

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4733

BY DELEGATES HAYNES, DEAN, AND COOPER

[Introduced February 15, 2022; Referred to the
Committee on Education]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §11-4-21; and to amend and reenact §18-5-7 of said code, all relating to
 3 relinquishing ownership of school properties within one year of the closure of a school;
 4 requiring county boards of education to relinquish ownership through sale or lease; and
 5 requiring assessment and collection of taxes for properties that are vacant or unused for
 6 more than two years.

Be it enacted by the Legislature of West Virginia:

CHAPTER 11. TAXATION.

ARTICLE 4. ASSESSMENT OF REAL PROPERTY.

§11-4-21. Assessment of unused school property.

1 When any real property, dedicated to the use of or owned by the local school district,
 2 becomes vacant or unused for a period of more than two tax years, the county assessor for the
 3 county in which the property is situated shall enter the property in the land books of the county
 4 and assess it as commercial property. The property tax for the unused school property shall then
 5 be due from the county board of education for the tax year after the two-year vacancy period and
 6 every year thereafter until the property is sold, leased, or returned to public use.

CHAPTER 18. EDUCATION.

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-7. Sale of school property at public auction; rights of grantor of lands in rural communities; oil and gas leases; disposition of proceeds; lease of school property.

1 (a) Except as set forth in subsection (b) of this section, if at any time a county board
 2 determines that any building or any land is no longer needed for school purposes, the county
 3 board may sell, dismantle, remove or relocate the building and sell the land on which it is located
 4 at public auction, after proper notice and on such terms as it orders, to the highest responsible
 5 bidder.

6 (b) Notwithstanding the provisions of subsection (a) of this section, in rural communities,
7 the grantor of the lands or his or her heirs or assigns has the right to purchase at the sale, the
8 land, exclusive of the buildings on the land and the mineral rights, at the same price for which it
9 was originally sold: *Provided*, That the sale to the board was not a voluntary arms length
10 transaction for valuable consideration approximating the fair market value of the property at the
11 time of the sale to the board: *Provided, however*, That the provisions of this section may not
12 operate to invalidate any provision of the deed to the contrary.

13 (c) The county board, by the same method set forth in subsection (a) of this section for
14 the sale of school buildings and lands, may, in lieu of offering the property for sale, enter into a
15 lease for oil or gas or other minerals any lands or school sites owned in fee by it. The proceeds
16 of the sales and rentals shall be placed to the credit of the fund or funds of the district as the
17 county board may direct.

18 (d) The county board may make any sale of property subject to the provision that all liability
19 for hazards associated with the premises are to be assumed by the purchaser. In any sale by the
20 county board of improved property in which the actual consideration is less than \$10,000 or in
21 any sale of unimproved property in which the actual consideration is less than \$1,000, the county
22 board shall make any sale of property subject to the provision that all liability for hazards
23 associated with the premises are to be assumed by the purchaser. The county board shall inform
24 any prospective purchaser of known or suspected hazards associated with the property.

25 (e) Except as provided by the provisions of subsection (b) of this section, where a county
26 board determines that any school property is no longer needed for school purposes, the county
27 board may, upon determining that it will serve the best interests of the school system and the
28 community, offer the property for lease. The procedure set forth in subsection (a) of this section
29 relating to sale of school buildings and lands shall apply to leasing the school property. Any lease
30 authorized by the provisions of this subsection shall be in writing. The writing shall include a
31 recitation of all known or reasonably suspected hazards associated with the property, an

32 assumption by the lessee of all liability related to all hazards, whether disclosed or not, and
33 provisions wherein the lessee assumes all liability for any actions arising from the property during
34 the term of the lease.

35 ~~(f)~~ (e) Notwithstanding any provision of this section to the contrary, the provisions of this
36 section concerning sale or lease at public auction may not apply to a county board selling, leasing
37 or otherwise disposing of its property for a public use to the State of West Virginia, or its political
38 subdivisions, including county commissions, for an adequate consideration without considering
39 alone the present commercial or market value of the property.

NOTE: The purpose of this bill is to require county boards of education to relinquish ownership of a school property within one year of the school's closure.

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