

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

House Bill 2654

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

WILLIAMS, UPSON AND FRICH

[Reported February 2, 2018; 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; adding the
3 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 ~~*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) Any authority, commission, instrumentality, or agency established by act of the State
19 of West Virginia or any of its political subdivisions.~~for an adequate consideration without~~
20 ~~considering alone the present commercial or market value of the property: *Provided, That*~~

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

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

24 (c) For All real property conveyed or sold by a county commission to a volunteer fire
25 department, ~~or~~ volunteer ambulance service, or any other authority, commission, instrumentality,
26 or agency, under ~~this~~ the provisions of subsection (b) of this section, such real property shall
27 revert back to the county commission if the volunteer fire department, ~~or~~ volunteer ambulance
28 service, authority, commission, instrumentality, or agency ~~ceases to use it for the purpose for~~
29 ~~which the real property was conveyed or sold~~ proposes to dispose of the property, unless the
30 county commission explicitly disclaims this reversionary right in writing in the deed of conveyance.

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