

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 122

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

PASSED March 12, 1965

In Effect from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65

#122

ENROLLED

Senate Bill No. 122

(By MR. CARSON, MR. PRESIDENT, and MR. CARRIGAN)

[Passed March 12, 1965; in effect from passage.]

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 re-enacted; 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,

2 Clinics, Long-term Care Facilities and Other Related

3 Facilities; Financing.—The county court of any county

4 is hereby authorized and empowered to acquire by pur-
5 chase or construction and to thereafter own, equip, fur-
6 nish, operate, lease, improve and extend a public hospital,
7 clinic, long-term care facility and other related facilities,
8 with all appurtenances, including the necessary real estate
9 as a site therefor. Any such county public hospital ac-
10 quired pursuant hereto may include a nurses home and
11 nurses training school. The county court is further au-
12 thorized and empowered, upon acquiring a hospital, clinic,
13 long-term care facility or other related facility, to lease
14 to others any or all such facilities for such rentals and
15 upon such terms and conditions as the county court may
16 deem advisable. For the purpose of paying all or any
17 part of the costs, not otherwise provided, of acquiring,
18 completing, equipping, furnishing, improving or extend-
19 ing such hospital, clinic, long-term care facility or other
20 related facility, the county court is hereby authorized
21 and empowered by order duly entered of record, to
22 issue and sell the negotiable revenue bonds of such
23 county, which shall be payable solely and only from
24 all or such part of the net revenues from the operation

25 of such county public hospital, clinic, long-term care fa-
26 cility or other related facility as may be provided by
27 said order; and each such revenue bond so issued shall
28 contain a recital that payment or redemption of the bond
29 and payment of the interest thereon is secured by the
30 revenues pledged therefor, and that such bond does not
31 constitute an indebtedness of such county or the county
32 court thereof within the meaning of any constitutional or
33 statutory limitation or provision. Such revenue bonds
34 may bear such date or dates, may mature at such time or
35 times not exceeding thirty-four years from their respec-
36 tive dates, may bear interest at such rate or rates not ex-
37 ceeding five per cent per annum, may be of such denomi-
38 nation or denominations, may be in such form, may carry
39 such registration privileges, may be made subject to such
40 terms of redemption with or without premium, and may
41 contain such other terms and covenants not inconsistent
42 with this act as may be provided in such order. Such
43 revenue bonds shall be exempt from taxation by the state
44 of West Virginia and the other taxing bodies of the state.
45 In determining the amount of revenue bonds to be issued,

46 there may be included any expenses in connection with
47 and incidental to the issuance and sale of bonds and for
48 the preparation of plans, specifications, surveys and esti-
49 mates, interest during the estimated construction period
50 and for six months thereafter, and a reasonable amount
51 for working capital and prepaid insurance. Such bonds
52 may be sold in such manner, at such times and upon such
53 terms as may be determined by the county court to be for
54 the best interests of the county: *Provided*, That no bonds
55 may be sold upon terms which will result in the net
56 interest cost of more than six per cent per annum com-
57 puted to maturity of the bonds according to standard
58 tables of bond values. There may be included in any such
59 order authorizing the issuance of revenue bonds such
60 covenants, stipulations and conditions as may be deemed
61 necessary with respect to the expenditure of the bond
62 proceeds, the operation and maintenance of the county
63 public hospital, clinic, long-term care facility or other
64 related facility, and the custody and application of the
65 revenues from such operation. The holder of any bond or
66 bonds may, by mandamus or other appropriate proceed-

67 ings, require and compel performance of any duties im-
68 posed by law in connection with the hospital, clinic, long-
69 term care facility or other related facility, or any cove-
70 nant, stipulation or condition that may have been ex-
71 pressed in such bond order.

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

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

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

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

Sec. 15. Board of Trustees.—The administration and
2 management of any county public hospital, clinic, long-
3 term care facility or other related facility acquired,
4 equipped, furnished, improved or extended under section
5 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 appointee shall be six years, except that any person appointed 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 expiration of his term. The trustees shall receive no compensation 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 incompetency, 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

27 one of its members as chairman and by appointing a sec-
28 retary who may, but need not, be a trustee. The sheriff
29 of the county shall be *ex officio* treasurer of the board.

30 Such board of trustees shall provide for the employment
31 of and shall fix the compensation for and remove at pleas-
32 ure all professional, technical and other employees, skilled
33 or unskilled, as it may deem necessary for the operation and
34 maintenance of the hospital, clinic, long-term care facility
35 or other related facility; and disbursement of funds in
36 such operation and maintenance shall be made only upon
37 order and approval of such board. The board of trustees
38 shall make all rules and regulations governing its meet-
39 ings and the operation of the hospital, clinic, long-term
40 care facility or other related facility.

Sec. 16. Operation with Bonds Outstanding.—So long as
2 any revenue bonds remain outstanding under the provi-
3 sions of section fourteen of this article, the hospital, clinic,
4 long-term care facility or other related facility and all
5 appurtenances shall be operated and maintained on a
6 revenue producing and self-sustaining basis; and the
7 board of trustees shall charge, collect and account for

8 revenues therefrom which will be sufficient to pay the
9 interest on such bonds as the same becomes due, to create
10 and maintain a sinking fund to pay and retire the princi-
11 pal at or before maturity, and to pay the costs of operating
12 and maintaining the hospital, clinic, long-term care fa-
13 cility or other related facility. The order authorizing such
14 bonds shall definitely fix and determine the amount of the
15 revenues which shall be necessary and set apart in a
16 special fund to pay such interest and to pay and retire
17 such principal; and all or such portion of the balance of
18 such revenues as may be necessary shall be set apart in a
19 special fund to pay the costs of operation and maintenance
20 of the hospital, clinic, long-term care facility or other re-
21 lated facility.

Sec. 17. Construction.—The provisions of sections four-
2 teen, fifteen and sixteen of this article shall be construed
3 as conferring separate and additional powers as herein
4 set forth and shall be deemed full authority for the ac-
5 quisition, improvement, extension, maintenance and op-
6 eration of the hospital, clinic, long-term care facility or
7 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.

Al Ray Fisher
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect from Passage.

Howard Keyes
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Howard W. Baum
President of the Senate

H. Laban White
Speaker House of Delegates

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

Sue C. Smith
Governor

