

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4484

**FISCAL
NOTE**

By Delegates Clark, Funkhouser, Masters, Horst,
Flanigan, Ridenour, Roop, Miller, Phillips, Pritt, and
Hillenbrand

[Introduced January 16, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to
2 county commissions; creating an exclusion; authorizing competitive bidding as an
3 alternative to public auction for private entity sales; and clarifying the authority of the
4 county commission to sell or lease property.

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 is
2 authorized by law to sell or dispose of any property, either real or personal, belonging to the county
3 or held by it for the use of any district thereof. The property shall be sold either at an on-site public
4 auction or by utilizing an Internet-based public auction service, or through competitive bidding as
5 provided in subsection (d) of this section, and the sale shall be conducted by the president of the
6 county commission, but before making the sale, notice of the time, terms, manner and either the
7 location of the sale or the Internet-based public auction service to be utilized, together with a brief
8 description of the property to be sold, shall be published as a Class II legal advertisement in
9 compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for the
10 publication is the county: *Provided*, That this section does not apply to the sale of any one item of
11 property of less value than ~~\$1,000~~ \$10,000.

12 (b) The provisions of subsection (a) of this section concerning sale at public auction do not
13 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 community center organization already in existence on the effective date of the
18 amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit
19 senior center organization, or any authority, commission, instrumentality, or agency established by

act of the State of West Virginia or any of its political subdivisions.

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

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

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

(d) The county commission may use the competitive bidding process in this subsection as an alternative to public auction for private entity sales.

(1) The minimum sales price for the county commission to sell property under this subsection shall be one and one-half times the assessed value of the property in the most recent tax assessed year pursuant to §11-3-1 et seq. of this code.

(2) The bidding requirements:

(A) The county commission shall solicit bids by public notice published as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code;

(B) All qualified bidders shall be afforded equal opportunity to submit bids;

(C) The county commission may establish reasonable qualification requirements for bidders, including but not limited to financial capacity, experience, and compliance with applicable laws;

(D) Bids shall be sealed and opened publicly at the time and place specified in the notice;

(E) The county commission shall develop award criteria;

46 (F) The county commission shall provide notice requirements;

47 (G) The county commission shall maintain record keeping; and

48 (H) The county commission shall provide exclusions.

49 (e) In all other cases involving a sale, any county commission is hereby empowered and
50 authorized to sell any of its real or personal property or any interest therein or any part thereof for a
51 fair and adequate consideration, the property to be sold at public auction at a place designated by
52 the governing body, or by using an Internet-based public auction service, but before making any
53 sale, notice of the time, terms, and place of sale, together with a brief description of the property to
54 be sold, shall be published as a Class II legal advertisement in compliance with the provisions of
55 §59-3-1 et seq. of this code and the publication area for the publication shall be the county
56 commission. The requirements of notice and public auction shall not apply to the sale of any one
57 item or piece of property of less value than \$10,000 and under no circumstances shall the
58 provisions of this section be construed as being applicable to any transaction involving the trading
59 in of municipally owned property on the purchase of new or other property for the county
60 commission and every county commission shall have plenary power and authority to enter into
61 and consummate any trade-in transaction.

62 (f) In all other cases involving a lease, any county commission is hereby empowered and
63 authorized to lease as lessor any of its real or personal property or any interest therein or any part
64 thereof for a fair and adequate consideration and for a term not exceeding 50 years. Every lease
65 shall be authorized by resolution of the governing body of the county commission, which resolution
66 may specify terms and conditions which must be contained in such lease: *Provided*, That before
67 any proposed lease is authorized by resolution of the governing body, a public hearing on the
68 proposed lease shall be held by the governing body after notice of the date, time, place and
69 purpose of the public hearing has been published as a Class I legal advertisement in compliance
70 with the provisions of §59-3-1 et seq. of this code and the publication area for the publication shall
71 be the county commission. The power and authority granted in this subsection shall be in addition

- 72 to, and not in derogation of, any power and authority vested in any county commission under any
73 constitutional or other statutory provision now or hereafter in effect.

NOTE: The purpose of this bill is to allow county commissions to have the same flexibility to sell or lease property as municipalities.

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