

Senate Bill No. 1003

(By Senators Kessler (Acting President) and Hall,

By Request of the Executive)

[Introduced August 1, 2011; referred to the Committee on
Finance.]

A BILL to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to clarifying the requirement for deposit and transfer of proceeds from the sale, lease, exchange or conveyance of real property.

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.

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

~~(1)~~ The commission, council and governing boards may not sell,

1 lease, convey or otherwise dispose of any real property without
2 first performing the following steps:

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

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

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

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

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

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

1 institution that sold the surplus real property.

NOTE: The purpose of this bill is to clarify the authorization of the Higher Education Policy Commission to sell, lease or convey property and to designate where proceeds are to be deposited.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.