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
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 assets of the Boone County public hospital doing business as
the Boone Memorial Hospital, also known as the Boone County Memorial Hospital, pursuant to section fourteen, article three, chapter seven of the code of West Virginia.

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

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

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

(e) The Boone County Commission is hereby authorized to transfer to the private, nonprofit corporation, the Boone Memorial Hospital, Incorporated, all of its right, title and interest to all of the assets of Boone Memorial Hospital, both tangible and intangible, real, personal and mixed, wheresoever located, that are necessary to operate the hospital, for a fair and adequate consideration, either monetary or non-monetary, that may include public benefits that may accrue, without considering, by itself alone, the fair market value of the property, those certain parcels or tracts of land and buildings, situate in the city of Madison, Boone County, West Virginia, conveyed unto the County Commission of Boone County, also known as the County Court of Boone County, by deed dated January 26, 1963,
from Tracy S. McNeely and Wilma McNeely, recorded in Deed Book 104 at page 471 (designated Tax Map 15 Parcel 57); by deed dated May 4, 1965, from Tracy S. McNeely and Wilma McNeely, recorded in Deed Book 110 at page 265 (designated Tax Map 15 Parcel 78); by deed dated September 10, 1966, from Arthur R. Robertson and Myrtle Robertson, recorded in Deed Book 114 at page 129 (designated Tax Map 15 Parcel 60); by deed dated January 24, 2000, from Wilma McNeely widow, Barbara Ann McNeely Gregory and Arlen Wayne Gregory, Linda Kay McNeely Holstein and Jack G. Holstein, and Jerry Ken Mullins, recorded in Deed Book 227 at page 73 (designated Tax Map 15 Parcel 62); and by deed dated May 16, 2005, from the Boone Medical Clinic, Incorporated, recorded in Deed Book 247 at page 410 (designated Tax Map 15 parcel 35).

(f) The deed of conveyance from the Boone County Commission to the private, nonprofit corporation, the Boone Memorial Hospital, Incorporated, shall contain a provision that the ownership shall revert to the Boone County Commission should the property cease to be used as a hospital for a period of twelve months: Provided, That this reversionary interest may be modified at any time to the extent necessary to allow for future financing of a new 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 is approved this the 2nd day of May, 2011.

Governor
PRESENTED TO THE GOVERNOR

FEB 24 2011

Time: 8:59 AM

[Signature]