

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4633

BY DELEGATES STORCH, ANDERSON, NELSON,

KESSINGER, WAXMAN, SUMMERS, CRISS, SYPOLT, HILL,

ESPINOSA AND CAPITO

[Passed March 5, 2020; in effect ninety days from passage.]

1 AN ACT to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating
2 to expanding county commissions' ability to dispose of county or district property; and
3 adding the ability of county commissions to dispose of the property to community center
4 organization in existence on effective date of amendment to this section of said code or
5 nonprofit senior center organization without conducting a public sale.

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 the sale shall be
5 conducted by the president of the county commission, but before making the sale, notice of the
6 time, terms, manner and either the location of the sale or the Internet-based public auction service
7 to be utilized, together with a brief description of the property to be sold, shall be published as a
8 Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and
9 the publication area for the publication is the county: *Provided*, That this section does not apply
10 to the sale of any one item of property of less value than \$1,000.

11 (b) The provisions of subsection (a) of this section concerning sale at public auction do
12 not apply to a county commission selling or disposing of its property for a public use to:

13 (1) The United States of America, its instrumentalities, agencies or political subdivisions;

14 (2) The State of West Virginia, or its political subdivisions, including county boards of
15 education, volunteer fire departments, and volunteer ambulance services; or

16 (3) Any community center organization already in existence on the effective date of the
17 amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit
18 senior center organization, or any authority, commission, instrumentality, or agency established
19 by act of the State of West Virginia or any of its political subdivisions.

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

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

23 (c) For all real property conveyed or sold by a county commission to a volunteer fire
24 department, volunteer ambulance service, or any nonprofit community center organization or
25 nonprofit senior center organization or any other authority, commission, instrumentality or agency,
26 under the provisions of subsection (b) of this section, the real property shall revert back to the
27 county commission if the volunteer fire department, volunteer ambulance service, nonprofit
28 community center organization or nonprofit senior center organization, authority, commission,
29 instrumentality or agency proposes to dispose of the property, unless the county commission
30 explicitly disclaims this reversionary right in writing in the deed of conveyance.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2020.

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Governor