

1 ENGROSSED

2 **Senate Bill No. 1003**

3 (By Senators Kessler (Acting President) and Hall,

4 By Request of the Executive)

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6 [Introduced August 1, 2011; referred to the Committee on  
7 Finance.]  
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11 A BILL to amend and reenact §18B-19-10 of the Code of West  
12 Virginia, 1931, as amended, relating to proceeds from the  
13 sale, lease, conveyance or other disposal of real property  
14 that is used jointly by state institutions of higher education  
15 or for statewide programs under the jurisdiction of the Higher  
16 Education Policy Commission or the Council for Community and  
17 Technical College Education.

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

19 That §18B-19-10 of the Code of West Virginia, 1931, as  
20 amended, be amended and reenacted to read as follows:

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

22 **§18B-19-10. Authorization to sell property; use of proceeds.**

23 (a) Notwithstanding any other provision of law or this code to  
24 the contrary, the commission, council and governing boards each may

1 sell, lease, convey or otherwise dispose of all or part of any real  
2 property that it owns, either by contract or at public auction, and  
3 retain the proceeds of the transaction.

4 ~~(1)~~ The commission, council and governing boards may not sell,  
5 lease, convey or otherwise dispose of any real property without  
6 first performing the following steps:

7 ~~(A)~~ (1) Providing for property appraisal by two independent  
8 licensed appraisers. The property may not be sold for less than  
9 the average of the two appraisals;

10 ~~(B)~~ (2) Providing notice to the public in the county in which  
11 the real property is located by a Class II legal advertisement  
12 pursuant to section two, article three, chapter fifty-nine of this  
13 code;

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

16 ~~(D)~~ (4) In the case of the commission, notifying the Joint  
17 Committee on Government and Finance.

18 ~~(2) Any proceeds from the sale, lease, conveyance or other~~  
19 ~~disposal of real property that is used jointly by institutions or~~  
20 ~~for statewide programs under the jurisdiction of the commission or~~  
21 ~~the council shall be transferred to the General Revenue Fund of the~~  
22 ~~state.~~

23 (b) The commission, council or a governing board shall deposit  
24 the net proceeds from the sale, lease, conveyance or other disposal

1 of real property into a special revenue account in the State  
2 Treasury to be appropriated by the Legislature in the annual budget  
3 bill for the purchase of additional real property, equipment or  
4 technology, or for capital improvements or maintenance at the  
5 institution that sold the surplus real property.