

# WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 4633**

BY DELEGATES STORCH, ANDERSON, NELSON,

KESSINGER, WAXMAN, SUMMERS, CRISS, SYPOLT, HILL,

ESPINOSA AND CAPITO

[Passed March 5, 2020; in effect ninety days from passage.]

HB4633

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 PM 3 8

FILED

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1 AN ACT to amend and reenact §7-3-3 of the Code of West Virginia, 1931, as amended, relating  
2 to expanding county commissions' ability to dispose of county or district property; and  
3 adding the ability of county commissions to dispose of the property to community center  
4 organization in existence on effective date of amendment to this section of said code or  
5 nonprofit senior center organization without conducting a public sale.

*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  
2 is authorized by law to sell or dispose of any property, either real or personal, belonging to the  
3 county or held by it for the use of any district thereof. The property shall be sold either at an on-  
4 site public auction or by utilizing an Internet-based public auction service, and the sale shall be  
5 conducted by the president of the county commission, but before making the sale, notice of the  
6 time, terms, manner and either the location of the sale or the Internet-based public auction service  
7 to be utilized, together with a brief description of the property to be sold, shall be published as a  
8 Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and  
9 the publication area for the publication is the county: *Provided*, That this section does not apply  
10 to the sale of any one item of property of less value than \$1,000.

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

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

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


16 (3) Any community center organization already in existence on the effective date of the  
17 amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit  
18 senior center organization, or any authority, commission, instrumentality, or agency established  
19 by act of the State of West Virginia or any of its political subdivisions.

20           (4) For all sales made pursuant to this subsection, county commissions are not required  
21 to exclusively consider the present commercial or market value of the property; and

22           (5) A sale under the provisions of this subsection may not be for less than \$1.

23           (c) For all real property conveyed or sold by a county commission to a volunteer fire  
24 department, volunteer ambulance service, or any nonprofit community center organization or  
25 nonprofit senior center organization or any other authority, commission, instrumentality or agency,  
26 under the provisions of subsection (b) of this section, the real property shall revert back to the  
27 county commission if the volunteer fire department, volunteer ambulance service, nonprofit  
28 community center organization or nonprofit senior center organization, authority, commission,  
29 instrumentality or agency proposes to dispose of the property, unless the county commission  
30 explicitly disclaims this reversionary right in writing in the deed of conveyance.


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

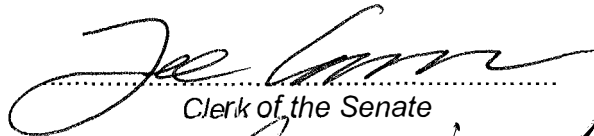
  
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Chairman, House Committee

  
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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the House of Delegates

  
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Clerk of the Senate

  
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Speaker of the House of Delegates

  
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President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4: 38

FILED

The within is ..... approved this the 25<sup>th</sup> .....  
day of March ..... , 2020.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 1920

Time 1:15 pm