

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

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ENROLLED

HOUSE BILL No. 1207

(By Mr. Albright & Mr. Mowery)

— ● —

PASSED March 11, 1978

In Effect ninety days from Passage



ENROLLED

H. B. 1207

(By MR. ALBRIGHT and MR. MOWERY)

[Passed March 11, 1978; in effect ninety days from passage.]

AN ACT to amend article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to county property; sale thereof or buildings thereon to be demolished; permitting local option election; petition; election procedure; form of ballot; and effect of such election.

Be it enacted by the Legislature of West Virginia:

That article three, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-a, to read as follows:

ARTICLE 3. COUNTY PROPERTY.

§7-3-3a. Sale of county or district property—local option election; petition, election procedure; form of ballot; effect of such election.

1 The county commission of any county is authorized to call
2 a local option election for the purpose of determining the will
3 of the voters as to whether specific real property belonging to
4 the county or held by it for the use of any district thereof shall
5 be conveyed or whether the buildings and improvements there-
6 on shall be demolished.

7 A petition for such local option election shall be in the form
8 hereinafter specified and shall be signed by qualified voters

9 residing within said county equal to at least ten per cent of
 10 the persons qualified to vote within said county at the last
 11 general election. For the purpose of this article, the term
 12 "qualified voters" shall mean those actually voting at the last
 13 general election and not those registered to vote. Said petition
 14 may be in any number of counterparts and shall be sufficient if
 15 substantially in the following form:

16 **PETITION**
 17 **CONVEYANCE OF COUNTY PROPERTY**
 18 **AND/OR**
 19 **DEMOLITION OF COUNTY BUILDINGS**
 20 **OR IMPROVEMENTS**

21 Each of the undersigned certifies that he or she is a person
 22 residing in _____ County, West Virginia, and is duly
 23 qualified to vote in said county under the laws of the State,
 24 and that his or her name, address and the date of signing this
 25 petition are correctly set forth below.

26 The undersigned petition said county commission to call and
 27 hold a local option election upon the following question: Shall
 28 the county commission of _____ County, West Virginia,
 29 be authorized to convey (or demolish buildings and improve-
 30 ments located on) the following described real property belong-
 31 ing to the county or held by it for the use of a district thereof:

32 (here insert property description)

33	NAME	ADDRESS	DATE
34	-----	-----	-----
35	-----	-----	-----

36 (Each person signing must specify either his postoffice address
 37 or his street number.)

38 Upon the filing of a petition for a local option election in ac-
 39 cordance with the provisions of this section, the county com-
 40 mission shall enter an order calling a local option election and
 41 providing that the same shall be held at the same time and as a
 42 part of the next primary or general election to be held in said

43 county. Said county commission shall give notice of such local
44 option election by publication in two newspapers of opposite
45 politics and of general circulation within said county. Said
46 notice shall be given at least once each week for two successive
47 weeks prior to the date of said election. If there is only one
48 newspaper published in said county, publication of said notice
49 therein shall be sufficient.

50 Each person qualified to vote in said county at said primary
51 or general election shall likewise be qualified to vote at the local
52 option election. The election officers appointed and qualified
53 to serve as such at said primary or general election shall con-
54 duct said local option election in connection with and as a part
55 of said primary or general election. The ballots in said local
56 option election shall be counted and returns made by the elec-
57 tion officers and the results certified by the commissioners of
58 election to said county commission which shall canvass the bal-
59 lots, all in accordance with the laws of the State of West Vir-
60 ginia relating to primary and general elections insofar as the
61 same are applicable. The county commission shall, without de-
62 lay, canvass the ballots cast at said local option election and
63 certify the result thereof.

64 The ballot to be used in said local option election shall have
65 printed thereon substantially the following:

66 "Shall the county commission of County
67 be authorized to convey (or demolish buildings and improve-
68 ments located on) the following described real property be-
69 longing to the county? (insert description)

70 ☐ YES ☐ NO

71 (Place a cross mark in the square opposite your choice.)"

72 If a majority of the voters voting at any such local option
73 election vote no on the foregoing question, the county com-
74 mission shall not thereafter be permitted to convey said real
75 property or demolish the buildings and improvements thereon,
76 as the case may be, unless thereafter authorized so to do.

77 Nothing herein shall prohibit the county commission from
78 altering, improving and maintaining such real property or the
79 buildings and improvements thereon in any manner what-

80 soever which does not demolish the building or improvements
81 which were subject to the referendum.

82 The county commission of any county wherein a majority of
83 the voters have refused permission to convey or demolish
84 specific real property or buildings or improvements pursuant to
85 this section may on its own motion initiate an election pur-
86 suant to this section at any primary or general election held in
87 such county after the voters have refused such permission and
88 may restate the description of property or action desired to be
89 taken in such manner as the commission shall determine.

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

James L. Davis
Chairman Senate Committee

Clarence C. Kerstetter Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Wilson Jr.
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. T. B. B. B. B.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 30
day of March, 1978.

John J. R. B. B. B.
Governor



RECEIVED

MAR 20 9 55 AM '78

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar 30, 1978

Time 9:25 A.M.

RECEIVED

78 MAR 30 P 9:24

OFFICE
SECY. OF STATE