

# **WEST VIRGINIA LEGISLATURE**

**2024 REGULAR SESSION**

**Introduced**

## **Senate Bill 635**

BY SENATOR OLIVERIO

[Introduced February 5, 2024; referred  
to the Committee on Government Organization]



1 A BILL to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended,  
2 relating to modifying when a commission, council, or a governing board may sell, convey,  
3 or otherwise dispose of any real property that was gifted or devised to it.

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

**ARTICLE 19. CAPITAL PROJECTS AND FACILITIES NEEDS.**

**§18B-19-10. Authorization to sell and transfer property; use of proceeds.**

1 (a) Notwithstanding any other provision of law or this code to the contrary, the commission,  
2 council, and governing boards each may sell, lease, convey, or otherwise dispose of all or part of  
3 any real property that it owns, either by contract or at public auction, and shall retain the proceeds  
4 of the transaction.

5 The commission, council, and governing boards may not sell, convey, or otherwise  
6 dispose of any real property which was purchased by the commission, council, and governing  
7 boards without first performing the following steps:

8 (1) Providing for property appraisal by two independent licensed appraisers. The property  
9 may not be sold for less than the average of the two appraisals: Provided, That if the property is  
10 sold at a public auction then two appraisals shall not be required;

11 (2) Providing notice of the sale or lease to the public in the county in which the real property  
12 is located by a Class II legal advertisement pursuant to §59-3-2 of this code;

13 (3) Holding a public hearing on the issue in the county in which the real property is located;  
14 and

15 (4) ~~For real property with a proposed sale price of \$50,000 or greater, ten~~ Ten days prior  
16 to the placement of the Class II legal advertisement, providing written notice to the county  
17 commission and municipalities in the county in which the real estate property is located and all  
18 members of the Legislature; and

19 (5) In the case of the commission, notifying the Joint Committee on Government and  
20 Finance.

21 (b) The commission, council, or a governing board may not lease real property for an  
22 annual amount of greater than ~~\$50,000~~ \$150,000 without satisfying the obligations of subdivisions  
23 (2) ~~to~~ and (3), ~~(4)~~ subsection (a), of this section.

24 (c) The commission, council, or a governing board may not sell, convey, or otherwise  
25 dispose of any real property that was gifted or devised to it without first satisfying the obligations  
26 of subdivisions (2) and (3), subsection (a), of this section.

27 ~~(e)~~(d) The commission, council, or a governing board shall deposit the net proceeds from  
28 the sale, conveyance, or other disposal of real property into a special revenue account in the  
29 State Treasury to the credit of the commission, council, or governing board that sold, conveyed,  
30 or otherwise disposed of the real property.