

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 550**

BY SENATOR MAYNARD

[Introduced March 8, 2017; 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:*

1 That §5A-10-3 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted; and that §5A-11-3 of said code be amended and reenacted, all to read as follows:

**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 or other space required by any spending unit of state government;

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

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

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

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

16 (8) To develop and maintain a centralized repository of comprehensive space needs for  
 17 all state departments, agencies and institutions of state government, including up-to-date space

18 and resource utilization, anticipated needs and recommended options;

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

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

23 (11) To develop and implement minimum standards, for the potential use, renovation or  
24 disposition of vacated school buildings or state-owned buildings acquired by the Public Land  
25 Corporation, that ensure the best interest of the state and Public Land Corporation: *Provided,*  
26 That the responsibility or liability for such issues as asbestos, lead paint or other hazards  
27 associated with the acquired vacated school buildings or state owned buildings remains with the  
28 previous owner: *Provided, however,* That vacated school buildings may not be razed unless upon  
29 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 the State Auditor or any local, state or federal  
3 agency, by purchase, lease or other agreement, any lands necessary and required for public use:  
4 *Provided,* That this includes vacated school buildings or state owned buildings with no apparent  
5 usage;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65 committees of the Legislature on the financial condition of the special fund. The corporation shall  
66 report annually to the Legislature on its public land holdings and all its leases, its financial  
67 condition and its operations and shall make such recommendations to the Legislature concerning  
68 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.