

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2654

BY DELEGATES STATLER, MILEY, LEWIS, E. EVANS,

PETHTEL, WILLIAMS AND UPSON

[Introduced February 22, 2017; referred

to the Committee on Political Subdivisions then 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; adding the
3 ability of county commissions to grant such property to 501(c)(3) tax exempt organizations
4 operated exclusively for charitable, educational or scientific purposes; noting that such
5 sales are not required to be made considering the property's present commercial or
6 market value; setting a minimum value for such sales; revising the requirement that
7 property conveyed to volunteer fire department or volunteer ambulance service reverts
8 back to county commission following termination of use to account for the 501(c)(3) tax
9 exempt organizations operated exclusively for charitable, educational or scientific
10 purposes; and, to provide that such reversionary right may be disclaimed by the county
11 commission.

Be it enacted by the Legislature of West Virginia:

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

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 sale shall be
5 conducted by the president of the county commission, but before making any such sale, notice of
6 the time, terms, manner and either the location of the sale or the Internet-based public auction
7 service to be utilized, together with a brief description of the property to be sold, shall be published
8 as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-
9 nine of this code, and the publication area for such publication shall be the county: *Provided, That*

10 this section shall not apply to the sale of any one item of property of less value than \$1,000.

11 ~~Provided, however, That~~

12 (b) The provisions of subsection (a) of this section concerning sale at public auction shall
13 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 ~~or to~~

16 (2) The State of West Virginia, or its political subdivisions, including county boards of
17 education, volunteer fire departments, and volunteer ambulance services; or

18 (3) Organizations operated exclusively for charitable, educational or scientific purposes as
19 shall at such time qualify as an exempt organization under section 501(c)(3) of the Internal
20 Revenue Code for an adequate consideration without considering alone the present commercial
21 or market value of the property: *Provided, That* For sales made pursuant to this subsection, county
22 commissions are not required to exclusively consider the present commercial or market value of
23 the property: *Provided however, That* sales under this subsection shall not be for less than \$1.

24 (c) For ~~All~~ real property conveyed or sold by a county commission to a volunteer fire
25 department, ~~or~~ volunteer ambulance service, or charitable, educational, or scientific organization
26 under ~~this~~ the provisions of subsection (b) of this section, such property shall revert back to the
27 county commission if the volunteer fire department, ~~or~~ volunteer ambulance service, or charitable,
28 educational, or scientific organization ceases to use it for the purpose for which the real property
29 was conveyed or sold proposes to dispose of the property, unless the county commission
30 explicitly disclaims this reversionary right.

NOTE: The purpose of this bill is to expand county commissions' ability to dispose of county or district property; and to revise the requirement that property conveyed to volunteer fire department or volunteer ambulance service reverts back to county commission following termination of use.

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