

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4605

BY DELEGATES HOWELL, C. MARTIN AND HAMRICK

[Introduced January 30, 2020; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §27-2A-2, relating to authorizing the Department of Health and Human
 3 Resources to transfer comprehensive community mental health centers and
 4 comprehensive intellectual disability facilities to regional mental health centers or regional
 5 intellectual disability facilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. MENTAL HEALTH – INTELLECTUAL DISABILITY CENTERS.

§27-2A-2. Transfer of state facilities to comprehensive regional mental health centers or comprehensive intellectual disability facilities authorized.

1 (a) The Department of Health and Human Resources is authorized to transfer ownership
 2 of any land and buildings which it has owned, constructed, maintained and leased to any
 3 comprehensive regional mental health center or comprehensive intellectual disability facility
 4 operated by a local nonprofit organization, if all the following conditions are satisfied:

5 (1) The land and buildings are leased to the local nonprofit organization on or after January
 6 1, 2020, at a nominal rate or at a rate that is below the fair market value rental value of the land
 7 and buildings;

8 (2) The land and buildings are utilized and shall continue to be utilized by a local nonprofit
 9 organization in the delivery of services contemplated by §27-2A-1 of this code: *Provided, That*
 10 said land and buildings may be pledged by the local nonprofit organization as collateral to secure
 11 indebtedness incurred by the local nonprofit organization;

12 (3) The purchase price of said land and buildings shall be zero; and

13 (4) The conveyance documents and deeds shall require the local nonprofit organization
 14 to become solely responsible for the maintenance and upkeep of the land and buildings, and to
 15 procure property and casualty insurance at its own cost covering the value of said land and
 16 buildings.

17 (b) Any comprehensive regional mental health center or comprehensive intellectual

18 disability facility operated by a local nonprofit organization that agrees to take ownership of any
19 land and buildings pursuant to this section may construct such additional renovations and
20 improvements upon said property as it deems appropriate to the delivery of services contemplated
21 by §27-2A-1 et seq. of this code.

22 (c) Any comprehensive regional mental health center or comprehensive intellectual
23 disability facility operated by a local nonprofit organization that agrees to take ownership of any
24 land and buildings pursuant to this section may further transfer ownership to all or part of said
25 property to another local nonprofit organization: *Provided*, That all the requirements of this section
26 shall continue to be satisfied.

27 (d) Any transfer of the ownership of any land and buildings by the Department of Health
28 and Human Resources pursuant to this section shall be exempt from the bidding and public sale
29 requirements, from the approval of contractual agreements by the Department of Administration
30 or the Attorney General, and from all other requirements of chapter five-a of this code.

NOTE: The purpose of this bill is to authorize The Department of Health and Human Resources to transfer comprehensive community mental health centers and comprehensive intellectual disability facilities to regional mental health centers or regional intellectual disability facilities.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.