WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 122

(By Mr. Carson, Mr. President and Mr. Carrigan)

PASSED March 13, 1965

In Effect Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65
AN ACT to amend and reenact sections fourteen, fifteen, sixteen and seventeen, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article three by adding thereto a new section, designated section fourteen-a, relating to the authority of a county court to acquire, own, etc., hospitals, clinics, long-term care facilities and other related facilities; defining the terms “hospital”, “clinic” and “long-term care facility” as such terms are used in said article three; authorizing a county court to acquire by purchase or construction and to thereafter own, equip, furnish, operate, lease, improve and extend a clinic, long-term care facility and other related facilities; authorizing
a county court to lease a hospital; empowering a county court, upon acquiring a hospital, clinic, long-term care facility or other related facility, to lease the same to others for such rentals and upon such terms and conditions as the county court may deem advisable; authorizing the issuance of revenue bonds to be serviced and paid out of the revenue of such clinic, long-term care facility or other related facility; investing the administration and management of any such clinic, long-term care facility or other related facility in a board of trustees and specifying the powers of such board.

Be it enacted by the Legislature of West Virginia:

That sections fourteen, fifteen, sixteen and seventeen, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article three be further amended by adding thereto a new section, designated section fourteen-a, all to read as follows:

Section 14. Authority to Acquire and Operate Hospitals, Clinics, Long-term Care Facilities and Other Related Facilities; Financing.—The county court of any county
is hereby authorized and empowered to acquire by purchase or construction and to thereafter own, equip, furnish, operate, lease, improve and extend a public hospital, clinic, long-term care facility and other related facilities, with all appurtenances, including the necessary real estate as a site therefor. Any such county public hospital acquired pursuant hereto may include a nurses home and nurses training school. The county court is further authorized and empowered, upon acquiring a hospital, clinic, long-term care facility or other related facility, to lease to others any or all such facilities for such rentals and upon such terms and conditions as the county court may deem advisable. For the purpose of paying all or any part of the costs, not otherwise provided, of acquiring, completing, equipping, furnishing, improving or extending such hospital, clinic, long-term care facility or other related facility, the county court is hereby authorized and empowered by order duly entered of record, to issue and sell the negotiable revenue bonds of such county, which shall be payable solely and only from all or such part of the net revenues from the operation
of such county public hospital, clinic, long-term care fac-

cility or other related facility as may be provided by

said order; and each such revenue bond so issued shall

contain a recital that payment or redemption of the bond

and payment of the interest thereon is secured by the

revenues pledged therefor, and that such bond does not

constitute an indebtedness of such county or the county

court thereof within the meaning of any constitutional or

statutory limitation or provision. Such revenue bonds

may bear such date or dates, may mature at such time or

times not exceeding thirty-four years from their respec-
tive dates, may bear interest at such rate or rates not ex-
ceeding five per cent per annum, may be of such denomi-
nation or denominations, may be in such form, may carry

such registration privileges, may be made subject to such

terms of redemption with or without premium, and may

contain such other terms and covenants not inconsistent

with this act as may be provided in such order. Such

revenue bonds shall be exempt from taxation by the state

of West Virginia and the other taxing bodies of the state.

In determining the amount of revenue bonds to be issued,
there may be included any expenses in connection with
and incidental to the issuance and sale of bonds and for
the preparation of plans, specifications, surveys and esti-
mates, interest during the estimated construction period
and for six months thereafter, and a reasonable amount
for working capital and prepaid insurance. Such bonds
may be sold in such manner, at such times and upon such
terms as may be determined by the county court to be for
the best interests of the county: Provided, That no bonds
may be sold upon terms which will result in the net
interest cost of more than six per cent per annum com-
puted to maturity of the bonds according to standard
tables of bond values. There may be included in any such
order authorizing the issuance of revenue bonds such
covenants, stipulations and conditions as may be deemed
necessary with respect to the expenditure of the bond
proceeds, the operation and maintenance of the county
public hospital, clinic, long-term care facility or other
related facility, and the custody and application of the
revenues from such operation. The holder of any bond or
bonds may, by mandamus or other appropriate proceed-
ings, require and compel performance of any duties im-
posed by law in connection with the hospital, clinic, long-
term care facility or other related facility, or any cove-
nant, stipulation or condition that may have been ex-
pressed in such bond order.

