

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4633

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

[Originating in the Committee on Political
Subdivisions]

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
4 center organization or nonprofit senior center organization without conducting a public
5 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 center organization or nonprofit senior center organization,
18 or any authority, commission, instrumentality, or agency established by act of the State of West
19 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 ~~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 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, ~~such~~ the real property shall revert back to
27 the 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.