

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2763

BY DELEGATES ESPINOSA, MOORE, WILSON, COOPER

AND HARSHBARGER

[Originating in the Committee on Finance;

March 22, 2017]

1 A BILL to amend and reenact §18B-19-13 of the Code of West Virginia, 1931, as amended,
2 relating to the approval by the Council for Community and Technical College Education of
3 acquisitions, bequests, donations, construction of new buildings, repairs, renovations or
4 lease payments over the lifetime of the lease which exceed \$1 million, if made or accepted
5 by the institution's research corporation or an affiliated foundation.

Be it enacted by the Legislature of West Virginia:

1 That §18B-19-13 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 19. CAPITAL PROJECTS AND FACILITIES NEEDS.

§18B-19-13. Real property contracts and agreements.

1 (a) Except as provided elsewhere in this article, any purchase of real estate, any lease-
2 purchase agreement and any construction of new buildings or other acquisition of buildings, office
3 space or grounds resulting from these transactions, shall be approved by the commission or
4 council, as appropriate, and provided to the Joint Committee on Government and Finance for
5 prior review, if the transaction exceeds \$1 million.

6 (b) Notwithstanding any provision of this code to the contrary, any acquisition, bequest,
7 donation or construction of new buildings, office space or grounds exceeding \$1 million in
8 appraised value or requiring \$1 million in repairs and renovation or lease payments over the
9 lifetime of the lease, made or accepted by an institution's research corporation established by
10 article twelve of this chapter or an affiliated foundation of an institution under the jurisdiction of
11 the council, shall be approved by the council.

12 (c) The commission, council and each governing board shall provide the following to the
13 Joint Committee on Government and Finance:

14 (1) A copy of any contract or agreement to which it is a party for real property if the contract
15 or agreement exceeds \$1 million; and

16 (2) A report setting forth a detailed summary of the terms of the contract or agreement,
17 including the name of the property owner and the agent involved in the sale.

18 ~~(e)~~(d) The copy and report required by subsection (b) of this section shall be provided at
19 least thirty days before any sale, exchange, transfer, purchase, lease-purchase, lease or rental
20 of real property, refundings of lease-purchases, leases or rental agreements, construction of new
21 buildings, and any other acquisition or lease of buildings, office space or grounds.

22 ~~(d)~~(e) A contract or agreement that is for the lease purchase, lease or rental of real
23 property, where the costs of real property acquisition and improvements are to be financed, in
24 whole or in part, with bond proceeds, may contain a preliminary schedule of rents and leases for
25 purposes of review by the committee.

26 ~~(e)~~(f) For renewals of contracts or agreements required by this section to be reported, the
27 commission, council or governing board shall provide a report setting forth a detailed summary of
28 the terms of the contract or agreement, including the name of the property owner.

29 ~~(f)~~(g) The Joint Committee on Government and Finance shall meet and review any
30 contract, agreement or report within thirty days of receipt.

31 ~~(g)~~(h) Each governing board shall provide to the commission or council, as appropriate, a
32 copy of any contract or agreement submitted to the Joint Committee on Government and Finance
33 pursuant to this section.

NOTE: The purpose of this bill is to require the approval by the Council for Community and Technical College Education of acquisitions, bequests, donations, construction of new buildings, repairs, renovations or lease payments over the lifetime of the lease which exceed \$1 million, if made or accepted by the institution's research corporation or an affiliated foundation.

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