

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

Senate Bill 575

BY SENATOR BLAIR

[Originating in the Committee on Government
Organization; reported on February 20, 2016.]

1 A BILL to amend and reenact §5A-10-5 of the Code of West Virginia, 1931, as amended, relating
2 to the Real Estate Division; and providing that any contract or lease in the name of the
3 state for office space which requires the landlord or owner of the premises to provide for
4 or contract for cleaning or janitorial services shall not also require the owner or landlord of
5 the premises to use any particular person, firm or company to provide the cleaning or
6 janitorial services.

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: Provided, That any such contract or
9 lease of office space which provides that the landlord or owner of the office space be responsible
10 for providing for, or the contracting for, cleaning or janitorial services shall not also require the
11 owner or landlord of the premises to use any particular person, firm or company to provide the
12 cleaning or janitorial services.

13 (b) The executive director shall, before executing any rental contract or lease, determine
14 the fair rental value for the rental of the requested grounds, buildings, office space or other space,

15 in the condition in which they exist and shall contract for or lease said premises at a price not to
16 exceed the fair rental value thereof.

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

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

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

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

NOTE: The purpose of this bill is to provide that state leases for office space which requires the landlord or owner of the premises be responsible for providing for or the contracting for cleaning or janitorial services shall not also require the owner or landlord of the premises to use any particular person, firm or company to provide the cleaning or janitorial services.

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