

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3200**

By Delegates Summers and Tully

[Originating in the Committee on Health and Human

Resource; Reported on February 9, 2023]



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 certain properties; permits the department to transfer  
4 comprehensive community mental health centers and comprehensive intellectual disability  
5 facilities to regional mental health centers or regional intellectual disability facilities;  
6 establishing transfer requirements; providing for reversion to the state if the property for  
7 certain reasons; permitting the property to be pledged as collateral for a loan; exempts the  
8 transfer from the requirements of the Real Estate Division; exempts the transfer from  
9 Attorney General scrutiny.

*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 is authorized to transfer ownership of any land and buildings which it  
2 has owned, constructed, maintained and leased to any comprehensive regional mental health  
3 center or comprehensive intellectual disability facility operated by a local nonprofit organization, if  
4 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, 2023, at fair market value rental value of the land and buildings;

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

11 (3) The purchase price of the land and buildings shall be fair market value;

12 (4) The conveyance documents and deeds shall require the local nonprofit organization to  
13 become solely responsible for the maintenance and upkeep of the land and buildings, and to

14 procure property and casualty insurance at its own cost covering the value of said land and  
15 buildings; and

16 (5) If at any time the property is not used for the purposes set forth in this article, ownership  
17 will revert back to the department, its successor, or assigns.

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

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

28 (d) Any transfer of the ownership of any land and buildings by the department pursuant to  
29 this section shall be exempt from the bidding and public sale requirements, from the approval of  
30 contractual agreements by the Department of Administration or the Attorney General, and from all  
31 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.