WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
Committee Substitute for
SENATE BILL NO. 573

(By Senators Jones and Tarrell)

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, created by chapter one hundred fifty-seven, acts of the Legislature, regular session, one thousand nine hundred forty-five, as amended, is hereby authorized and empowered to apply under the general laws of the state of West Virginia to create a private nonprofit corporation and to perform all necessary acts in connection therewith,
including, but not limited to, seeking tax exempt status for said private nonprofit corporation and to applying for and securing any necessary licenses, certificates of need, franchises, or other governmental approvals needed to do 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.

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

All that certain lot, tract, piece or parcel of ground, with the improvements and buildings thereon situate and
appurtenances thereunto belonging or in anywise appertaining, situate, lying and being in the city of Huntington, Cabell County, West Virginia, and more particularly bounded and described as follows, to-wit:

BEGINNING at the point of intersection of the east line of sixteenth street with the south line of a 10 foot alley lying south of and parallel to Thirteenth Avenue, as said point of intersection is shown and fixed on a map of the Holderby Addition, a copy of which map is of record in the Cabell County Court Clerk’s Office in Map Book No. 2, as Map No. 17; thence with said alley line N. 78 deg. E. 519.35 feet to a point in the west line of the 10 foot alley which lies west of the parallel to Elm Street; thence with said alley line S. 12 deg. E. 373.81 feet; thence continuing with said alley line which is now the south line of said alley N. 78 deg. E. 116.33 feet to a point in the west line of said Elm Street; thence with said line S. 12 deg. E. 30 feet; thence crossing the south end of Elm Street and with the south line of the 10 foot alley south of and parallel to Fourteenth Avenue N. 78 deg. E. 571.55 feet to a point in the west line of Seventeenth Street; thence with said line S. 3 deg. 25' E. 219.66 feet; thence leaving said line of Seventeenth Street and with the north line of Lot No. 158 as shown on a map of The Uplands, of record in said Clerk’s Office, S. 79 deg. 18' W. 169.55 feet to the northwest corner of said lot, it being the northeast corner of the property of the W. Va. Paving and Pressed Brick Company; thence with the north line of said property S. 79 deg. 33' W. 941.02 feet to a corner fence post in the said east line of Sixteenth Street; thence with said line N. 5 deg. 25' W. 314.52 feet; thence N. 8 deg. 55' W. 280 feet to the point of BEGINNING, and containing approximately 7.4 acres.) for a fair and adequate consideration, either monetary or nonmonetary, and which may include public benefits accruing thereto, as said parties shall agree, without the necessity of conducting a public auction. In any conveyance of real estate in connection therewith, said city council and said county commission may provide by deed of conveyance of the real property pertaining to said Cabell County general hospital that the property shall be held by the private nonprofit corporation for the purpose of the construction, operation and maintenance of a general hospital and for related health care operations and for no
other purpose and may provide that upon default and failure of such condition that title to said real property shall 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.

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

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

§4. Severability.

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

§5. Effective date.

Except where this legislation is expressly stated to operate prospectively, the act shall become effective immediately upon signing by the governor or upon its 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 Fuller  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jedd C. Wells  
Clerk of the Senate

Donald L. Nesper  
Clerk of the House of Delegates

Joseph P. Addy, Jr.  
Speaker House of Delegates

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

[Signature]
Governor