

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 2191**

By Delegates G. Howell and Hillenbrand

Introduced February 12, 2025; referred to the

Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-3-20, relating to authorizing county commissions to sell, lease as lessor, trade-in, or dispose of any of its real or personal property or any interest therein; to create rules for said transactions; and to define timeframes and application of this section.

*Be it enacted by the Legislature of West Virginia:*

ARTICLE	3.	COUNTY	PROPERTY
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**§7-3-20.Sale, lease, trade-in, or disposal of county commission property.**

(a) Every county commission, created pursuant to §7-1-1 *et seq.*, is authorized to sell, lease as lessor, or dispose of any of its real or personal property or any interest therein or any part thereof, as authorized in §1-5-1 *et seq.*, or to the United States of America or any agency or instrumentality thereof, or to the state or any agency or instrumentality thereof, for a public purpose for an adequate consideration, without considering alone the present commercial or market value of such property.

(b) In all other cases involving a sale, any county commission is hereby empowered and authorized to sell any of its real or personal property or any interest therein or any part thereof for a fair and adequate consideration, the property to be sold at public auction at a place designated by the governing body, or by using an Internet-based public auction service, but before making any sale, notice of the time, terms, and place of sale, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* and the publication area for the publication shall be the county in which the commission sits. The requirements of notice and public auction shall not apply to the sale of any one item or piece of property of less value than \$1,000 and under no circumstances shall the provisions of this section be construed as being applicable to any transaction involving the trading in of county owned property on the purchase of new or other property for the county and every county shall have plenary power and authority to enter into and consummate any trade-in transaction.

20 (c) In all other cases involving a lease, any county commission is hereby empowered and  
21 authorized to lease as lessor any of its real or personal property or any interest therein or any part  
22 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease  
23 shall be authorized by resolution of the county commission, which resolution may specify terms  
24 and conditions which must be contained in such lease: *Provided*, That before any proposed lease  
25 is authorized by resolution of the county commission, a public hearing on the proposed lease shall  
26 be held by the governing body after notice of the date, time, place and purpose of the public  
27 hearing has been published as a Class I legal advertisement in compliance with the provisions of  
28 §59-3-1 *et seq.* and the publication area for the publication shall be the county in which the  
29 commission lies. The power and authority granted in this subsection shall be in addition to, and not  
30 in derogation of, any power and authority vested in any county commission under any  
31 constitutional or other statutory provision now or hereafter in effect.

NOTE: The purpose of this bill is to authorize county commissions to sell, lease as lessor, trade-in, or dispose of any of its real or personal property or any interest therein, to create rules for said transactions, and to define timeframes and application of this section

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