

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4633**

BY DELEGATES STORCH, ANDERSON, NELSON,  
KESSINGER, WAXMAN, SUMMERS, CRISS, SYPOLT, HILL,  
ESPINOSA AND CAPITO

[Introduced January 31, 2020; Referred to the  
Committee on Political Subdivisions then Government  
Organization]

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; and adding  
 3 the ability of county commissions to dispose of the property to a nonprofit community or  
 4 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 ~~such~~ the sale shall  
 5 be conducted by the president of the county commission, but before making ~~any such~~ the sale,  
 6 notice of the time, terms, manner and either the location of the sale or the Internet-based public  
 7 auction service to be utilized, together with a brief description of the property to be sold, shall be  
 8 published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.*  
 9 of this code, and the publication area for ~~such~~ the publication ~~shall be~~ is the county: *Provided,*  
 10 That this section ~~shall~~ does not apply to the sale of any one item of property of less value than  
 11 \$1,000.

12 (b) The provisions of subsection (a) of this section concerning sale at public auction ~~shall~~  
 13 do 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 (2) The State of West Virginia, or its political subdivisions, including county boards of  
 16 education, volunteer fire departments, and volunteer ambulance services; or

17 (3) Any nonprofit community or senior center organization, or any authority, commission,  
 18 instrumentality, or agency established by act of the State of West Virginia or any of its political  
 19 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 ~~shall~~ 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 or senior center  
25 organization or any other authority, commission, instrumentality or agency, under the provisions  
26 of subsection (b) of this section, ~~such~~ the real property shall revert back to the county commission  
27 if the volunteer fire department, volunteer ambulance service, nonprofit community or senior  
28 center organization, authority, commission, instrumentality or agency proposes to dispose of the  
29 property, unless the county commission explicitly disclaims this reversionary right in writing in the  
30 deed of conveyance.

NOTE: The purpose of this bill is to expand county commissions' ability to dispose of county or district property to a nonprofit community or senior center organization without conducting a public sale.

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