

1 SB352 SUB1

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 352**

5 (By Senators Stollings and Snyder)

6 _____
7 [Originating in the Committee on Government Organization;
8 reported February 10, 2011.]
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11 A BILL to amend and reenact §7-3-3 of the Code of West Virginia,
12 1931, as amended, relating to the sale of property owned by
13 the county commission; and providing an exemption for sale of
14 county-owned hospitals.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §7-3-3 of the Code of West Virginia, 1931, as amended, be
17 amended and reenacted to read as follows:

18 **ARTICLE 3. COUNTY PROPERTY.**

19 **§7-3-3. Sale of county or district property.**

20 (a) Except as may be prohibited by law or otherwise, the
21 county commission of a county is authorized ~~by law~~ to sell or
22 dispose of ~~any~~ property, either real or personal, belonging to the
23 county or held by it for the use of any district thereof. The
24 property shall be sold at public auction.

25 (b) The public auction sale shall be:

26 (1) At the front door of the courthouse of the county; and
27 ~~such sale shall be~~

28 (2) Conducted by the president of the county commission or a

1 designee.

2 ~~(c) but before making any such~~ Prior to the sale, the county
3 commission shall publish as a Class II legal advertisement in
4 compliance with the provisions of article three, chapter fifty-nine
5 of this code, a notice of the time, date, terms and place of the
6 sale, together with a brief description of the property to be sold.
7 ~~shall be published as a Class II legal advertisement in compliance~~
8 ~~with the provisions of article three, chapter fifty-nine of this~~
9 ~~code, and~~ The publication area for ~~such publication~~ the notice
10 shall be the county. ~~Provided, That this section shall~~

11 (d) The provisions of this section do not apply to:

12 (1) The sale of any one item of property of less value than
13 \$1,000; ~~Provided, however, That the provisions of this section~~
14 ~~concerning sale at public auction shall not apply to~~

15 (2) A county commission selling or disposing of its property
16 for a public use to:

17 (A) The United States of America, its instrumentalities,
18 agencies or political subdivisions; or to

19 (B) The State of West Virginia, or its political subdivisions,
20 including county boards of education, volunteer fire departments
21 and volunteer ambulance services, for an adequate consideration
22 without considering alone the present commercial or market value of
23 the property: ~~Provided further,~~ That all real property conveyed or
24 sold by a county commission to a volunteer fire department or
25 volunteer ambulance service under this ~~provision~~ subdivision shall
26 revert back to the county commission if the volunteer fire
27 department or volunteer ambulance service ceases to use it for the
28 purpose for which the real property was conveyed or sold; or

1 (3) A transfer of a county-owned hospital to a non-profit
2 corporation formed by the trustees of the county-owned hospital for
3 an adequate consideration without considering alone the present
4 commercial or market value of the property, if the county
5 commission finds, by adopted written resolution that specifically
6 states, that:

7 (A) The objectives for the property would not be met if the
8 property was sold at public auction;

9 (B) The interests of the public would be better served by the
10 transfer to the non-profit corporation;

11 (C) The transfer to the non-profit corporation would not be a
12 detriment to the county; and

13 (D) The property shall revert back to the county commission if
14 the property ceases to be used as a hospital.

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