

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 221**

**FISCAL  
NOTE**

[Introduced January 9, 2020; referred  
to the Committee on Government Organization; and  
then to the Committee on Finance]

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; requiring Real Estate Division to develop  
 4 minimum standards for use, renovation, or disposition of vacated buildings; maintaining  
 5 certain legal responsibilities of the previous owner; and authorizing the Public Land  
 6 Corporation to acquire vacated buildings through legal transactions and conveyances.

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

**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 except 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 Auditor or any local, state, or federal agency,  
3 by purchase, lease, or other agreement, any lands necessary and required for public use,  
4 including, but not limited to, vacated school buildings or state-owned buildings with no apparent  
5 usage;

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

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

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

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

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

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

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

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

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

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

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

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

39 other conservation activities;

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

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

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

50 (b) There is hereby continued in the state Treasury a special Public Land Corporation  
51 Fund into which shall be paid all proceeds from public land sales and exchanges and rents,  
52 royalties, and other payments from mineral leases: *Provided*, That all royalties and payments  
53 derived from rivers, streams, or public lands acquired or managed by the Division of Natural  
54 Resources pursuant to §20-1-7 and §20-5-2 of this code shall be retained by the Division of  
55 Natural Resources: *Provided, however*, That all proceeds, rents, royalties, and other payments  
56 from land sales, exchanges, and mineral rights leasing for public lands owned, managed, or  
57 controlled by the Adjutant General's Department will be retained in a fund managed by the  
58 Adjutant General in accordance with §15-6-1 *et seq.* of this code: *Provided further*, That all free  
59 gas, sand, gravel, or other natural resources derived from a lease or contract made pursuant to  
60 this article will be used to benefit the state agencies, institutions, or departments located on the  
61 affected public lands, or for which the corporation was acting or to benefit any state agencies,  
62 institutions, or departments having adjacent property. The corporation may acquire public lands  
63 from use of the payments made to the fund, along with any interest accruing to the fund. The  
64 corporation shall report annually, just prior to the beginning of the regular session of the

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