Sec. 14-a. Definitions.—The following terms whenever
used in this article shall have the following meanings:

(a) The term “hospital” shall mean any general hos-
pital, chronic disease hospital, mental hospital and other
related facilities.

(b) The term “clinic” shall mean any community
medical clinic, mental health center and other related
facilities.

(c) The term “long-term care facility” shall mean any
nursing home, rest home, housing facility for aged citizens
and other related facilities.

Sec. 15. Board of Trustees.—The administration and
management of any county public hospital, clinic, long-
term care facility or other related facility acquired,
equipped, furnished, improved or extended under section
fourteen of this article shall be vested in a board of trus-
tees, consisting of not less than five members appointed
by the county court. Prior to the issuance of any bonds
under the provisions of section fourteen of this article, the
county court shall appoint two of such trustees for a term
of two years, two trustees for a term of four years, and
one trustee for a term of six years from the first day of
the month during which appointed. Upon the expiration
of such initial appointments, the term of each new ap-
pointee shall be six years, except that any person appoint-
ed to fill a vacancy occurring prior to the expiration of
the term for which his predecessor was appointed shall be
appointed only for the remainder of such term. Any
trustee shall be eligible for reappointment upon the ex-
piration of his term. The trustees shall receive no com-
pensation for their services, but shall be reimbursed for
any expenses incurred in the performance of their duties.
Any trustee may be removed by the county court for in-
competency, neglect of duty or malfeasance in office after
an opportunity to be heard at a public hearing before the
county court. At the first meeting of the board of trustees,
and annually thereafter, it shall organize by designating
one of its members as chairman and by appointing a secretary who may, but need not, be a trustee. The sheriff of the county shall be *ex officio* treasurer of the board.

Such board of trustees shall provide for the employment of and shall fix the compensation for and remove at pleasure all professional, technical and other employees, skilled or unskilled, as it may deem necessary for the operation and maintenance of the hospital, clinic, long-term care facility or other related facility; and disbursement of funds in such operation and maintenance shall be made only upon order and approval of such board. The board of trustees shall make all rules and regulations governing its meetings and the operation of the hospital, clinic, long-term care facility or other related facility.

Sec. 16. Operation with Bonds Outstanding.—So long as any revenue bonds remain outstanding under the provisions of section fourteen of this article, the hospital, clinic, long-term care facility or other related facility and all appurtenances shall be operated and maintained on a revenue producing and self-sustaining basis; and the board of trustees shall charge, collect and account for
revenues therefrom which will be sufficient to pay the
interest on such bonds as the same becomes due, to create
and maintain a sinking fund to pay and retire the principal at or before maturity, and to pay the costs of operating
and maintaining the hospital, clinic, long-term care facility or other related facility. The order authorizing such
bonds shall definitely fix and determine the amount of the revenues which shall be necessary and set apart in a
special fund to pay such interest and to pay and retire such principal; and all or such portion of the balance of such revenues as may be necessary shall be set apart in a special fund to pay the costs of operation and maintenance of the hospital, clinic, long-term care facility or other related facility.

Sec. 17. Construction.—The provisions of sections fourteen, fifteen and sixteen of this article shall be construed as conferring separate and additional powers as herein set forth and shall be deemed full authority for the acquisition, improvement, extension, maintenance and operation of the hospital, clinic, long-term care facility or other related facility and for the issuance and sale of the
8 bonds by this act authorized: Provided, That all pertinent
9 functions, powers and duties of the state department of
10 health shall remain in effect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 19th day of March, 1965.

Governor