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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for
SENATE BILL NO. 391

(By Senator Wooten et al)

PASSED April 12, 2001

In Effect 90 days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 391

(SENATORS WOOTON, BOWMAN, SNYDER, UNGER, KESSLER,
SPOUSE, HUNTER, MINEAR, CALDWELL, ROSS, MCCABE,
MINARD, ANDERSON, PREZIOSO AND SHARPE, *original sponsors*)

[Passed April 12, 2001; in effect ninety days from passage.]

AN ACT to amend article one, 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-hh; and to amend and reenact section eighteen, article twelve, chapter eight of said code, all relating to authorizing county commissions, municipalities, building commissions and development authorities to sell and lease property to both the state and federal governments.

Be it enacted by the Legislature of West Virginia:

That article one, 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-hh;

Enr. Com. Sub. for S. B. No. 391] 2

and that section eighteen, article twelve, chapter eight of said code be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3hh. Authority to lease, sell or dispose of county property to the state, federal government or an instrumentality thereof.

1 Every county commission, building commission created
2 pursuant to article thirty-three, chapter eight of this code
3 and development authority created pursuant to article
4 twelve of this chapter is authorized to sell, lease as lessor
5 or dispose of any of its real or personal property or any
6 interest therein or any part thereof, as authorized in article
7 five, chapter one of this code, or to the United States of
8 America or any agency or instrumentality thereof, or to
9 the state or any agency or instrumentality thereof, for a
10 public purpose for an adequate consideration, without
11 considering alone the commercial or market value of such
12 property.

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

PART VI. SALE, LEASE OR DISPOSITION OF OTHER MUNICIPAL PROPERTY.

§8-12-18. Sale, lease or disposition of other municipal property.

1 (a) Every municipality, municipal building commission
2 created pursuant to article thirty-three of this chapter and
3 municipal development authority created pursuant to
4 article twelve, chapter seven of this code is authorized to
5 sell, lease as lessor or dispose of any of its real or personal
6 property or any interest therein or any part thereof (other
7 than a public utility which shall be sold or leased in

8 accordance with the provisions of section seventeen of this
9 article), as authorized in article five, chapter one of this
10 code, or to the United States of America or any agency or
11 instrumentality thereof, or to the state or any agency or
12 instrumentality thereof, for a public purpose for an
13 adequate consideration, without considering alone the
14 present commercial or market value of such property.

15 (b) In all other cases involving a sale, any municipality
16 is hereby empowered and authorized to sell any of its real
17 or personal property or any interest therein or any part
18 thereof for a fair and adequate consideration, the property
19 to be sold at public auction at a place designated by the
20 governing body, but before making any sale, notice of the
21 time, terms and place of sale, together with a brief descrip-
22 tion of the property to be sold, shall be published as a
23 Class II legal advertisement in compliance with the
24 provisions of article three, chapter fifty-nine of this code
25 and the publication area for the publication shall be the
26 municipality. The requirements of notice and public
27 auction shall not apply to the sale of any one item or piece
28 of property of less value than one thousand dollars and
29 under no circumstances shall the provisions of this section
30 be construed as being applicable to any transaction
31 involving the trading in of municipally owned property on
32 the purchase of new or other property for the municipality
33 and every municipality shall have plenary power and
34 authority to enter into and consummate any trade-in
35 transaction.

36 (c) In all other cases involving a lease, any municipality
37 is hereby empowered and authorized to lease as lessor any
38 of its real or personal property or any interest therein or
39 any part thereof for a fair and adequate consideration and
40 for a term not exceeding fifty years. Every lease shall be
41 authorized by resolution of the governing body of the
42 municipality, which resolution may specify terms and
43 conditions which must be contained in such lease: *Pro-*
44 *vided*, That before any proposed lease is authorized by

45 resolution of the governing body, a public hearing on the
46 proposed lease shall be held by the governing body after
47 notice of the date, time, place and purpose of the public
48 hearing has been published as a Class I legal advertise-
49 ment in compliance with the provisions of article three,
50 chapter fifty-nine of this code and the publication area for
51 the publication shall be the municipality. The power and
52 authority granted in this subsection shall be in addition to,
53 and not in derogation of, any power and authority vested
54 in any municipality under any constitutional or other
55 statutory provision now or hereafter in effect.

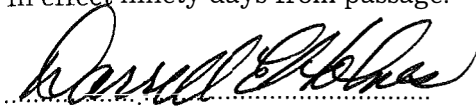
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

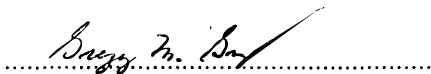

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Chairman Senate Committee

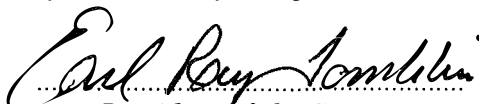

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Chairman House Committee

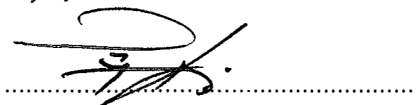
Originated in the Senate.

In effect ninety days from passage.

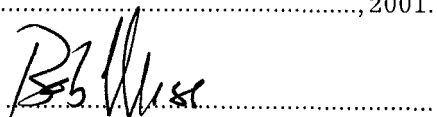

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 2nd
Day of May, 2001.


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Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 11:10 am