

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 278

BY SENATOR MAYNARD

[Introduced January 15, 2018; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §5A-10-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §5A-11-3 of said code, all relating to the disposition of vacated school
 3 buildings or other state-owned buildings by the Public Land Corporation and Real Estate
 4 Division within the Department of Administration.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. REAL ESTATE DIVISION.

§5A-10-3. Powers and duties of Real Estate Division.

1 The Real Estate Division has the following powers and duties:

2 (1) To provide leasing, appraisal, and other real estate services to state spending units;

3 (2) To ensure that the purchase of real estate and all contracts for lease are based on
 4 established real estate standards and fair market price;

5 (3) To develop and implement minimum lease space standards for the lease of any
 6 grounds, buildings, office space, or other space required by any spending unit of state
 7 government;

8 (4) To develop and implement minimum standards for the selection and acquisition, by
 9 contract or lease, of all grounds, buildings, office space, or other space by a spending unit of state
 10 government except as otherwise provided in this article;

11 (5) To establish and maintain a comprehensive database of all state real estate contracts
 12 and leases;

13 (6) To develop policies and procedures for statewide real property management;

14 (7) To maintain a statewide real property management system that has consolidated real
 15 property, building, and lease information for all departments, agencies, and institutions of state
 16 government;

17 (8) To develop and maintain a centralized repository of comprehensive space needs for
 18 all state departments, agencies, and institutions of state government, including up-to-date space
 19 and resource utilization, anticipated needs, and recommended options;

20 (9) To provide statewide policy leadership and coordinate master planning to guide and
21 organize capital asset management; ~~and~~

22 (10) To provide assistance to all state departments, agencies, or institutions in acquiring,
23 leasing, and disposing of real property; and

24 (11) To develop and implement minimum standards, for the potential use, renovation, or
25 disposition of vacated school buildings or state-owned buildings acquired by the Public Land
26 Corporation, that ensure the best interest of the state and Public Land Corporation: *Provided,*
27 That the responsibility or liability for such issues as asbestos, lead paint, or other hazards
28 associated with the acquired vacated school buildings or state-owned buildings remains with the
29 previous owner: *Provided, however,* That vacated school buildings may not be razed except upon
30 the recommendation of the Public Land Corporation or the Real Estate Division.

ARTICLE 11. PUBLIC LAND CORPORATION.

§5A-11-3. Public Land Corporation, powers and duties.

1 (a) The corporation is hereby authorized and empowered to:

2 (1) Acquire from any persons or the State Auditor or any local, state, or federal agency,
3 by purchase, lease, or other agreement, any lands necessary and required for public use,
4 including, but not limited to, vacated school buildings or state-owned buildings with no apparent
5 usage;

6 (2) Acquire by purchase, exchange, condemnation, lease, or agreement, or receive by
7 gifts and devises, ~~or exchange~~ right-of-ways, easements, waters, and minerals suitable for public
8 use;

9 (3) Sell or exchange public lands where it is determined that the sale or exchange of such
10 tract meets any or all of the following disposal criteria:

11 (A) The tract was acquired for a specific purpose and the tract is no longer required for
12 that or any other state purpose;

13 (B) Disposal of the tract serves important public objectives including, but not limited to,

14 expansion of communities and economic development which cannot be achieved on lands other
15 than public lands and which clearly outweigh other public objectives and values including, but not
16 limited to, recreation and scenic values which would be served by maintaining the tract in state
17 ownership; or

18 (C) The tract, because of its location or other characteristics, is difficult and uneconomic
19 to manage as part of the public lands and is not suitable for management by another state
20 department or agency.

21 (4) Sell, purchase, or exchange lands or stumpage for the purpose of consolidating lands
22 under state or federal government administration subject to the disposal criteria specified in
23 subdivision (3) of this subsection;

24 (5) Negotiate and effect loans or grants from the government of the United States or any
25 agency thereof for acquisition and development of lands as may be authorized by law to be
26 acquired for public use;

27 (6) Expend the income from the use and development of public lands for the following
28 purposes:

29 (A) Liquidate obligations incurred in the acquisition, development, and administration of
30 lands, until all obligations have been fully discharged;

31 (B) Purchase, develop, restore, and preserve for public use, sites, structures, objects, and
32 documents of prehistoric, historical, archaeological, recreational, architectural, and cultural
33 significance to the State of West Virginia; and

34 (C) Obtain grants or matching moneys available from the government of the United States
35 or any of its instrumentalities for prehistoric, historic, archaeological, recreational, architectural,
36 and cultural purposes.

