

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2696

(By Delegate Barker)



Passed February 17, 2011

In Effect From Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2696

(BY DELEGATE BARKER)

[Passed February 17, 2011; in effect from passage.]

AN ACT authorizing the county commission of Boone County to transfer its title and interests in the Boone Memorial Hospital, also known as the Boone County Memorial Hospital, to the Boone Memorial Hospital, Incorporated, a West Virginia private, nonprofit corporation for the continued public use of providing needed health care in a cost-effective manner.

Be it enacted by the Legislature of West Virginia:

BOONE COUNTY COMMISSION.

§1. Boone County Commission authorized to transfer its title and interests in the Boone Memorial Hospital.

- 1 (a) The Boone County Commission holds title to the
- 2 assets of the Boone County public hospital doing business as

3 the Boone Memorial Hospital, also known as the Boone
4 County Memorial Hospital, pursuant to section fourteen,
5 article three, chapter seven of the code of West Virginia.

6 (b) The Boone Memorial Hospital, Incorporated, is a
7 private, nonprofit corporation formed by the board of trustees
8 of Boone Memorial Hospital.

9 (c) The Boone County Commission may transfer its title
10 to Boone County Memorial Hospital to the private, nonprofit
11 corporation, the Boone Memorial Hospital, Incorporated, so
12 that the hospital may continue to provide medical care and
13 emergency medical services to the hospital's service area in
14 a cost-effective and efficient manner and to more fully serve
15 the health care needs of the county.

16 (d) Notwithstanding the provisions of section three,
17 article three, chapter seven of said code, the disposition of the
18 assets of Boone Memorial Hospital by public auction would
19 be impractical, potentially adverse to the interests of the
20 hospital's service area and the objectives of the county might
21 not be accomplished by the sale at public auction.

22 (e) The Boone County Commission is hereby authorized
23 to transfer to the private, nonprofit corporation, the Boone
24 Memorial Hospital, Incorporated, all of its right, title and
25 interest to all of the assets of Boone Memorial Hospital, both
26 tangible and intangible, real, personal and mixed,
27 wheresoever located, that are necessary to operate the
28 hospital, for a fair and adequate consideration, either
29 monetary or non-monetary, that may include public benefits
30 that may accrue, without considering, by itself alone, the fair
31 market value of the property, those certain parcels or tracts of
32 land and buildings, situate in the city of Madison, Boone
33 County, West Virginia, conveyed unto the County
34 Commission of Boone County, also known as the County
35 Court of Boone County, by deed dated January 26, 1963,

36 from Tracy S. McNeely and Wilma McNeely, recorded in
37 Deed Book 104 at page 471 (designated Tax Map 15 Parcel
38 57); by deed dated May 4, 1965, from Tracy S. McNeely and
39 Wilma McNeely, recorded in Deed Book 110 at page 265
40 (designated Tax Map 15 Parcel 78); by deed dated September
41 10, 1966, from Arthur R. Robertson and Myrtle Robertson,
42 recorded in Deed Book 114 at page 129 (designated Tax Map
43 15 Parcel 60); by deed dated January 24, 2000, from Wilma
44 McNeely widow, Barbara Ann McNeely Gregory and Arlen
45 Wayne Gregory, Linda Kay McNeely Holstein and Jack G.
46 Holstein, and Jerry Ken Mullins, recorded in Deed Book 227
47 at page 73 (designated Tax Map 15 Parcel 62); and by deed
48 dated May 16, 2005, from the Boone Medical Clinic,
49 Incorporated, recorded in Deed Book 247 at page 410
50 (designated Tax Map 15 parcel 35).

51 (f) The deed of conveyance from the Boone County
52 Commission to the private, nonprofit corporation, the Boone
53 Memorial Hospital, Incorporated, shall contain a provision
54 that the ownership shall revert to the Boone County
55 Commission should the property cease to be used as a
56 hospital for a period of twelve months: *Provided*, That this
57 reversionary interest may be modified at any time to the
58 extent necessary to allow for future financing of a new
59 hospital in Boone County.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor