

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2414**

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(BY DELEGATES MORGAN, WILLIAMS, STEPHENS,  
D. POLING AND MOYE)

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(Originating in the Committee on the Judiciary)  
[February 8, 2013]

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

*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 corporation.**

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

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

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

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

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