37 (7) Designate lands, to which it has title, for development and administration for the public
38 use including recreation, wildlife stock grazing, agricultural rehabilitation, and homesteading or
39 other conservation activities;

40 (8) Enter into leases as a lessor for the development and extraction of minerals, including
41 coal, oil, gas, sand, or gravel except as otherwise circumscribed herein: *Provided*, That leases for
42 the development and extraction of minerals shall be made in accordance with the provisions of
43 sections five and six of this article. The corporation shall reserve title and ownership to the mineral
44 rights in all cases;

45 (9) Convey, assign, or allot lands to the title or custody of proper departments or other
46 agencies of state government for administration and control within the functions of departments
47 or other agencies as provided by law;

48 (10) Make proper lands available for the purpose of cooperating with the government of
49 the United States in the relief of unemployment and hardship or for any other public purpose.

50 (b) There is hereby continued in the state treasury a special Public Land Corporation Fund
51 into which shall be paid all proceeds from public land sales and exchanges and rents, royalties,
52 and other payments from mineral leases: *Provided*, That all royalties and payments derived from
53 rivers, streams, or public lands acquired or managed by the Division of Natural Resources
54 pursuant to §21-1-7 of this code and §20-5-2 of this code shall be retained by the Division of
55 Natural Resources: *Provided, however*, That all proceeds, rents, royalties, and other payments
56 from land sales, exchanges, and mineral rights leasing for public lands owned, managed, or
57 controlled by the Adjutant General's Department will be retained in a fund managed by the
58 Adjutant General in accordance with §15-6-1 *et seq.* of this code: *Provided further*, That all free
59 gas, sand, gravel, or other natural resources derived from a lease or contract made pursuant to
60 this article will be used to benefit the state agencies, institutions, or departments located on the
61 affected public lands, or for which the corporation was acting or to benefit any state agencies,
62 institutions, or departments having adjacent property. The corporation may acquire public lands
63 from use of the payments made to the fund, along with any interest accruing to the fund. The
64 corporation shall report annually, just prior to the beginning of the regular session of the
65 Legislature, to the finance committees of the Legislature on the financial condition of the special

66 fund. The corporation shall report annually to the Legislature on its public land holdings and all its
67 leases, its financial condition, and its operations and shall make such recommendations to the
68 Legislature concerning the acquisition, leasing, development, disposition, and use of public lands.

69 (c) All state agencies, institutions, divisions and departments shall make an inventory of
70 the public lands of the state as may be by law specifically allocated to and used by each and
71 provide to the corporation a list of such public lands and minerals, including their current use,
72 intended use, or best use to which lands and minerals may be put: *Provided*, That the Division of
73 Highways need not provide the inventory of public lands allocated to and used by it, and the
74 Division of Natural Resources need not provide the inventory of rivers, streams, and public lands
75 acquired or managed by it. The inventory shall identify those parcels of land which have no
76 present or foreseeable useful purpose to the State of West Virginia. The inventory shall be
77 submitted annually to the corporation by August 1. The corporation shall compile the inventory of
78 all public lands and minerals and report annually to the Legislature by no later than January 1, on
79 its public lands and minerals and the lands and minerals of the other agencies, institutions,
80 divisions, or departments of this state which are required to report their holdings to the corporation
81 as set forth in this subsection, and its financial condition and its operations.

82 (d) Except as otherwise provided by law, when the corporation exercises its powers, the
83 corporation will coordinate with other state agencies, institutions, and departments in order to
84 develop and execute plans to utilize mineral rights which benefit their operations or the operations
85 of any other state agencies, institutions, or departments.

NOTE: The purpose of this bill is to provide for the disposition of vacated school buildings or other state-owned buildings by the Public Land Corporation and Real Estate Division within the Department of Administration.

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