

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 22.1-129 of the Code of Virginia, relating to surplus property of local*  
3 *school boards.*

4 [H 1245]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 22.1-129 of the Code of Virginia is amended and reenacted as follows:**

8 § 22.1-129. Surplus property; sale, exchange or lease of real and personal property.

9 A. Whenever a school board determines that it has no use for some of its real property, the school  
10 board may sell such property and may retain all or a portion of the proceeds of such sale upon approval  
11 of the local governing body and after the school board has held a public hearing on such sale and  
12 retention of proceeds, or may convey the title to such real property to the county or city or town  
13 comprising the school division or, if the school division is composed of more than one county or city,  
14 to the county or city in which the property is located. To convey the title, the school board shall adopt a  
15 resolution that such real property is surplus and shall record such resolution along with the deed to the  
16 property with the clerk of the circuit court for the county or city where such property is located. Upon  
17 the recording of the resolution and the deed, the title shall vest in the appropriate county, city or town.

18 If a school board sells surplus real property, a capital improvement fund shall be established by such  
19 school board and the proceeds of such sale retained by the school board shall accrue to such capital  
20 improvement fund. The capital improvement fund shall only be used for new school construction, school  
21 renovation, and major school maintenance projects.

22 B. A school board shall have the power to exchange real and personal property, to lease real and  
23 personal property either as lessor or lessee, to grant easements on real property, to convey real property  
24 in trust to secure loans, to convey real property to adjust the boundaries of the property and to sell  
25 personal property in such manner and upon such terms as it deems proper. As lessee of real property, a  
26 school board shall have the power to expend funds for capital repairs and improvements on such  
27 property, if the lease is for a term equal to or longer than the useful life of such repairs or  
28 improvements.

29 C. Notwithstanding the provisions of subsections A and B, a school board shall have the power to  
30 sell career and technical education projects and associated land pursuant to § 22.1-234.

31 Notwithstanding the provisions of subsections A and B, a school board of the City of Virginia Beach  
32 shall have the power to sell property to the Virginia Department of Transportation or the  
33 Commonwealth Transportation Commissioner when the Commissioner has determined that (i) such  
34 conveyance is necessary and (ii) when eminent domain has been authorized for the construction,  
35 reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for  
36 all other purposes incidental thereto, including, but not limited to, the relocation of public utilities as  
37 may be required.

38 D. School boards may donate obsolete educational technology hardware and software that is being  
39 replaced pursuant to subdivision B 4 of § 22.1-199.1. Any such donations shall be offered to other  
40 school divisions, to students, as provided in Board of Education guidelines, and to preschool programs  
41 in the Commonwealth. *In addition, elected school boards may donate such obsolete educational*  
42 *technology hardware and software and other obsolete personal property to a Virginia nonprofit*  
43 *organization which is exempt from taxation under § 501(c)(3) of the Internal Revenue Code.*

ENROLLED

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