

RECEIVED
1991 MAR 18 PM 3:57
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991

ENROLLED

Committee Substitute for
SENATE BILL NO. 578

(By Senators Bailey and Anderson)

PASSED March 7, 1991

In Effect 90 days from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 578

(BY SENATORS BAILEY AND ANDERSON, *original sponsors*)

[Passed March 7, 1991; 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; and to further amend said article by adding thereto a new section, designated section seven-b, relating to authorizing county boards of education to donate unneeded real estate to certain non-profit organizations; and limiting the liability of county boards for hazardous conditions associated with certain conveyed property.

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; and that said article be further amended by adding thereto a new section, designated section seven-b, 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

2 building or any land no longer shall be needed for
3 school purposes, the board may sell, dismantle, remove
4 or relocate any such buildings and sell the land on
5 which they are located, at public auction, after proper
6 notice, and on such terms as it orders, to the highest
7 responsible bidder. But in rural communities, the
8 grantor of the lands, his heirs or assigns, shall have the
9 right to purchase at the sale, the land, exclusive of the
10 buildings thereon, and the mineral rights, at the same
11 price for which it was originally sold: *Provided*, That
12 the sale to the board was not a voluntary arms length
13 transaction for valuable consideration approximating
14 the fair market value of the property at the time of
15 such sale to the board: *Provided, however*, That this
16 section shall not operate to invalidate any provision of
17 the deed to the contrary. The board by the same
18 method prescribed for the sale of school buildings and
19 lands, may also lease for oil or gas or other minerals
20 any lands or school sites owned in fee by it. The
21 proceeds of such sales and rentals shall be placed to
22 the credit of such fund or funds of the district as the
23 board may direct: *Provided further*, That the provi-
24 sions of this section concerning sale at public auction
25 shall not apply to boards of education selling or
26 disposing of its property for a public use to the state
27 of West Virginia, or its political subdivisions, including
28 county commission or divisions thereof, for an ade-
29 quate consideration without considering alone the
30 present commercial or market value of the property:
31 *And provided further*, That the board may make any
32 sale of property subject to the provisions that all
33 liability for hazards associated with the premises are
34 to be assumed by the purchaser, and any sale of
35 improved property in which the actual consideration is
36 less than ten thousand dollars or in any sale of
37 unimproved property in which the actual consider-
38 ation is less than one thousand dollars the board shall
39 make any sale of property subject to the provisions
40 that all liability for hazards associated with the
41 premises are to be assumed by the purchaser. The
42 board shall inform any prospective purchaser of
43 known or suspected hazards associated with the

44 property.

§18-5-7b. Charitable or community use of unneeded buildings.

1 If, in the sound judgment of the board, the needs of
2 the community require the use of property not needed
3 for school purposes, for charitable, economic develop-
4 ment or other community use, notwithstanding the
5 provisions of section seven of this article, the board
6 may convey by deed or by lease, for nominal consid-
7 eration, to a private, non-profit, tax-exempt organiza-
8 tion, such tax exempt status having been granted by
9 the Internal Revenue Service under the provisions of
10 26 United States code section 501 (c) (3) through (8)
11 inclusive, (19) or (23), upon such terms and conditions
12 as will permit title to revert to the board if the
13 organization is dissolved or ceases to use the property
14 for the intended purpose within the first five years of
15 such conveyance: *Provided*, That such reversion
16 provision shall be subordinated to such extent as may
17 be required solely in order to obtain a loan for the
18 purpose of improving the property. In any absolute
19 conveyance under this section, the transfer shall be
20 subject to the provisions that all liability for hazards
21 associated with the premises are to be assumed by the
22 recipient. The board shall inform any prospective
23 donee of known or suspected hazards associated with
24 the property.

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

Somer Leck
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Parrell Edwards
.....
Clerk of the Senate

Donald H Kopp
.....
Clerk of the House of Delegates

Scott Burdette
.....
President of the Senate

Bob C. Cole
.....
Speaker House of Delegates

The within *is approved* this the *18th* day of *March*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/14/91

Time 4:10 pm