

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2654**

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

WILLIAMS, UPSON, AND FRICH

[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; and  
 3 eliminating requirement that property conveyed to volunteer fire department or volunteer  
 4 ambulance service reverts back to county commission following termination of use.

*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 further,* That~~

22           For sales made pursuant to this subsection, county commissions are not required to  
23 exclusively consider the present commercial or market value of the property: *Provided,* That sales  
24 under this subsection shall not be for less than \$1.

25           ~~All real property conveyed or sold by a county commission to a volunteer fire department~~  
26 ~~or volunteer ambulance service under this provision shall revert back to the county commission if~~  
27 ~~the volunteer fire department or volunteer ambulance service ceases to use it for the purpose for~~  
28 ~~which the real property was conveyed or sold.~~

NOTE: The purpose of this bill is to expand county commissions' ability to dispose of county or district property; and eliminate 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.