WEST virginia legislature

2025 regular session

Introduced

Senate Bill 881

By Senators Woodrum, Oliverio, and Woelfel

[Introduced March 24, 2025; referred
to the Committee on Education; and then to the Committee on Government Organization]

A BILL to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to modifying the authority of the Higher Education Policy Commission, Council for Community and Technical College Education, and institutions of higher education to sell and transfer property.

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.

(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 shall retain the proceeds of the transaction.

The commission, council and governing boards may not sell, convey or otherwise dispose of any real property purchased with public funds by the commission, council and governing boards, or other public body, without first performing the following applicable steps:

(1) In the event of a sale by contract, without first ~~Providing~~ providing for property appraisal by two independent licensed appraisers. The property may not be sold for less than the average of the two appraisals;

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

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

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

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

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

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

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

(e) Transactions between the commission, council, or governing boards and any other public body shall be solely subject to article five, chapter one of this code.

(f) Transactions between governing boards and corporations defined in §18B-12-1 of this code shall be solely subject to §18B-12-1 *et. seq.* of this code.

NOTE: The purpose of this bill is to update the required procedures for an institution of higher education to sell and transfer property.

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