

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4411

BY DELEGATES MOORE, WESTFALL AND LANE

[Introduced February 2, 2018; Referred
to the Committee on Government Organization then
Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5A-10-1a, relating to the requirements of the Real Estate Division for
 3 members of the Board of Public Works; exempting certain members of the Board of Public
 4 Works from the requirements of the Real Estate Division; requiring maintenance of records
 5 relating to real property owned or leased; requiring annual disclosure of certain records to
 6 the Real Estate Division; and clarifying information to be kept and disclosed.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. REAL ESTATE DIVISION.

§5A-10-1a. Board of Public Works members

1 (a) Notwithstanding any other provision of this code to the contrary, the following members
 2 of the Board of Public Works, including each member’s respective offices and divisions, are
 3 exempt from the provisions of this article:

4 (1) The Commissioner of Agriculture;

5 (2) The Attorney General;

6 (3) The Auditor;

7 (4) The Secretary of State; and

8 (5) The Treasurer.

9 (b) All real property owned or leased by the state, by or through one of the members or
 10 entities identified in this section shall be accounted for by the member’s spending unit that owns,
 11 leases or is in the possession of the real property.

12 (c) Each state spending unit shall establish and maintain a record of each item of real
 13 property it owns or leases, and annually furnish its records to the Real Estate Division.

14 (d) With regard to public lands that may be by law specifically allocated to and used by
 15 any state agency, institution, division or department, the agency, institution, division or department
 16 shall provide an inventory of the public land(s) to the Public Land Corporation in accordance with
 17 the provisions of 5A-11-1 et seq. of this code.

- 18 (e) The records furnished to the Real Estate Division shall include the following
19 information, if applicable:
- 20 (1) A description of each item of real property including:
- 21 (A) A reference to a book, page and/or image number from the county records in a
22 particular county; or
- 23 (B) A legal description;
- 24 (2) The date of purchase and the purchase price of the real property;
- 25 (3) The date of lease and the rental costs of the real property;
- 26 (4) The name of the state spending unit holding title to the real property for the state;
- 27 (5) A description of the current uses of the real property and the projected future use of
28 the real property; and
- 29 (6) A description of each building or other improvement located on the real property.
- 30 (f) If the description of real property required under this section is excessively voluminous,
31 the Real Estate Division may direct the spending unit in possession of the real property to furnish
32 the description only in summary form, as agreed to by the division and the spending unit.

NOTE: The purpose of this bill is to allow members of the Board of Public works to autonomy over the purchase or lease of property. The bill still requires certain information and records to be maintained and disclosed to the Real Estate Division.

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