

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2654

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

WILLIAMS, UPSON AND FRICH

[Passed March 3, 2018; in effect ninety days from passage.]

1 AN ACT to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating
2 to expanding county commissions' ability to dispose of county or district property; adding
3 the ability of county commissions to dispose of such property to an authority, commission,
4 instrumentality, or agency established by act of the State of West Virginia or any of its
5 political subdivisions; noting that such sales are not required to be made considering the
6 property's present commercial or market value; setting a minimum value for such sales;
7 revising the requirement that property conveyed to volunteer fire department or volunteer
8 ambulance service, or to an authority, commission, instrumentality, or agency, reverts
9 back to county commission following termination of use; and, to provide that such
10 reversionary right may be disclaimed in a deed by the county commission.

Be it enacted by the Legislature of West Virginia:

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 (b) The provisions of subsection (a) of this section concerning sale at public auction shall
12 not apply to a county commission selling or disposing of its property for a public use to:

13 (1) The United States of America, its instrumentalities, agencies or political subdivisions;

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

16 (3) Any authority, commission, instrumentality, or agency established by act of the State
17 of West Virginia or any of its political subdivisions.

18 (4) For all sales made pursuant to this subsection, county commissions are not required
19 to exclusively consider the present commercial or market value of the property; and

20 (5) A sale under the provisions of this subsection shall not be for less than \$1.

21 (c) For all real property conveyed or sold by a county commission to a volunteer fire
22 department, volunteer ambulance service, or any other authority, commission, instrumentality, or
23 agency, under the provisions of subsection (b) of this section, such real property shall revert back
24 to the county commission if the volunteer fire department, volunteer ambulance service, authority,
25 commission, instrumentality, or agency proposes to dispose of the property, unless the county
26 commission explicitly disclaims this reversionary right in writing in the deed of conveyance.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2018.

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Governor