

COMMITTEE SUBSTITUTE

FOR

H. B. 2696

(BY DELEGATE BARKER)

(Originating in the House Committee on Political Subdivisions)
[January 26, 2011]

A BILL 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 this code.

6 (b) The Boone County Commission desires to transfer its
7 title to Boone County Memorial Hospital to the West
8 Virginia private, nonprofit corporation, the Boone Memorial
9 Hospital, Incorporated, formed by the board of trustees of
10 Boone Memorial Hospital so that the hospital may continue
11 to provide medical care and emergency medical services to
12 the hospital's service area in a cost-effective and efficient
13 manner.

14 (c) The transfer shall occur, notwithstanding section
15 three, article three, chapter seven of this code, as the
16 disposition of these assets by public auction would be
17 impractical and potentially adverse to the interests of the
18 hospital's service area.

19 (d) The Boone County Commission may transfer all of its
20 rights, titles and interests to all of the assets, both tangible
21 and intangible, real, personal and mixed, wherever located,
22 necessary to operate the hospital doing business as the Boone

23 Memorial Hospital to the Boone Memorial Hospital,
24 Incorporated.

25 (e) These assets include, but are not limited to, those
26 certain parcels or tracts of land and hospital buildings thereon
27 used for the existing county public hospital situate in the city
28 of Madison for a fair and adequate consideration, either
29 monetary or nonmonetary, that may include public benefits
30 that may accrue, without considering, by itself alone, the fair
31 market value of the property and the parties agree to forego
32 the necessity of a public auction.

33 (f) The transfer of its rights, titles and interests is for the
34 express purpose of continuing to provide healthcare to the
35 public in Boone County.

36 (g) The conveyance of the real property by the Boone
37 County Commission shall contain a provision that the
38 ownership shall revert to the county commission should the
39 property cease to be used for the purposes set forth in this
40 section for a period of twelve months: *Provided*, That this
41 reversionary interest may be modified at any time to the
42 extent necessary to allow for future financing of a new
43 hospital in Boone County.