

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 289

(By Mr. Speakers, Mr. White, &
and Mr. Boriansky)



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

#289

ENROLLED

House Bill No. 289

(By MR. SPEAKER, MR. WHITE, and MR. BOIARSKY)

[Passed February 5, 1968; in effect ninety days from passage.]

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.

1 This article is enacted to facilitate and expedite the
2 acquisition and disposition of real property by and be-
3 tween the state and its political subdivisions and county
4 boards of education and by and between such political
5 subdivisions and county boards of education, it being de-
6 termined by the Legislature that through the evolution
7 and growth of governmental processes, the duties, re-
8 sponsibilities and functions of various units of govern-
9 ment have become intermingled and that such govern-
10 mental units should be permitted to deal with one
11 another on a direct and mutually beneficial basis with
12 respect to such acquisition and disposition.

§1-5-2. Scope and definition.

1 The provisions of this article shall apply to the state of
2 West Virginia, its agencies, departments, boards and com-
3 missions of whatever description, county courts or tri-
4 bunals in lieu thereof, county boards of education, in-
5 corporated municipalities or any other political subdivi-
6 sions.

7 For the purpose of this article, the term "public body"
8 shall mean the state of West Virginia, or any agency,
9 department, board or commission thereof of whatever
10 description, or any county court or tribunal in lieu there-
11 of, or any county board of education, or any incorporated
12 municipality, or any other political subdivision.

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

1 Any public body is hereby authorized and empowered
2 to acquire by purchase, transfer or exchange any real
3 property owned by any other public body, and any public
4 body is hereby authorized and empowered to dispose of
5 by sale, transfer or exchange to or with any other public
6 body any real property owned by it, any such acquisition
7 or disposition to be upon such terms and conditions as
8 may be agreed upon by and between the public bodies,
9 taking into consideration (1) the lack of need for such
10 property by the public body holding title thereto; (2) the
11 need for such property by the public body desiring to
12 acquire title thereto; and (3) the benefits to be derived
13 by the public as a result of such acquisition or disposi-
14 tion: *Provided*, That any acquisition or disposition

15 by the state, or any agency, department, board or com-
16 mission thereof, must first be approved in writing by the
17 board of public works. All conveyances of any such real
18 property shall be by deed or deeds, as the case may be, in
19 the manner provided by law for the conveyance of real
20 property.

§1-5-4. Repeal.

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

§1-5-5. Severability.

1 If any provision of this article or the application thereof
2 to any person or circumstance is held invalid, such in-
3 validity shall not affect other provisions or applications
4 of this article, and to this end the provisions of this
5 article are declared to be severable.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompos
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Thomas Keyser
Clerk of the Senate

Ch. Plunkenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Lahan White
Speaker of the House of Delegates

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

Frederic C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date

2/12/68

Time

3:00 P.m.

RECEIVED

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA