

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3343

By Delegate Burkhammer

[Introduced February 08, 2023; Referred to the
Committee on Education]

1 A BILL to amend and reenact §18-5-7 of the Code of West Virginia, 1931, as amended, relating to
2 requiring the demolition of former school buildings.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

**§18-5-7. Sale of school property at public auction; demolition authority; 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~~ shall demolish the building and sell the land on
4 which it is located at public auction, after proper notice and on such terms as it orders, to the
5 highest responsible 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 land,
8 exclusive of the buildings on the land and the mineral rights, at the same price for which it was
9 originally sold: *Provided*, That the sale to the board was not a voluntary arms length transaction for
10 valuable consideration approximating the fair market value of the property at the time of the sale to
11 the board: *Provided, however*, That the provisions of this section may not operate to invalidate any
12 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 the
14 sale of school buildings and lands, may, in lieu of offering the property for sale, enter into a lease
15 for oil or gas or other minerals any lands or school sites owned in fee by it. The proceeds of the
16 sales and rentals shall be placed to the credit of the fund or funds of the district as the county board
17 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 any
21 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 the demolition of former school buildings.

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