ENROLLED

Senate Bill No. 1003

(By Senators Kessler (Acting President) and Hall, By Request of the Executive)

[Passed August 5, 2011; in effect from passage.]
AN ACT to amend and reenact §18B-19-10 of the Code of West Virginia, 1931, as amended, relating to proceeds from the sale, lease, conveyance or other disposal of real property that is used jointly by state institutions of higher education or for statewide programs under the jurisdiction of the Higher Education Policy Commission or the Council for Community and Technical College Education.

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.

1. (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.
The commission, council and governing boards may not sell, lease, convey or otherwise dispose of any real property without first performing the following steps:

(1) 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 to the public in the county in which the real property is located by a Class II legal advertisement pursuant to section two, article three, chapter fifty-nine of this code;

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

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

(b) The commission, council or a governing board shall deposit the net proceeds from the sale, lease, conveyance or other disposal of real property into a special revenue account in the State Treasury to be appropriated by the Legislature in the annual budget bill for the purchase of additional real property, equipment or technology, or for capital improvements or maintenance at the institution that sold the surplus real property.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within ... approved this the ... Day of ... 2011.

Governor