

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2414**

4
5 (By Delegates Morgan, Williams, Stephens,
6 D. Poling and Moye)

7 (Originating in the Committee on the Judiciary)

8 [February 8, 2013]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §8-12-18a, relating
12 to the lease or conveyance of municipal property; allowing for
13 the lease or conveyance of municipal property for less than
14 fair market value without auction to a nonprofit corporation
15 for the provision of specific services to the public;
16 prerequisite conditions and findings by municipality; and
17 required reverter of the property to the municipality if the
18 nonprofit corporation ceases to provide the services.

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §8-12-18a, to read as
22 follows:

23 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**
24 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**
25 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**
26 **MUNICIPALITIES.**

1 §8-12-18a. Conveyance of property to a nonprofit corporation.

2 (a) Notwithstanding the provisions of section eighteen of this
3 article, a municipality may lease or convey municipal property
4 without public auction and for less than fair market value to a
5 nonprofit corporation providing charitable or patriotic services,
6 for the purpose of rendering services which benefit the public and
7 which the municipality could lawfully provide, if the
8 municipality's governing body makes factual determinations that:

9 (1) There is a lack of need for the property by the
10 municipality in comparison to the benefit to the municipality
11 and/or the public if the property is leased or conveyed as provided
12 in this section; and

13 (2) The nonprofit corporation demonstrates its need for the
14 property in order to provide the services which benefit the public.

15 (b) If the nonprofit corporation should cease to provide those
16 services which benefit the public, the property shall, by operation
17 of law, revert to and vest in the municipality, after which the
18 nonprofit corporation shall have no right, title or interest in or
19 to the property.

20 (c) Any lease, deed or other instrument conveying the
21 municipal property, executed pursuant to this section, shall
22 contain the reverter wording contained in subsection (b) of this
23 section.