

1 **Senate Bill No. 352**

2 (By Senators Stollings and Snyder)

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4 [Introduced January 31, 2011; referred to the Committee on

5 Government Organization; and then to the Committee on Finance.]

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10 A BILL to amend and reenact §7-3-3 of the Code of West Virginia,

11 1931, as amended, relating to the sale of property owned by

12 the county commission; and authorizing a sale for adequate

13 consideration under specific circumstances.

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

15 That §7-3-3 of the Code of West Virginia, 1931, as amended, be

16 amended and reenacted to read as follows:

17 **ARTICLE 3. COUNTY PROPERTY.**

18 **§7-3-3. Sale of county or district property.**

19 (a) Except as may be prohibited by law or otherwise, the

20 county commission of a county is authorized ~~by law~~ to sell or

21 dispose of ~~any~~ property, either real or personal, belonging to the

22 county or held by it for the use of any district thereof, by the

23 following:

24 (1) The property shall be sold at public auction, unless the

25 county commission finds a specific public interest as set out in

26 subdivision two of this subsection; or

1 (2) The property may be sold by a direct arms length
2 transaction for adequate consideration based on the fair market
3 value of the property if the county commission finds, by adopted
4 written resolution that specifically states, that:

5 (A) The objectives for the property would not be met if the
6 property was sold at public auction;

7 (B) The interests of the public would be better served by the
8 direct sale; and

9 (C) The direct sale would not be a detriment to the county.

10 (b) If the property is sold by public auction, then the sale
11 shall be:

12 (1) At the front door of the courthouse of the county; and
13 ~~such sale shall be~~

14 (2) Conducted by the president of the county commission or a
15 designee.

16 ~~(c) but before making any such~~ Prior to the sale by public
17 auction, the county commission shall publish as a Class II legal
18 advertisement in compliance with the provisions of article three,
19 chapter fifty-nine of this code, a notice of the time, date, terms
20 and place of the sale, together with a brief description of the
21 property to be sold. shall be published as a Class II legal
22 advertisement in compliance with the provisions of article three,
23 chapter fifty-nine of this code, and The publication area for such
24 publication the notice shall be the county. Provided, That this
25 section shall

26 (d) The requirement for a county commission to hold a public

1 auction does not apply to:

2 (1) The sale of any one item of property of less value than
3 \$1,000; ~~Provided, however, That the provisions of this section~~
4 ~~concerning sale at public auction shall not apply to or~~

5 (2) A county commission selling or disposing of its property
6 for a public use to:

7 (A) The United States of America, its instrumentalities,
8 agencies or political subdivisions; or ~~to~~

9 (B) The State of West Virginia, or its political subdivisions,
10 including county boards of education, volunteer fire departments
11 and volunteer ambulance services, for an adequate consideration
12 without considering alone the present commercial or market value of
13 the property: ~~Provided further,~~ That all real property conveyed or
14 sold by a county commission to a volunteer fire department or
15 volunteer ambulance service under this ~~provision~~ subdivision shall
16 revert back to the county commission if the volunteer fire
17 department or volunteer ambulance service ceases to use it for the
18 purpose for which the real property was conveyed or sold.

NOTE: The purpose of this bill is to deal the sale of property owned by the county commission; and authorizes a sale for adequate consideration under specific circumstances.

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