Committee Substitute
for
House Bill 2601

By Delegates Hanshaw (Mr. Speaker), Miley and Nelson

[Passed March 8, 2019; in effect ninety days from passage.]
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BY DELEGATES HANSHAW (MR. SPEAKER), MILEY AND NELSON

[Passed March 8, 2019; in effect ninety days from passage.]
AN ACT to amend and reenact §5A-10-4 of the Code of West Virginia, 1931, as amended; and
to amend said code by adding thereto a new section, designated §5A-10-12, all relating
to the real estate division; requiring the review and approval of grounds, buildings, office
and other space leases; and providing for review and approval of leasing grounds,
buildings, office and other space to nongovernmental entities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. REAL ESTATE DIVISION.

§5A-10-4. Leasing of space by executive director; delegation of authority.
(a) The executive director is authorized to lease, in the name of the state, any grounds,
buildings, office or other space required by any department, agency, or institution of state
government: Provided, That the executive director may expressly delegate, in writing, the
authority granted to him or her by this article to the appropriate department, agency or institution
of state government when the rental and other costs to the state do not exceed the sum specified
by regulation in any one fiscal year or when necessary to meet bona fide emergencies arising
from unforeseen causes.

(b) Any state agency that is authorized to enter into lease agreements must seek the
advice and approval of the executive director before entering into any lease of grounds, buildings,
office and other space. The executive director shall submit approval of any lease by signing the
lease in conjunction with the state agency. The state agencies referenced in §5A-10-2 of this code
are exempt from this requirement.

§5A-10-12. Lease of state properties to nongovernmental entities.
(a) All state agencies, except for those listed in §5A-10-2 of this code, intending to lease
grounds, buildings, office and other space to nongovernmental entities shall seek the advice and
approval of the Real Estate Division to review any lease and ensure the provisions are in the best
interest of the state.

(b) The Real Estate Division will review the lease and will submit to the state agency:
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(1) Written approval of the lease; or,

(2) Written objections to proposed terms of the lease and suggestions to ensure the lease is in the best interest of the state.

The state agency may rebut any objections as circumstances may require, however, the Real Estate Division must approve any objections before the lease can be signed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Speaker of the House of Delegates

President of the Senate

The within is approved this the 22nd day of March 2019.

Governor