

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 4484

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

[Originating in the Committee on the Judiciary;

Reported on January 29, 2026]

1 A BILL to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating to
2 county commissions; authorizing competitive bidding as an alternative to public auction
3 process; establishing requirements for competitive bidding; authorizing the sale of county-
4 owned real property under certain conditions; and clarifying the authority of the county
5 commission to sell, trade in, 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.

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

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

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

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

(3) Any community center organization already in existence on the effective date of the amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit 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 the public auction process.

(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 based on the most recent tax assessed year pursuant to §11-3-1 et seq. of this code or based on a third-party appraisal conducted by a state-licensed real estate appraiser.

(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;

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

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

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

49 (E) The county commission shall develop award criteria;

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

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

52 (H) The county commission shall provide exclusions.

53 (e) Sale of county-owned property to a private party.

54 (1) Notwithstanding any other provision of this section, a county commission may sell
55 county-owned real property directly to private party purchasers: *Provided*, That the purchase price
56 is at least 75 percent of the property's appraised value as determined by:

57 (A) the county assessor; or

58 (B) a third-party appraisal conducted by a state-licensed real estate appraiser.

59 (2) Prior to formally considering any offers under this subsection, the county commission
60 shall publish a Class II legal advertisement in compliance with §59-3-2 of this code. The
61 advertisement shall:

62 (A) run once a week for two consecutive weeks in a qualified newspaper published within
63 the county;

64 (B) include a description of the property, the proposed method of sale, and the minimum
65 acceptable purchase price; and

66 (C) state the time, date, and location at which the county commission will act upon the
67 proposed sale.

68 (3) After the property is sold, the county commission shall publish on its official website all
69 formal offers received for the property, including the name of each offeror and the dollar amount

70 offered. The listing shall remain posted on the county's website for no fewer than 30 days following
71 the commission's approval of the sale.

72 (f) In all other cases involving a sale, any county commission is hereby empowered and
73 authorized to sell any of its real or personal property or any interest therein or any part thereof for a
74 fair and adequate consideration, the property to be sold at public auction at a place designated by
75 the governing body, or by using an Internet-based public auction service, but before making any
76 sale, notice of the time, terms, and place of sale, together with a brief description of the property to
77 be sold, shall be published as a Class II legal advertisement in compliance with the provisions of
78 §59-3-1 et seq. of this code and the publication area for the publication shall be the county
79 commission. The requirements of notice and public auction shall not apply to the sale of any one
80 item or piece of property of less value than \$10 thousand and under no circumstances shall the
81 provisions of this section be construed as being applicable to any transaction involving the trading
82 in of county-owned property on the purchase of new or other property for the county commission
83 and every county commission shall have plenary power and authority to enter into and
84 consummate any trade-in transaction.

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

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