WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1968

ENROLLED

HOUSE BILL No. 289

(By Mr. [Name] and Mr. [Name])

PASSED February 5, 1968

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-16-68
AN ACT to amend chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article five, authorizing the acquisition and disposition of real property by and between the state and its political subdivisions and county boards of education, and by and between political subdivisions and county boards of education of this state.

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

That chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article five, to read as follows:
ARTICLE 5. ACQUISITION AND DISPOSITION OF REAL PROPERTY BY AND BETWEEN PUBLIC BODIES.

§1-5-1. Legislative findings and purpose.

This article is enacted to facilitate and expedite the acquisition and disposition of real property by and between the state and its political subdivisions and county boards of education and by and between such political subdivisions and county boards of education, it being determined by the Legislature that through the evolution and growth of governmental processes, the duties, responsibilities and functions of various units of government have become intermingled and that such governmental units should be permitted to deal with one another on a direct and mutually beneficial basis with respect to such acquisition and disposition.

§1-5-2. Scope and definition.

The provisions of this article shall apply to the state of West Virginia, its agencies, departments, boards and commissions of whatever description, county courts or tribunals in lieu thereof, county boards of education, incorporated municipalities or any other political subdivisions.
For the purpose of this article, the term "public body" shall mean the state of West Virginia, or any agency, department, board or commission thereof of whatever description, or any county court or tribunal in lieu thereof, or any county board of education, or any incorporated municipality, or any other political subdivision.

§1-5-3. Acquisition and disposition of real property.

Any public body is hereby authorized and empowered to acquire by purchase, transfer or exchange any real property owned by any other public body, and any public body is hereby authorized and empowered to dispose of by sale, transfer or exchange to or with any other public body any real property owned by it, any such acquisition or disposition to be upon such terms and conditions as may be agreed upon by and between the public bodies, taking into consideration (1) the lack of need for such property by the public body holding title thereto; (2) the need for such property by the public body desiring to acquire title thereto; and (3) the benefits to be derived by the public as a result of such acquisition or disposition: Provided, That any acquisition or disposition
by the state, or any agency, department, board or com-
mission thereof, must first be approved in writing by the
board of public works. All conveyances of any such real
property shall be by deed or deeds, as the case may be, in
the manner provided by law for the conveyance of real
property.

§1-5-4. Repeal.

All acts or parts of acts which are inconsistent with the
provisions of this article are hereby repealed to the ex-
tent of such inconsistency.

§1-5-5. Severability.

If any provision of this article or the application thereof
to any person or circumstance is held invalid, such in-
validity shall not affect other provisions or applications
of this article, and to this end the provisions of this
article are declared to be severable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Temper
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Thomas Hays
Clerk of the Senate

C. W. Blankenship
Clerk of the House of Delegates

Howard W. Cassell
President of the Senate

J. Lohan White
Speaker of the House of Delegates

The within approved this the 14th
day of February, 1968.

Huckle E. Smith
Governor
Presented to the Governor

Date: 2/12/68
Time: 3:00 P.M.

Received
Feb 15 1 01 PM '68
Office of
Secretary of State
State of West Virginia