

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 64

BY SENATOR BEACH

[Introduced January 8, 2020; referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to
 2 expanding county commissions' ability to dispose of county or district property; and adding
 3 the ability of county commissions to dispose of the property to a nonprofit community or
 4 senior center organization without conducting a public sale.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. COUNTY PROPERTY.

§7-3-3. Sale of county or district property.

1 (a) Except as may be prohibited by law or otherwise, the county commission of a county
 2 is authorized by law to sell or dispose of any property, either real or personal, belonging to the
 3 county or held by it for the use of any district thereof. The property shall be sold either at an on-
 4 site public auction or by utilizing an Internet-based public auction service, and ~~such~~ the sale shall
 5 be conducted by the president of the county commission, but before making ~~any such~~ the sale,
 6 notice of the time, terms, manner and either the location of the sale or the Internet-based public
 7 auction service to be utilized, together with a brief description of the property to be sold, shall be
 8 published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.*
 9 of this code, and the publication area for ~~such~~ the publication ~~shall be~~ is the county: Provided,
 10 That this section ~~shall~~ does not apply to the sale of any one item of property of less value than
 11 \$1,000.

12 (b) The provisions of subsection (a) of this section concerning sale at public auction ~~shall~~
 13 do not apply to a county commission selling or disposing of its property for a public use to:

- 14 (1) The United States of America, its instrumentalities, agencies or political subdivisions;
 15 (2) The State of West Virginia, or its political subdivisions, including county boards of
 16 education, volunteer fire departments, and volunteer ambulance services; or
 17 (3) Any nonprofit community or senior center organization, or any authority, commission,
 18 instrumentality, or agency established by act of the State of West Virginia or any of its political
 19 subdivisions.

20 (4) For all sales made pursuant to this subsection, county commissions are not required
21 to exclusively consider the present commercial or market value of the property; and

22 (5) A sale under the provisions of this subsection ~~shall~~ may not be for less than \$1.

23 (c) For all real property conveyed or sold by a county commission to a volunteer fire
24 department, volunteer ambulance service, or any other authority, commission, instrumentality, or
25 agency, under the provisions of subsection (b) of this section, ~~such~~ the real property shall revert
26 back to the county commission if the volunteer fire department, volunteer ambulance service,
27 authority, commission, instrumentality, or agency proposes to dispose of the property, unless the
28 county commission explicitly disclaims this reversionary right in writing in the deed of conveyance.

NOTE: The purpose of this bill is to expand county commissions' ability to dispose of county or district property to a nonprofit community or senior center organization without conducting a public sale.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.