

H. B. 2414

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

[Introduced February 13, 2013; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §8-12-18a, relating
to a municipality conveying property to a nonprofit.

Be it enacted by the Legislature of West Virginia:

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

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

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

(a) Notwithstanding the provisions of section eighteen of this
article, a municipality may lease or convey city property to a
nonstock/nonprofit corporation providing charitable, patriotic or
philanthropic services, for the purpose of rendering services which

1 benefit the public and are for services that the municipality would
2 lawfully provide, for less than fair market value, and without
3 public auction if the governing body makes factual determination
4 that:

5 (1) There is a lack of need for the property by the city in
6 comparison to the benefit to the city and/or public if property is
7 leased or conveyed; and

8 (2) There is a demonstrable need for the property by the
9 nonstock/nonprofit corporation to be able to perform the services
10 it provides in benefitting the public.

11 (b) If the nonstock/nonprofit corporation should cease to
12 provide those services to the public, the property shall by
13 operation of law, revert to and vest in the city, after which the
14 nonprofit organization has no right, title or interest in or to the
15 property.

16 (c) Any lease, deed or other instrument of transferring the
17 property executed pursuant to this section shall contain the
18 reversion wording contained in subsection (b) of this section.

NOTE: The purpose of this bill is to permit a municipality to convey property to a nonprofit for a specific public interest that benefits the municipality.

This section is new; therefore, it has been completely underscored.