

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



## ENROLLED

HOUSE BILL No. 232

(By Mr. Burke )



PASSED February 8 1968

In Effect from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 2-16-68

# 232

**ENROLLED**  
**House Bill No. 232**  
(By MR. BURKE)

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[Passed February 8, 1968; in effect from passage.]

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AN ACT to authorize the county court of Gilmer County, in view of the special, individual, unusual and peculiar circumstances pertaining in Gilmer county, to make appropriations to the nonstock, nonprofit corporation, "The Gilmer County Medical Center, Inc.," for a public purpose, subject to certain limitations and restrictions.

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

**§1. Legislative findings; authority of Gilmer county court to make contributions to "The Gilmer County Medical Center, Inc.," for a public purpose; limitations and restrictions.**

1     (a) The Legislature hereby finds that in Gilmer  
2     county there is an urgent need for the building, furnish-  
3     ing and maintaining of medical facilities and for the

4 attraction of medical personnel; that because of the  
5 lack of medical facilities and medical personnel, the  
6 students and faculty at Glenville State College, located  
7 at Glenville, Gilmer county, are without medical care;  
8 that by virtue of the concentration of persons at said  
9 Glenville State College, the need for medical facilities  
10 and medical personnel is special, individual, unusual  
11 and peculiar to Gilmer county; that a nonstock, non-  
12 profit corporation, "The Gilmer county Medical Center,  
13 Inc.," has been established for the purpose of building,  
14 furnishing and maintaining medical facilities and for  
15 the purpose of attracting medical personnel to Gilmer  
16 county; that said corporation has by contributions from  
17 private persons, firms and corporations, acquired land  
18 for the erection of medical facilities; that the county  
19 court of Gilmer county desires to make contributions  
20 to such nonstock, nonprofit corporation so that the land  
21 may be used for the building, furnishing and main-  
22 taining of medical facilities and for the attraction of  
23 medical personnel; and that the support of such non-  
24 stock, nonprofit corporation for the general public is

25 for the general welfare of the people of Gilmer county  
26 and is a public purpose. This act is enacted in view  
27 of these findings and shall be liberally construed in the  
28 light thereof.

29 (b) The county court of Gilmer county is hereby  
30 authorized and empowered, subject to the provisions  
31 and limitations set forth in subsections (c) and (d)  
32 of this act, to appropriate funds to the said "The Gilmer  
33 County Medical Center, Inc.," for such public purpose,  
34 if and only if such corporation (1) remains organized  
35 under the laws of this state as a nonstock, nonprofit  
36 corporation for the building, furnishing and maintaining  
37 of medical facilities and for the attraction of medical  
38 personnel, and contains in its charter a provision to  
39 the effect that its buildings, furnishings and facilities  
40 shall be devoted to the furnishing of medical services  
41 to the public, (2) contains in its charter a provision to  
42 the effect that no member, trustee or member of the  
43 board of directors (by whatever name the same may  
44 be called) of the corporation shall receive any com-  
45 pensation, gain or profit from such corporation, and

46 (3) is operated in compliance with such charter pro-  
47 visions as aforesaid: *Provided*, That such funds may  
48 be expended and otherwise utilized only within Gilmer  
49 county. In any such case, the county court of Gilmer  
50 county and such corporation may agree for the appoint-  
51 ment of additional members of the board of directors  
52 of such corporation (by whatever name the same may  
53 be called) by such county court, either as regular mem-  
54 bers or in an ex officio capacity.

55 (c) No funds appropriated by the county court of  
56 Gilmer county under the authority of this act shall  
57 be disbursed by such nonstock, nonprofit corporation un-  
58 less and until the expenditure thereof has been approved  
59 by such county court, and such corporation shall upon  
60 demand at any time make a full and complete accounting  
61 of all such funds to such county court, and shall in every  
62 event without demand make to such county court an  
63 annual accounting thereof.

64 (d) Under no circumstances whatever shall any action  
65 taken by the county court of Gilmer county under the  
66 authority of this act give rise to or create any indebted-

67 ness on the part of the county, such county court, any  
68 member of the county court or any county official or  
69 employee.

70 (e) If any provision of this act or the application  
71 thereof to any person or circumstance is held unconstitu-  
72 tional or invalid, such unconstitutionality or invalidity  
73 shall not affect other provisions or applications of this  
74 act, and to this end the provisions of this act are declared  
75 to be severable.

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

William Tompa  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas M. Meece  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

H. Lebau White  
Speaker of the House of Delegates

The within approved this the 14  
day of February, 1968.

Stewart C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 2/13/68

Time 2:20 P.M.

RECEIVED

FEB 16 1 03 PM '68

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA