

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 881**

By Senators Woodrum and Oliverio

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

1 A BILL to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended,  
2 relating to modifying the authority of the Higher Education Policy Commission, Council for  
3 Community and Technical College Education, and institutions of higher education to sell  
4 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.**

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

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

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

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

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

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

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

20 Finance.

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

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

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

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

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