

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2752

By Delegates Dillon, Steele, Ross, and Foster

[Introduced January 18, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section
 2 article, designated §31E-17-1701, §31E-17-1702, and §31E-17-1703, relating to creating
 3 the "Non-Profit Transparency and Accountability Act," naming the act, putting forth
 4 legislative findings, requiring that all nonprofit organizations that receive any part of their
 5 total operating funds from public sources, whether state or federal, shall be subject to
 6 Freedom of Information Act requests and bear the responsibility to respond to these
 7 requests under the same requirements as a public body.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. NON-PROFIT TRANSPARENCY AND ACCOUNTABILITY ACT.

§31E-17-1701. Title.

1 This act shall be called "Non-Profit Transparency and Accountability Act."

<u>§31E-17-1702.</u>	<u>Legislative</u>	<u>Findings.</u>
-----------------------------	---------------------------	-------------------------

1 (a) The Legislature finds that:

2 (1) The spirit of a nonprofit or not-for-profit in West Virginia is rooted in public charity and
 3 benevolence;

4 (2) The presumption of the public toward a nonprofit or not-for-profit is of social or civic
 5 needs which are otherwise unaddressed;

6 (3) The effectiveness of a nonprofit or not-for-profit organization depends upon broad
 7 public confidence in the management of such non-profits;

8 (4) Public moneys from federal or state sources are necessarily subject to oversight,
 9 transparency, and proof of stewardship;

10 (b) The Legislature finds that individuals and groups wishing to engage in entrepreneurial
 11 and enterprising activities have a wide range of filing statuses from which to choose.

§31E-17-1703. Nonprofit Freedom of Information Act requirements.

1 Nonprofit and not-for-profit entities operating in the State of West Virginia, which receive
 2 any part of their total operating funds from direct public sources, whether through state or federal

- 3 appropriations, shall be subject to Freedom of Information Act requests and shall bear the
4 responsibility to respond under the same requirements as a public body.

NOTE: The purpose of this bill is to create the Non-Profit Transparency and Accountability Act, which will require that all nonprofit organizations that receive any part of their total operating funds from public sources, whether state or federal, shall be subject to Freedom of Information Act requests and bear the responsibility to respond to these requests under the same requirements as a public body.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.