

No: 1187

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1187

(By Mr. Del. Roop + Del. Ryan )



Passed February 18, 1986

In Effect Ninety Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1187**  
(By DELEGATE ROOP and DELEGATE RYAN)

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[Passed February 18, 1986; in effect ninety days from passage.]

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AN ACT to amend and reenact section fifteen, article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section fifteen-a, all relating to county property; board of trustees for hospital, clinic or long-term care facility; appointment of treasurer for county hospitals and when appointed; transfer of moneys; bonding of treasurer; approval of bank accounts; authority to invest; providing that county hospitals need not use the sheriff as treasurer.

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

That section fifteen, 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 be further amended by adding thereto a new section, designated section fifteen-a, all to read as follows:

**ARTICLE 3. COUNTY PROPERTY.**

**§7-3-15. Board of trustees for hospital, clinic or long-term care facility.**

1 The administration and management of any county

2 public hospital, clinic, long-term care facility or other  
3 related facility acquired, equipped, furnished, improved  
4 or extended under section fourteen of this article shall  
5 be vested in a board of trustees, consisting of not less  
6 than five members appointed by the county commission.  
7 Prior to the issuance of any bonds under the provisions  
8 of section fourteen of this article, the county commission  
9 shall appoint two of such trustees for a term of two  
10 years, two trustees for a term of four years, and one  
11 trustee for a term of six years from the first day of the  
12 month during which appointed. Upon the expiration of  
13 such initial appointments, the term of each new  
14 appointee shall be six years, except that any person  
15 appointed to fill a vacancy occurring prior to the  
16 expiration of the term for which his predecessor was  
17 appointed shall be appointed only for the remainder of  
18 such term. Any trustee shall be eligible for reappoint-  
19 ment upon the expiration of his term. The trustees shall  
20 receive no compensation for their services, but shall be  
21 reimbursed for any expenses incurred in the perfor-  
22 mance of their duties. Any trustee may be removed by  
23 the county commission for incompetency, neglect of duty  
24 or malfeasance in office after an opportunity to be heard  
25 at a public hearing before the county commission. At the  
26 first meeting of the board of trustees, and annually  
27 thereafter, it shall organize by designating one of its  
28 members as chairman and by appointing a secretary  
29 and a treasurer who may, but need not be, trustees:  
30 *Provided*, That the board of trustees shall designate a  
31 treasurer at its first regular meeting subsequent to the  
32 effective date of this section.

33 Such board of trustees shall provide for the employ-  
34 ment of and shall fix the compensation for and remove  
35 at pleasure all professional, technical and other em-  
36 ployees, skilled or unskilled, as it may deem necessary  
37 for the operation and maintenance of the hospital, clinic,  
38 long-term care facility or other related facility; and  
39 disbursement of funds in such operation and mainte-  
40 nance shall be made only upon order and approval of  
41 such board. The board of trustees shall make all rules  
42 and regulations governing its meetings and the opera-  
43 tion of the hospital, clinic, long-term care facility or

44 other related facility.

**§7-3-15a. Transfer of moneys; treasurer for county hospitals; bonding of treasurer; approval of bank accounts; authority to invest.**

1 The sheriff of each county shall remit to the board of  
2 trustees of any county hospital all moneys in his  
3 possession held on behalf of such county hospital,  
4 whether or not deposited in a bank or depository unless  
5 the sheriff has been designated treasurer of the county  
6 hospital as provided in this section. Such transfer of  
7 funds shall be made as of the balances on hand on the  
8 thirtieth day of June of the year in which the board of  
9 trustees of such county hospital appoints a treasurer  
10 other than the sheriff, and shall be completed no later  
11 than the first day of August of that year. Such transfer  
12 shall be adjudged complete and final upon the approval  
13 of the sheriff's official settlement for the fiscal year  
14 ending on the thirtieth day of June of the year in which  
15 the board of trustees of such county hospital appoints a  
16 treasurer other than the sheriff, and, any minor  
17 adjustment made necessary by the actually known  
18 figures shall also be made at that time. All balances in  
19 all county hospital funds at the end of each month after  
20 the thirtieth day of June of the year in which the board  
21 of trustees of county hospitals appoints a treasurer other  
22 than the sheriff, shall be transferred by the sheriff to  
23 the board of trustees of such county hospital not later  
24 than the tenth day of the following month.

25 The treasurer for the board shall be the fiscal officer  
26 of the board, or an employee commonly designated as  
27 the person in charge of the financial affairs of the  
28 hospital board or the county sheriff. Upon appointment  
29 this person shall be titled and referred to as treasurer  
30 of the county hospital. For the faithful performance of  
31 this duty, he shall execute a bond, to be approved by the  
32 board of trustees of such county hospital, in the penalty  
33 to be fixed by such board, not to exceed the amount of  
34 funds which it is estimated he will handle within any  
35 period of two months. The premium on such bond shall  
36 be paid by the county hospital.

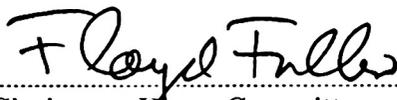
37 The board of trustees of such county hospital may  
38 open a bank account, or accounts, as required to  
39 adequately and properly transact the business of the  
40 district in a depository, or banks, within the county.  
41 Such depositories, or banks, shall provide bond to cover  
42 the maximum amount to be deposited at any one time.  
43 On and after the first day of July, one thousand nine  
44 hundred eighty-six, all levies and any other moneys  
45 received by the sheriff and paid to the treasurer of such  
46 county hospital shall be deposited in these accounts and  
47 all proper payments from such funds shall be made by  
48 the designated depository or bank upon order or draft  
49 presented for payment and signed by the duly autho-  
50 rized signatories of the board of trustees: *Provided*, That  
51 in determining the depository for county hospital funds  
52 a board member who has a pecuniary interest in a bank  
53 within the county shall not participate in the determi-  
54 nation of the depository for such funds.

55 If it be deemed that sufficient funds are on hand in  
56 any account at any one time which may be more than  
57 are normally required for the payment of incurred  
58 expenses, such funds in the amount so deemed available  
59 may be invested by the treasurer of the county board  
60 with the state sinking fund commission, or in guaran-  
61 teed certificates of deposit issued by the depository or  
62 bank, or other guaranteed investments such as treasury  
63 bills, treasury notes or certificates of deposit issued by  
64 either the United States government or a banking  
65 institution in which federal or state guarantees are  
66 applicable. Interest earned in such investments is to be  
67 credited to the fund from which the moneys were  
68 originally available.

69 For the purposes of this section "county hospital"  
70 means any county public hospital, clinic, long-term care  
71 facility or other related facility acquired, equipped,  
72 furnished, improved or extended under section fourteen  
73 of this article.

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

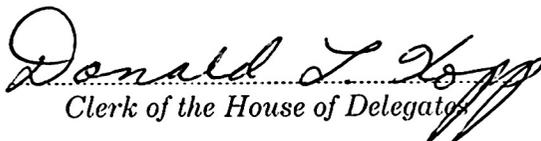
  
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Chairman Senate Committee

  
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Chairman House Committee

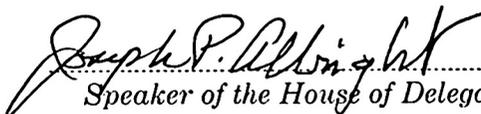
Originating in the House.

Takes effect ninety days from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker of the House of Delegates

The within  this the 3<sup>rd</sup>  
day of March, 1986.

  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 9/25/86

Time 2:48 p.m.

PROPERTY

1935 MAR -7 AM 11:21

SECRETARY OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/7/86