

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4872

By Delegates Howell, Miller, Horst, Crouse, Brooks,
Thorne, Hillenbrand, Ward, C. Pritt, Campbell, and
Hott

[Introduced January 17, 2024; Referred to the
Committee on Political Subdivisions then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §7-3-3b, and to amend said code by adding thereto a new section, designated
 3 §8-12-10a, all relating to requiring counties and municipalities to provide public notice for
 4 land or building purchases.

Be it enacted by the Legislature of West Virginia:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 3. COUNTY PROPERTY.

§7-3-3b. Public notice requirement for county land or building purchases.

1 (a) Notice requirement. – Counties shall provide public notice for the purchase of land or
 2 buildings at least 3 months prior to purchase of the property. In addition to the information set forth
 3 in subsection (b) of this section, notice must indicate the size of the land or buildings intending to
 4 be purchased. The county shall entertain submitted proposals in a public format that are within
 5 10% of the specifications provided, and within the borders of the subdivision, with a reasonable
 6 distance from point selected, not to exceed 4 miles. Proposals shall be available for 10 business
 7 days to the public prior to action being taken.

8 (b) Public notice defined. – Public notice may be completed using acceptable forms of
 9 social media, as well as public posting at the courthouse, with advertisements in news print
 10 optional. Announcement of the sale using any media that reaches the public and is appropriate to
 11 the type and value of personal property to be sold is to be considered public notice.

12 (c) Required information for notice. – In the public notice, the county shall provide
 13 information necessary for potential buyers to participate in the sale, including the following:

- 14 (1) Date, time and location of sale;
- 15 (2) General categories of property being offered for sale;
- 16 (3) Inspection period;
- 17 (4) Method of sale (i.e., spot bid, sealed bid, auction);

18 (5) Selling agency; and

19 (6) Who to contact for additional information.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

§8-12-10a. Public notice requirement for municipality land or building purchases.

1 (a) Notice requirement. – Municipalities shall provide public notice for the purchase of land
2 or buildings at least 3 months prior to purchase of the property. In addition to the information set
3 forth in subsection (b) of this section, notice must indicate the size of the land or buildings
4 intending to be purchased. The municipality shall entertain submitted proposals in a public format
5 that are within 10% of the specifications provided, and within the borders of the subdivision, with a
6 reasonable distance from point selected, not to exceed 4 miles. Proposals shall be available for 10
7 business days to the public prior to action being taken.

8 (b) Public notice defined. – Public notice may be completed using acceptable forms of
9 social media, as well as public posting at the courthouse, with advertisements in news print
10 optional. Announcement of the sale using any media that reaches the public and is appropriate to
11 the type and value of personal property to be sold is to be considered public notice.

12 (c) Required information for notice. – In the public notice, the municipality shall provide
13 information necessary for potential buyers to participate in the sale, including the following:

14 (1) Date, time and location of sale;

15 (2) General categories of property being offered for sale;

16 (3) Inspection period;

17 (4) Method of sale (i.e., spot bid, sealed bid, auction);

18 (5) Selling agency; and

19 (6) Who to contact for additional information.

NOTE: The purpose of this bill is to require counties and municipalities to provide public notice for land or building purchases.

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