

110-313 ✓

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

Committee Substitute for
SENATE BILL NO. 573

(By Senators *Jones and Tarrell*)

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PASSED March 6 1986

In Effect 90 days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 573

(SENATORS JONES AND JARRELL, *original sponsors*)

[Passed March 6, 1986; in effect ninety days from passage.]

AN ACT to authorize and empower the board of trustees of Cabell County general hospital or its delegate to create a nonprofit corporation under the general laws of West Virginia, to authorize the county commission of Cabell County, West Virginia, and the city council of Huntington, West Virginia, to transfer their respective interests in Cabell County general hospital to said private nonprofit corporation, and to repeal chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-five.

Be it enacted by the Legislature of West Virginia:

§1. Board of trustees of Cabell County general hospital authorized to create a private nonprofit corporation.

1 The board of trustees of Cabell County general hospital,
2 created by chapter one hundred fifty-seven, acts of the
3 Legislature, regular session, one thousand nine hundred
4 forty-five, as amended, is hereby authorized and
5 empowered to apply under the general laws of the state of
6 West Virginia to create a private nonprofit corporation and
7 to perform all necessary acts in connection therewith,

8 including, but not limited to, seeking tax exempt status for
9 said private nonprofit corporation and to applying for and
10 securing any necessary licenses, certificates of need,
11 franchises, or other governmental approvals needed to do
12 business as a hospital and as a health care provider.

**§2. County commission of Cabell County and the city council of
the city of Huntington authorized to transfer title to
Cabell County general hospital to a private nonprofit
corporation.**

1 Inasmuch as the county commission of Cabell County,
2 West Virginia, and the city council of the city of
3 Huntington, West Virginia, hold title to the assets of Cabell
4 County general hospital by virtue of chapter one hundred
5 fifty-seven, acts of the Legislature, regular session, one
6 thousand nine hundred forty-five, and said county
7 commission of Cabell County, West Virginia and said city
8 council are desirous of transferring title to said assets to the
9 private nonprofit corporation to be formed by the board of
10 trustees of Cabell County general hospital in order to enable
11 said hospital to serve more fully the health care needs of
12 said city and county and inasmuch as a disposition of said
13 assets by public auction would be impracticable and the
14 objectives might not be accomplished by sale at auction,
15 said county commission of Cabell County, and said city
16 council of Huntington are hereby authorized and
17 empowered to transfer any and all of their respective rights,
18 titles and interests to all of the assets, tangible and
19 intangible, real, personal and mixed, and wheresoever
20 located, of Cabell County general hospital to the private
21 nonprofit corporation to be formed by said board of
22 trustees, (including specifically that certain tract or parcel
23 of land situate in the city of Huntington, Cabell County,
24 West Virginia, which was conveyed unto the county court of
25 Cabell County by Emma H. Darnall, unmarried, and others,
26 by deed dated the twenty-eighth day of June, one thousand
27 nine hundred forty-three, and recorded in the office of the
28 clerk of the county court of Cabell County, West Virginia, in
29 deed book 333, page 102, which tract is particularly
30 described as follows:

31 All that certain lot, tract, piece or parcel of ground, with
32 the improvements and buildings thereon situate and

33 appurtenances thereunto belonging or in anywise
34 appertaining, situate, lying and being in the city of
35 Huntington, Cabell County, West Virginia, and more
36 particularly bounded and described as follows, to-wit:

