

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 820

SENATORS TAKUBO, CLINE, AND STOLLINGS, *original*

sponsors

[Originating in the Committee on Health and Human

Resources; reported on February 21, 2020]

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 the
10 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 the land and buildings shall be a nominal value;

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 the land and
16 buildings; and

17 (5) The conveyance documents and deeds shall require that if the land and buildings of a

18 comprehensive regional mental health center or comprehensive intellectual disability facility
19 operated by a local nonprofit organization are no longer used for that purpose, the land and the
20 buildings revert back to the state.

21 (b) A comprehensive regional mental health center or comprehensive intellectual disability
22 facility operated by a local nonprofit organization that agrees to take ownership of any land and
23 buildings pursuant to this section may perform additional renovations and improvements upon the
24 property as it deems appropriate to the delivery of services contemplated by §27-2A-1 et seq. of
25 this code.

26 (c) A comprehensive regional mental health center or comprehensive intellectual disability
27 facility operated by a local nonprofit organization that agrees to take ownership of any land and
28 buildings pursuant to this section may further transfer ownership to all or part of the property to
29 another local nonprofit organization: *Provided*, That all the requirements of this section shall
30 continue to be satisfied: *Provided, however*, That if the land and buildings are no longer utilized
31 by a local nonprofit organization in the delivery of services contemplated by §27-2A-1 of this code,
32 the land and building shall revert back to the state.

33 (d) A transfer of the ownership of any land and buildings by the department pursuant to
34 this section shall be exempt from the bidding and public sale requirements, from the approval of
35 contractual agreements by the Department of Administration or the Attorney General, and from
36 all other requirements of §5A-1-1 et seq. 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.