

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 343

BY SENATORS CARMICHAEL (MR. PRESIDENT) AND

PREZIOSO

[Introduced January 18, 2019; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §5A-10-12, all relating to
3 the review and approval of state property leases by requiring two signatures; and
4 reviewing and approving the lease of state property to nongovernmental entities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. REAL ESTATE DIVISION.

§5A-10-4. Leasing of space by executive director; delegation of authority.

1 (a) The executive director is authorized to lease, in the name of the state, any grounds,
2 buildings, office, or other space required by any department, agency, or institution of state
3 government: *Provided*, That the executive director may expressly delegate, in writing, the
4 authority granted to him or her by this article to the appropriate department, agency, or institution
5 of state government when the rental and other costs to the state do not exceed the sum specified
6 by regulation in any one fiscal year or when necessary to meet bona fide emergencies arising
7 from unforeseen causes.

8 (b) Any state agency that is authorized to enter into lease agreements must seek the
9 advice and approval of the executive director before entering into any lease of state property. The
10 executive director shall submit approval of any lease by signing the lease in conjunction with the
11 state agency. The state agencies referenced in §5A-10-2 of this code are exempt from this
12 requirement.

§5A-10-12. Lease of state properties to nongovernmental entities.

1 (a) All state agencies, except for those listed in §5A-10-2 of this code, intending to lease
2 state property to nongovernmental entities shall seek the advice and approval of the Real Estate
3 Division to review any lease and ensure the provisions are in the best interest of the state.

4 (b) The Real Estate Division will review the lease and will submit to the state agency:

5 (1) Written approval of the lease; or

6 (2) Written objections to proposed terms of the lease and suggestions to ensure the lease
7 is in the best interest of the state.

8 The state agency may rebut any objections as circumstances may require, however, the
9 Real Estate Division must approve any objections before the lease can be signed.

NOTE: The purpose of this bill is to ensure the review and approval of state property leases by requiring two signatures and the review and approval of leasing of state property to nongovernmental entities.

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