37 BEGINNING at the point of intersection of the east line
38 of sixteenth street with the south line of a 10 foot alley lying
39 south of and parallel to Thirteenth Avenue, as said point of
40 intersection is shown and fixed on a map of the Holderby
41 Addition, a copy of which map is of record in the Cabell
42 County Court Clerk's Office in Map Book No. 2, as Map No.
43 17; thence with said alley line N. 78 deg. E. 519.35 feet to a
44 point in the west line of the 10 foot alley which lies west of
45 the parallel to Elm Street; thence with said alley line S. 12
46 deg. E. 373.81 feet; thence continuing with said alley line
47 which is now the south line of said alley N. 78 deg. E. 116.33
48 feet to a point in the west line of said Elm Street; thence
49 with said line S. 12 deg. E. 30 feet; thence crossing the south
50 end of Elm Street and with the south line of the 10 foot alley
51 south of and parallel to Fourteenth Avenue N. 78 deg. E.
52 571.55 feet to a point in the west line of Seventeenth Street;
53 thence with said line S. 3 deg. 25' E. 219.66 feet; thence
54 leaving said line of Seventeenth Street and with the north
55 line of Lot No. 158 as shown on a map of The Uplands, of
56 record in said Clerk's Office, S. 79 deg. 18' W. 169.55 feet to
57 the northwest corner of said lot, it being the northeast
58 corner of the property of the W. Va. Paving and Pressed
59 Brick Company; thence with the north line of said property
60 S. 79 deg. 33' W. 941.02 feet to a corner fence post in the said
61 east line of Sixteenth Street; thence with said line N. 5 deg.
62 25' W. 314.52 feet; thence N. 8 deg. 55' W. 280 feet to the
63 point of BEGINNING, and containing approximately 7.4
64 acres.) for a fair and adequate consideration, either
65 monetary or nonmonetary, and which may include public
66 benefits accruing thereto, as said parties shall agree,
67 without the necessity of conducting a public auction. In any
68 conveyance of real estate in connection therewith, said city
69 council and said county commission may provide by deed of
70 conveyance of the real property pertaining to said Cabell
71 County general hospital that the property shall be held by
72 the private nonprofit corporation for the purpose of the
73 construction, operation and maintenance of a general
74 hospital and for related health care operations and for no

75 other purpose and may provide that upon default and
76 failure of such condition that title to said real property shall
77 revert to said city council and said county commission.

**§3. Chapter one hundred fifty-seven, acts of the Legislature,
regular session, one thousand nine hundred forty-five
repealed prospectively.**

1 Inasmuch as the board of trustees of the Cabell County
2 general hospital is authorized to create a private nonprofit
3 corporation by recourse to the general laws of the state of
4 West Virginia and intends to create such corporation, and
5 inasmuch as said city council and said county commission
6 are authorized to transfer the assets of said Cabell County
7 general hospital to said nonprofit corporation and the
8 execution of said agreement between said city council and
9 said county commission and said nonprofit corporation and
10 the performance of all necessary acts and the occurrence of
11 all necessary conditions for the transfer of assets to said
12 nonprofit corporation, shall cease and determine and
13 henceforth and thereafter be dissolved and from that time,
14 chapter one hundred fifty-seven, acts of the Legislature,
15 regular session, one thousand nine hundred forty-five, as
16 amended, shall stand repealed and be of no more force or
17 effect.

18 Should the authorized transfer not occur within two
19 years of the effective date of this act, this act shall cease and
20 determine and be of no further force or effect.

§4. Severability.

1 If any of the provisions of this act are held invalid, such
2 invalidation shall not affect other provisions which can be
3 given effect without the invalid provision and to this end
4 the provisions of this act are declared to be severable.

§5. Effective date.

1 Except where this legislation is expressly stated to
2 operate prospectively, the act shall become effective
3 immediately upon signing by the governor or upon its
4 becoming a law without his signature.

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

Bruce O. Wilson
.....
Chairman Senate Committee

Floyd Fulber
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Mills
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Sam Torbarrin
.....
President of the Senate

Joseph P. Allright
.....
Speaker House of Delegates

The within *Approved* this the *26th*
March
day of, 1986.

Arch A. Shanks, Jr.
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/21/86

Time 4:24 p.m.

RECEIVED

1896 MAR 23 PM 6:56

CLERK OF THE SUPREME COURT
SECRETARY OF STATE

FILE IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86