WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED
Committee Substitute for
SENATE BILL NO. 275

(By Mr. [Signature])

PASSED March 19, 1977

In Effect ninety days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 275
(By Mr. Gainer and Mr. Benson)

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

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 nonstock, nonprofit corporations dedicated to making
available to the general public (1) museums, historic
landmarks, facilities or cultural centers for the apprecia-
tion, 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, or licensed to do business
in this state, (1) is organized for the construction, mainte-
nance or operation of (i) museums, historic landmarks,
facilities or cultural centers for the appreciation, ad-
vancement 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 de-
voted 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 compen-
sation, gain or profit from such corporation, and (3) is
operated in compliance with such charter provisions as
aforesaid, then, notwithstanding any statutory or munici-
pal 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 commission 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 corporation, for such public purposes, except that no such conveyance or lease may be made by a municipality or a county commission 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 municipality 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 commission 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 municipality or any such county commission 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 commission, either as regular members or in an ex officio capacity.

(c) No funds appropriated by a municipality or county commission 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 commission, 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 com-
mission, as the case may be, and shall in every event without demand make to such governing body or county commission an annual accounting thereof.

(d) Under no circumstances whatever shall any action taken by any municipality or county commission under the authority of this section give rise to or create any indebtedness on the part of the municipality, the governing body of such municipality, the county, such county commission, any member of such governing body or the county commission or any municipal or county official or 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 provisions to the contrary, every municipality is, subject to the provisions and limitations set forth in subsections (b) and (c) of this section, hereby empowered and authorized to make application for, receive and accept grants from the federal government, or any agency thereof, for, on behalf of and for use by a nonstock, nonprofit corporation chartered under the laws of this state, or licensed to do business in this state, for charitable, patriotic or philanthropic or other public purposes and operating within the corporate limits of said municipality. The Legislature hereby finds that the support of such nonstock, nonprofit corporations 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) No federal funds received by a municipality 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, and such corporation shall upon demand at any time make a full and complete accounting of all such funds to such governing body.

(c) Under no circumstances whatever shall any action taken by any municipality under the authority of this
section give rise to or create any indebtedness on the part of such municipality, the governing body of such municipality, any member thereof or any municipal official or employee.

PART IV. HEALTH INSTITUTIONS.

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

(a) The Legislature hereby finds that the support of public or nonprofit health institutions dedicated to making available to the general public health and mental health services is for the general welfare of the public and is a public purpose for which funds of a municipality or county commission may be lawfully expended. This section is enacted in view of this finding and shall be liberally construed in the light thereof. As used in this section, the term "health institution" means a hospital, health or mental health clinic, regional or community health or mental health center, mental retardation facility, extended care facility, nursing home, or other health or mental health institution, which is open to the general public.

(b) Notwithstanding any statutory or charter provision to the contrary, municipalities and county commissions are hereby empowered and authorized to appropriate funds, subject to the conditions and limitations set forth in this section, for the establishment, cost, operation, maintenance and projects of any health institution, whether such health institution be situate within or without the confines of any such municipality or county. Funds may not be appropriated by a municipality or county commission for the benefit and use of any health institution unless such health institution is either owned and operated by a unit of government, or is owned and operated by a nonstock, nonprofit corporation chartered under the laws of or licensed to do business in this state which provides in its charter that no member trustee or member of the board of directors (by whatever name the same may be called) shall receive any compensation,
(c) The recipient of any funds appropriated under the provisions of this section shall upon demand at any time make a full and complete accounting of all such funds to the governing body of the municipality or county commission which made such appropriation and shall in every event without demand make to such governing body an annual accounting thereof.

(d) Under no circumstances whatever shall any action taken by any municipality or county commission under the authority of this section give rise to or create any indebtedness on the part of the municipality, the county, the governing body of such municipality, the county commission, any member of such governing body or county commission or any municipal or county official or employee.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J.M. Crenshaw  
Clerk of the Senate

Clerk of the House of Delegates

W.I. Blanding, Jr.  
President of the Senate

Donald L. Wopp  
Speaker House of Delegates

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

Governor