

1 **ENROLLED**

2 **Senate Bill No. 1003**

3 (BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,

4 BY REQUEST OF THE EXECUTIVE)

5 _____
6 [Passed August 5, 2011; in effect from passage.]
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10 AN ACT to amend and reenact §18B-19-10 of the Code of West
11 Virginia, 1931, as amended, relating to proceeds from the
12 sale, lease, conveyance or other disposal of real property
13 that is used jointly by state institutions of higher education
14 or for statewide programs under the jurisdiction of the Higher
15 Education Policy Commission or the Council for Community and
16 Technical College Education.

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

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

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

21 **§18B-19-10. Authorization to sell property; use of proceeds.**

22 (a) Notwithstanding any other provision of law or this code to
23 the contrary, the commission, council and governing boards each may
24 sell, lease, convey or otherwise dispose of all or part of any real

1 property that it owns, either by contract or at public auction, and
2 retain the proceeds of the transaction.

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

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

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

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

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

16 (b) The commission, council or a governing board shall deposit
17 the net proceeds from the sale, lease, conveyance or other disposal
18 of real property into a special revenue account in the State
19 Treasury to be appropriated by the Legislature in the annual budget
20 bill for the purchase of additional real property, equipment or
21 technology, or for capital improvements or maintenance at the
22 institution that sold the surplus real property.