

WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2011



E N R O L L E D

Senate Bill No. 1003

(BY SENATORS **KESSLER** (ACTING PRESIDENT) AND **HALL**,
BY REQUEST OF THE **EXECUTIVE**)

[PASSED AUGUST 5, 2011; IN EFFECT FROM PASSAGE.]

ENROLLED

Senate Bill No. 1003

(BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed August 5, 2011; in effect from passage.]

AN ACT to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to proceeds from the sale, lease, conveyance or other disposal of real property that is used jointly by state institutions of higher education or for state-wide programs under the jurisdiction of the Higher Education Policy Commission or the Council for Community and Technical College Education.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 19. CAPITAL PROJECTS AND FACILITIES NEEDS.

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

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

7 The commission, council and governing boards may not
8 sell, lease, convey or otherwise dispose of any real property
9 without first performing the following steps:

10 (1) Providing for property appraisal by two independent
11 licensed appraisers. The property may not be sold for less
12 than the average of the two appraisals;

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

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

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

21 (b) The commission, council or a governing board shall
22 deposit the net proceeds from the sale, lease, conveyance or
23 other disposal of real property into a special revenue account
24 in the State Treasury to be appropriated by the Legislature
25 in the annual budget bill for the purchase of additional real
26 property, equipment or technology, or for capital improve-
27 ments or maintenance at the institution that sold the surplus
28 real property.

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

.....
Chairman Senate Committee

.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

.....
Clerk of the Senate

.....
Clerk of the House of Delegates

.....
Acting President of the Senate

.....
Speaker of the House of Delegates

The within this the
Day of, 2011.

.....
Governor