipality  
45 in which such nonstock, nonprofit corporation is oper-  
46 ating or which is or will be served by such nonstock,  
47 nonprofit corporation, if any, and the county commission  
48 of any county in which such nonstock, nonprofit corpora-  
49 tion is operating or which is or will be served by such  
50 nonstock, nonprofit corporation, may appropriate funds,  
51 subject to the provisions and limitations set forth in sub-  
52 sections (c) and (d) of this section, to such nonstock,  
53 nonprofit corporation, for such public purposes or convey  
54 or lease real or personal property, with or without con-  
55 sideration, to such nonstock, nonprofit corporation, for  
56 such public purposes, except that no such conveyance  
57 or lease may be made by a municipality or a county  
58 commission to such nonstock, nonprofit corporation for  
59 any of the public purposes set forth in (2) of subsection  
60 (a) of this section if such county has a county parks  
61 and recreation commission or board operating in or for  
62 such county, or participates in a consolidated recreation  
63 commission or board with a municipality as the case may  
64 be: *Provided*, That if at any time such property ceases  
65 to be used for such public purposes, it shall by operation  
66 of law revert to and vest in the municipality or county  
67 commission which conveyed or leased the same and such  
68 nonstock, nonprofit corporation shall thereafter have no  
69 right, title or interest therein or thereto.

70 In every such case, the governing body of any such  
71 municipality or any such county commission and such  
72 corporation may agree for the appointment of additional  
73 members to the board of directors of such corporation  
74 by such governing body or county commission, either  
75 as regular members or in an ex officio capacity.

76 (c) No funds appropriated by a municipality or county  
77 commission under the authority of this section shall be  
78 disbursed by any such nonstock, nonprofit corporation  
79 unless and until the expenditure thereof has been ap-  
80 proved by the governing body of such municipality or  
81 any such county commission, as the case may be, which  
82 made such appropriation, and such corporation shall upon  
83 demand at any time make a full and complete accounting  
84 of all such funds to such governing body or county com-

85 mission, as the case may be, and shall in every event  
86 without demand make to such governing body or county  
87 commission an annual accounting thereof.

88 (d) Under no circumstances whatever shall any action  
89 taken by any municipality or county commission under  
90 the authority of this section give rise to or create any  
91 indebtedness on the part of the municipality, the gov-  
92 erning body of such municipality, the county, such county  
93 commission, any member of such governing body or the  
94 county commission or any municipal or county official or  
95 employee.

### PART III. OBTAINING FEDERAL GRANTS.

#### **§8-32-3. Power to secure federal grants for certain nonprofit organizations.**

1 (a) Notwithstanding any statutory or charter provi-  
2 sions to the contrary, every municipality is, subject to  
3 the provisions and limitations set forth in subsections  
4 (b) and (c) of this section, hereby empowered and  
5 authorized to make application for, receive and accept  
6 grants from the federal government, or any agency  
7 thereof, for, on behalf of and for use by a nonstock, non-  
8 profit corporation chartered under the laws of this state,  
9 or licensed to do business in this state, for charitable,  
10 patriotic or philanthropic or other public purposes and  
11 operating within the corporate limits of said munici-  
12 pality. The Legislature hereby finds that the support  
13 of such nonstock, nonprofit corporations is for the general  
14 welfare of the public and is a public purpose. This sec-  
15 tion is enacted in view of this finding and shall be liberally  
16 construed in the light thereof.

17 (b) No federal funds received by a municipality under  
18 the authority of this section shall be disbursed by any  
19 such nonstock, nonprofit corporation unless and until the  
20 expenditure thereof has been approved by the govern-  
21 ing body of such municipality, and such corporation shall  
22 upon demand at any time make a full and complete ac-  
23 counting of all such funds to such governing body.

24 (c) Under no circumstances whatever shall any action  
25 taken by any municipality under the authority of this

26 section give rise to or create any indebtedness on the  
27 part of such municipality, the governing body of such  
28 municipality, any member thereof or any municipal of-  
29 ficial or employee.

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 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 or  
6 county commission may be lawfully expended. This  
7 section is enacted in view of this finding and shall be  
8 liberally construed in the light thereof. As used in this  
9 section, the term "health institution" means a hospital,  
10 health or mental health clinic, regional or community  
11 health or mental health center, mental retardation  
12 facility, extended care facility, nursing home, or other  
13 health or mental health institution, which is open to the  
14 general public.

15 (b) Notwithstanding any statutory or charter provision  
16 to the contrary, municipalities and county commissions  
17 are hereby empowered and authorized to appropriate  
18 funds, subject to the conditions and limitations set forth  
19 in this section, for the establishment, cost, operation,  
20 maintenance and projects of any health institution,  
21 whether such health institution be situate within or  
22 without the confines of any such municipality or county.  
23 Funds may not be appropriated by a municipality or  
24 county commission for the benefit and use of any health  
25 institution unless such health institution is either owned  
26 and operated by a unit of government, or is owned and  
27 operated by a nonstock, nonprofit corporation chartered  
28 under the laws of or licensed to do business in this state  
29 which provides in its charter that no member trustee or  
30 member of the board of directors (by whatever name  
31 the same may be called) shall receive any compensation,

32 gain or profit from such corporation and which is operat-  
33 ed in compliance with such charter provisions. Any such  
34 appropriation shall be made from the general funds of  
35 such municipality or county commission not otherwise  
36 appropriated or from federal revenue sharing funds  
37 received by such municipality or county commission.

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

45 (d) Under no circumstances whatever shall any action  
46 taken by any municipality or county commission under the  
47 authority of this section give rise to or create any in-  
48 debtedness on the part of the municipality, the county,  
49 the governing body of such municipality, the county  
50 commission, any member of such governing body or  
51 county commission or any municipal or county official or  
52 employee.

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

James L. Davis  
Chairman Senate Committee

Doreen C. Christman  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J. C. Dillon Jr.  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

W. T. Bratton Jr.  
President of the Senate

Donald L. Vapp  
Speaker House of Delegates

The within is approved this the 28  
day of March, 1977.

John D. Relyea  
Governor





APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED  
MAR 23 2 50 PM '77  
OFFICE OF THE GOVERNOR

Date March 28, 1977  
Time 9:30 a.m.

RECEIVED  
77 MAR 29 4:05  
OFFICE  
SECY. OF STATE