

FILED

2010 MAR 31 PM 4: 52

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 596**

(SENATORS WELLS, MINARD  
AND KESSLER, *original sponsors*)

[Passed March 13, 2010; in effect ninety days from passage.]

SB 596

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[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §5A-10-2 and §5A-10-9 of the Code of West Virginia, 1931, as amended, all relating to exempting the Adjutant General and the West Virginia National Guard from state leasing and accounting requirements.

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

That §5A-10-2 and §5A-10-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 10. REAL ESTATE DIVISION.**

**§5A-10-2. Leases for space to be made in accordance with article; exceptions.**

- 1 (a) Notwithstanding any other provision of this code, no
- 2 department, agency or institution of state government may
- 3 lease, or offer to lease, as lessee, any grounds, buildings,

4 office or other space except in accordance with the  
5 provisions of this article and article three of this chapter.

6 (b) The provisions of the article, except as to office  
7 space, do not apply to the Division of Highways of the  
8 Department of Transportation.

9 (c) The provisions of this article do not apply to:

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

15 (2) The Higher Education Policy Commission;

16 (3) The West Virginia Council for Community and  
17 Technical College Education;

18 (4) The institutional boards of governors in accordance  
19 with the provisions of subsection (v), section four, article  
20 five, chapter eighteen-b of this code;

21 (5) The real property held by the Department of Agricul-  
22 ture, including all institutional farms, easements, mineral  
23 rights, appurtenances, farm equipment, agricultural  
24 products, inventories, farm facilities and operating  
25 revenue funds for those operations;

26 (6) The real property held by the West Virginia State  
27 Conservation Committee, including all easements, mineral  
28 rights, appurtenances and operating revenue funds for  
29 those operations; or

30 (7) The Adjutant General's Department and the West  
31 Virginia National Guard, including all real property,  
32 acquisitions, leases, easements, armories, armory projects,  
33 appurtenances and operating revenue funds for those  
34 operations.

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

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

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

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

10 (1) The Division of Highways of the Department of  
11 Transportation;

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

17 (3) The Higher Education Policy Commission;

18 (4) The West Virginia Council for Community and  
19 Technical College Education;

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

23 (6) The Adjutant General's Department and the West  
24 Virginia National Guard.

25 (d) With regard to public lands that may be by law  
26 specifically allocated to and used by any state agency,  
27 institution, division or department, such agency, institu-  
28 tion, division or department shall provide an inventory of  
29 such public land(s) to the Public Land Corporation in  
30 accordance with the provisions of article eleven of this  
31 chapter.

32 (e) The records furnished to the Real Estate Division  
33 shall include the following information, if applicable:

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

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

37 (B) A legal description;

38 (2) The date of purchase and the purchase price of the  
39 real property;

40 (3) The date of lease and the rental costs of the real  
41 property;

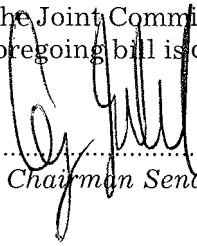
42 (4) The name of the state spending unit holding title to  
43 the real property for the state;

44 (5) A description of the current uses of the real property  
45 and the projected future use of the real property; and

46 (6) A description of each building or other improvement  
47 located on the real property.

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


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

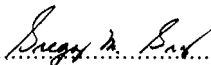
  
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Chairman Senate Committee

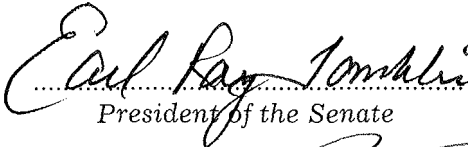
  
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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

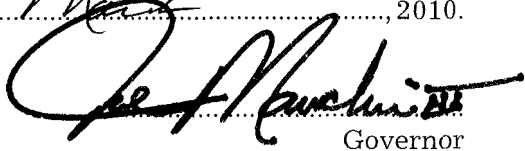
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within *is approved* ..... this the *3/18* .....  
Day of *May* ..... 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2010

Time 3:45 pm