

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 234
SENATE BILL 115

AN ACT TO AMEND CHAPTER 400 OF THE PRIVATE LAWS OF NORTH
CAROLINA, SESSION OF 1913, CONTAINING THE LEGISLATIVE
CHARTER OF THE MOSES H. CONE MEMORIAL HOSPITAL.

WHEREAS, a legislative charter was granted to The Moses H. Cone Memorial Hospital under Chapter 400 of the Private Laws of North Carolina, Session of 1913, and this legislative charter provided for the governance of the said corporation by a board of trustees consisting of fifteen (15) members; and

WHEREAS, it was provided that one of the fifteen (15) members of this board of trustees, and his successors forever, should be appointed by the Board of Commissioners of the County of Watauga, presumably because the said corporation had accepted a conveyance of lands located in Watauga County for the establishment of a memorial park; and

WHEREAS, these lands located in Watauga County have now been conveyed to the United States of America for the establishment of a national park, which is now operated and known as The Moses H. Cone Memorial Park, and the County of Watauga therefore has no further interest in the affairs of The Moses H. Cone Memorial Hospital; and

WHEREAS, the meetings of the Board of Trustees of The Moses H. Cone Memorial Hospital are held in Greensboro, North Carolina, so that it is difficult and impracticable for any resident of Watauga County who might be appointed as a trustee by the Board of Commissioners of Watauga County to attend the said meetings; and

WHEREAS, the Board of Trustees of The Moses H. Cone Memorial Hospital therefore desires the right, upon the expiration of the term of office of the present member of the said board of trustees who was appointed by the Board of Commissioners of Watauga County, to elect the successors for this member in order to have another active trustee who can feasibly attend regular meetings of the said board of trustees: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Section 10 of Chapter 400 of the Private Laws of North Carolina, Session of 1913, be, and it hereby is, amended to read as follows:

"Section 10. That the said corporation shall be governed by a board of trustees which shall consist of fifteen (15) members and which shall be known and designated as 'The Board of Trustees of The Moses H. Cone Memorial Hospital'; that the said board of

trustees shall have and exercise all the powers hereinbefore and hereinafter conferred upon the board of trustees; shall have perpetual succession; shall hold and administer the property, franchises, and effects of the corporation, and shall receive, in the name and on behalf of the corporation, any property and gifts; and shall carry out fully the trusts imposed upon the said board of trustees. That the said board of trustees shall be appointed and elected as follows:

"Three (3) members of the said board of trustees, and their successors forever, shall be appointed by the Governor of North Carolina, and his successors in office; one (1) member and his successors forever, shall be appointed by the City Council of the City of Greensboro and their successors in office; one (1) member, and his successors forever, shall be appointed by the Board of Commissioners of the County of Guilford and their successors in office; one (1) member, and his successors forever, shall be appointed by the Guilford County Medical Society and its successors, or by such body or organization or society as may hereafter succeed to the powers and duties now exercised and performed by the said Guilford County Medical Society; and the remaining nine (9) members, and their successors forever, shall be elected by the members of the said board of trustees in office from time to time. The election of trustees by the board of trustees shall be by a majority vote of the members present at any meeting of the said board of trustees at which there is a quorum, and any member of the board of trustees may vote upon the election of his successor.

"That all appointments of trustees made by the Governor of North Carolina, the City Council of the City of Greensboro, the Board of Commissioners of the County of Guilford, and the Guilford County Medical Society, and their successors, shall be for four (4) year terms, commencing at noon on the second Wednesday in May, 1961, and each four years thereafter. That of the nine (9) remaining trustees to be elected by the members of the board of trustees in office from time to time, five (5) trustees shall be elected for four (4) year terms, commencing at noon on the second Wednesday in May, 1961, and each four years thereafter; and four (4) trustees shall be elected for four (4) year terms, commencing at noon on the second Wednesday in May, 1963, and each four years thereafter. Each trustee so appointed or elected shall serve for the designated term of four (4) years and thereafter until his successor is duly appointed or elected and qualified, except in the case of an appointment or election to fill an unexpired term, in which case the said trustee so appointed or elected shall serve for the remainder of the unexpired term and thereafter until his successor is duly appointed or elected and qualified.

"As the terms of office of the members of the said board of trustees shall approach expiration, or upon the death, resignation, or disqualification from any other cause of any member of the board of trustees, it shall be the duty of the president or secretary of the said corporation to certify such approaching expiration or such vacancy to the officer who or to the agency which has the power to appoint or elect the successor of each such trustee; and it shall thereupon be the duty of such officer or of such agency to appoint or elect the successor of each such trustee, and in the case of appointments, to certify those appointments to The Moses H. Cone Memorial Hospital, at Greensboro, North Carolina. The Governor of North Carolina, the City Council of the City of

Greensboro, the Board of Commissioners of the County of Guilford, and the Guilford County Medical Society, and their successors, are also authorized and empowered to issue to their appointees as members of the Board of Trustees of The Moses H. Cone Memorial Hospital, such certificates of appointment as they may deem proper."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 18th day of April, 1961.