

OFFICE OF THE ATTORNEY GENERAL



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Honorable Byron N. Waldrop
Attorney for City of Albertville
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Albertville, AL 35950

Health Care Authorities -
Health Care Authorities Act -
Physicians - Public
Corporations

The City of Albertville may, by appropriate resolution of its governing body, transfer and convey without consideration to the hospital authority a parcel of land large enough to construct suitable office facilities for lease to physicians.

There are no restrictions or limitations on which property the city may convey to the local hospital authority.

Dear Mr. Waldrop:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION 1

Pursuant to § 22-21-336 of the Code of Alabama 1975, may the City of Albertville, by appropriate resolution of its governing body, transfer and convey without consideration to the hospital

authority a parcel of land large enough to construct suitable office facilities for at least two physicians, without violating Section 94 of the Alabama Constitution?

FACTS, LAW AND ANALYSIS

The language contained in the Health Care Authorities Act of 1982, found at Code of Alabama 1975, § 22-21-310, et seq., provides for the organizing of publicly owned hospitals. The intent of the legislature was to prove a more flexible way of enabling publicly owned hospitals and health care authorities to promote the public health of the people of the state. Additionally, the language of the Act avoids any conflict with Section 94 of the Constitution of Alabama 1901, as amended by Amendment No. 112, by authorizing counties and municipalities in the state to form public corporations and thereby avoid the evils of the expenditure of public funds in aid of private individuals or corporations. Mobile Wrecker Owners Association v. City of Mobile, 461 So.2d 1303 (Ala. 1984).

A municipality may transfer and convey real property without consideration to a hospital authority. The legislature spoke to this under § 22-21-336 as follows:

"Any municipality or county, any public hospital corporation and any other public agency, authority or body are hereby authorized to transfer and convey to any authority, with or without consideration:

"(1) Any health care facilities and other properties, real or personal, and all funds and assets, tangible or intangible, relative to the ownership or operation of any such health care facilities that may be owned by such municipality, county, public hospital corporation or other public agency, authority or body, as the case may be, or that may be jointly owned by any two or more thereof, including, without limiting the generality of the foregoing, any certificates of need, assurances of need or other similar rights appertaining or

ancillary thereto, irrespective of whether they have been exercised; and

"(2) Any funds owned or controlled by such municipality, county, public hospital corporation or other public agency, authority or body, as the case may be, or jointly by any two or more thereof, that may have been raised or allocated for any of the purposes for which such authority shall have been organized, whether or not such property is considered necessary for the conduct of the governmental or public functions (if any) of such municipality, county, public hospital corporation or other public agency, authority or body.

"Such transfer or conveyance shall be authorized by an ordinance or resolution duly adopted by the governing body of such municipality. . ."
(Emphasis added.)

CONCLUSION

A municipality may transfer and convey real property without consideration to hospital authority.

QUESTION 2

If the answer to the above question is yes, is there any restriction or limitation on which property the city may convey to the local hospital authority?

FACTS, LAW AND ANALYSIS

A review of the language in Code of Alabama 1975, § 22-21-310, et seq., reveals no statutory restrictions on conveying the real property to the local hospital authority.

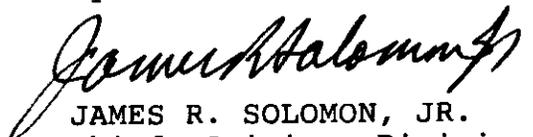
CONCLUSION

There are no restrictions or limitations on which property the city may convey to the local hospital authority.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

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