

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 260

(By Senator.....Tucker.....)



PASSEDMarch 8,..... 1986

In Effect.....90 days from..... Passage



ENROLLED
Senate Bill No. 260
(BY SENATOR TUCKER)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to education; county board of education; sale of school property at public auction; rights of grantor of lands in rural communities; eliminate reverter clause in arms length transactions.

Be it enacted by the Legislature of West Virginia:

That section seven, article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-7. Sale of school property at public auction; rights of grantor of lands in rural communities; oil and gas leases; disposition of proceeds.

1 If at any time the board shall ascertain that any build-
2 ing or any land no longer shall be needed for school
3 purposes, the board may sell, dismantle, remove or relo-
4 cate any such buildings and sell the land on which they
5 are located, at public auction, after proper notice, and on
6 such terms as it orders, to the highest responsible bidder.
7 But in rural communities, the grantor of the lands, his
8 heirs or assigns, shall have the right to purchase at the
9 sale, the land, exclusive of the buildings thereon, and

10 the mineral rights, at the same price for which it was
11 originally sold: *Provided*, That the sale to the board was
12 not a voluntary arms length transaction for valuable
13 consideration approximating the fair market value of the
14 property at the time of such sale to the board: *Provided*,
15 *however*, That this section shall not operate to invalidate
16 any provision of the deed to the contrary. The board,
17 by the same method prescribed for the sale of school build-
18 ings and lands, may also lease for oil or gas or other
19 minerals any lands or school sites owned in fee by it. The
20 proceeds of such sales and rentals shall be placed to the
21 credit of such fund or funds of the district as the board
22 may direct: *Provided*, ^{further} ~~however~~, That the provisions of
23 this section concerning sale at public auction shall not
24 apply to boards of education selling or disposing of its
25 property for a public use to the state of West Virginia, or
26 its political subdivisions, including county commissions
27 or divisions thereof, for an adequate consideration without
28 considering alone the present commercial or market value
29 of the property.

OK glw

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

Bruce O. Williams

Chairman Senate Committee

Floyd Full
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Willis

Clerk of the Senate

Donald L. Yopp
Clerk of the House of Delegates

Dan Tonkovich
President of the Senate

Joseph P. Allegretti
Speaker House of Delegates

The within *approved* this the *20th*
day of *March*, 1986.

Arva M. Macej
Governor



PRESENTED TO THE

GOVERNOR

Date

3/20/86

Time

3:53 p.m.

RECEIVED

1986 MAR 26 PM 9:02

OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86