

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 4236**

BY DELEGATES NELSON, HANSHAW AND SHOTT

(BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION)

[Originating in the Committee on Government

Organization; February 5, 2018.]



1 A BILL to amend and reenact §5A-10-9 of the Code of West Virginia, 1931, as amended, relating  
2 to requiring agencies to provide an annual inventory of real property holdings to the Real  
3 Estate Division; removing the exemption of certain agencies from reporting property  
4 holdings to the Real Estate Division; clarifying the information to be reported annually by  
5 agencies; and requiring an annual report by the Real Estate Division to the Governor and  
6 Legislature.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. REAL ESTATE DIVISION.**

**§5A-10-9. Real property accounting and records.**

1 (a) All real property owned or leased by the state shall be accounted for by the state  
2 spending unit that owns, leases or is in the possession of the real property.

3 (b) Each state spending unit shall establish and maintain a record of each item of real  
4 property it owns and/or leases and annually furnish its records to the Real Estate Division.

5 ~~(c) The accounting and reporting requirements of this section, except as to office space,~~  
6 ~~do not apply to:~~

7 ~~(1) The Division of Highways of the Department of Transportation;~~

8 ~~(2) Public lands, rivers and streams acquired, managed or which title is vested in or~~  
9 ~~transferred to the Division of Natural Resources of the Department of Commerce, pursuant to~~  
10 ~~section seven, article one, chapter twenty of this code and section two, article five of said chapter;~~

11 ~~(3) The Higher Education Policy Commission;~~

12 ~~(4) The West Virginia Council for Community and Technical College Education;~~

13 ~~(5) The institutional boards of governors in accordance with the provisions of subsection~~  
14 ~~(v), section four, article five, chapter eighteen-b of this code; or~~

15 ~~(6) The Adjutant General's Department and the West Virginia National Guard~~

16 (c) Beginning July 1, 2019, and every year thereafter, the Real Estate Division shall report  
17 to the Governor and Joint Committee on Government and Finance those agencies that have not  
18 provided a complete annual record pursuant to subsection (b).

19 (d) With regard to public lands, rivers or streams, that may be by law specifically allocated  
20 to and used by any state agency, institution, division or department, such agency, institution,  
21 division or department shall provide an inventory of such public land(s), rivers or streams, to the  
22 Public Land Corporation in accordance with the provisions of §5A-11-1, *et seq.* of this code.

23 (e) The records furnished to the Real Estate Division shall include ~~the following~~  
24 ~~information, if applicable~~ a description of each item of real property including address, lot number,  
25 and if available, the following identifying information:

26 ~~(1) A description of each item of real property including:~~

27 ~~(A) A reference to a book, page and/or image number from the county records in a~~  
28 ~~particular county; or~~

29 ~~(B) A legal description~~

30 ~~(2) (1) The date of purchase and the purchase price of the real property;~~

31 ~~(3) (2) If the state is leasing real property,~~ the date of lease and the rental costs of the  
32 real property;

33 ~~(4) (3) The name of the state spending unit holding title to the real property for the state;~~

34 ~~(5) (4) A description of the current uses of the real property and the projected future use~~  
35 ~~of the real property; and~~

36 ~~(6) (5) A description of each building or other improvement located on the real property.~~

37 ~~(f) If the description of real property required under this section is excessively voluminous,~~  
38 ~~the Real Estate Division may direct the spending unit in possession of the real property to furnish~~  
39 ~~the description only in summary form, as agreed to by the division and the spending unit.~~

40           (f) The records furnished to the Real Estate Division regarding rivers and streams shall  
41 include a description of each river or stream, including the applicable county, tax district, and if  
42 the interest or property is under the Ohio River, the applicable mile post.

NOTE: The purpose of this bill is to remove the exemption of reporting real property by certain agencies to the Real Estate Division, streamline the data reported by agencies, and allow for a report to the Governor and Legislature those agencies that fail to meet reporting requirements.

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