

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 820

BY SENATORS TAKUBO, CLINE, AND STOLLINGS

[Introduced February 17, 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 of 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; and

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 the
 10 land and buildings may be pledged by the local nonprofit organization as collateral disability facility
 11 operated by a local nonprofit organization that agrees to take ownership of any land and buildings
 12 pursuant to this section may construct such additional renovations and improvements upon the
 13 property as it considers appropriate to the delivery of services contemplated by §27-2A-1 *et seq.*
 14 of this code.

15 (b) Any comprehensive regional mental health center or comprehensive intellectual
 16 disability facility operated by a local nonprofit organization that agrees to take ownership of any
 17 land and buildings pursuant to this section may further transfer ownership to all or part of the

18 property to another local nonprofit organization: *Provided*, That all the requirements of this section
19 continue to be satisfied.

20 (c) Any transfer of the ownership of any land and buildings by the Department of Health
21 and Human Resources pursuant to this section is exempt from the bidding and public sale
22 requirements, from the approval of contractual agreements by the Department of Administration
23 or the Attorney General, and from all other requirements of chapter 5A 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.