

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 4510**

BY DELEGATES HOWELL, HILL, ARVON, STANSBURY,  
CADLE, IHLE, HAMRICK, FAIRCLOTH, R. SMITH, ATKINSON  
AND BLAIR

[Introduced February 11, 2016; Referred  
to the Committee on Government Organization then  
Finance.]

1 A BILL to amend and reenact §5A-10-5 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring a structural engineering inspection of any building prior to purchase by the  
3 state and requiring inspection results to be considered in a cost-benefit analysis.

*Be it enacted by the Legislature of West Virginia:*

1 That §5A-10-5 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**ARTICLE 10. REAL ESTATE DIVISION.**

**§5A-10-5. Selection of grounds, etc.; acquisition by contract or lease; long-term leases.**

1 (a) The executive director has sole authority to select and to acquire by contract or lease,  
2 in the name of the state, all grounds, buildings, office space or other space, the rental of which is  
3 necessarily required by any spending unit, upon a certificate from the chief executive officer or  
4 his or her designee of said spending unit that the grounds, buildings, office space or other space  
5 requested is necessarily required for the proper function of said spending unit, that the spending  
6 unit will be responsible for all rent and other necessary payments in connection with the contract  
7 or lease and that satisfactory grounds, buildings, office space or other space is not available on  
8 grounds and in buildings now owned or leased by the state.

9 (b) The executive director shall, before executing any rental contract or lease, determine  
10 the fair rental value for the rental of the requested grounds, buildings, office space or other space,  
11 in the condition in which they exist and shall contract for or lease said premises at a price not to  
12 exceed the fair rental value thereof.

13 (c) The executive director may enter into long-term agreements for buildings, land and  
14 space for periods longer than one fiscal year: *Provided*, That such long-term lease agreements  
15 are not for periods in excess of forty years, except that the secretary may, in the case of the  
16 Adjutant General's department, enter into lease agreements for a term of fifty years or a specific  
17 term of more than fifty years so as to comply with federal regulatory requirements and shall  
18 contain, in substance, all the following provisions:

19 (1) That the Department of Administration, as lessee, has the right to cancel the lease  
20 without further obligation on the part of the lessee upon giving thirty days' written notice to the  
21 lessor, such notice being given at least thirty days prior to the last day of the succeeding month;

22 (2) That the lease shall be considered canceled without further obligation on the part of  
23 the lessee if the State Legislature or the federal government should fail to appropriate sufficient  
24 funds therefor or should otherwise act to impair the lease or cause it to be canceled; and

25 (3) That the lease shall be considered renewed for each ensuing fiscal year during the  
26 term of the lease unless it is canceled by the Department of Administration before the end of the  
27 then current fiscal year.

28 (d) The executive director may not purchase a building in the name of the state before first  
29 obtaining a report from a structural engineering inspection of the building. The inspection shall  
30 evaluate the building's foundation; basement; roof; heating, ventilating and air conditioning  
31 systems; plumbing, electrical and any other major component of the building. The executive  
32 director shall use the inspection report in making a cost-benefit analysis of the proposed  
33 purchase.

NOTE: The purpose of this bill is to require the executive director of the real estate division to obtain a thorough inspection of a building before it is purchased by the state, and to require use of the inspection report in making a cost-benefit analysis of the proposed purchase.

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