

H. B. 4463

(By Delegates Morgan, Williams, Stephens,  
D. Poling and Moye)

[Introduced February 8, 2012; referred to the Committee on Political Subdivisions then the Judiciary.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §8-12-18a, relating  
12 to a municipality conveying property to a nonprofit.

13 Be it enacted by the Legislature of West Virginia:

14           That the Code of West Virginia, 1931, as amended, be amended  
15 by adding thereto a new section, designated §8-12-18a, to read as  
16 follows:

17 ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED  
18 RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND  
19 MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST  
20 MUNICIPALITIES.

21 §8-12-18a. Conveyance of property to a nonprofit.

22       (a) Notwithstanding the provisions of section eighteen of this  
23 article, a municipality may lease or convey city property to  
24 nonprofit organizations for less than fair market value, and

1 without public auction if the city council has made a factual  
2 determination that:

3       (1) There is a lack of need for the property by the city in  
4 comparison to the benefit to the city if property is leased or  
5 conveyed; and

6       (2) There is a demonstrable need for the property by the  
7 nonprofit organization to be able to perform the services it  
8 provides in benefitting the public.

9       (b) If the nonprofit organization should cease to provide  
10 those services to the public, the property shall by operation of  
11 law, revert to and vest in the city, and after that the nonprofit  
12 organization has no right, title or interest in or to the property.

13       (c) Any lease, deed or other instrument of transferring the  
14 property executed pursuant to this section shall contain the  
15 reversion wording contained in subsection (b) of this section.

NOTE: The purpose of this bill is to permit a municipality to convey property to a nonprofit for a specific public interest that benefits the municipality.

This section is new; therefore, it has been completely underscored.