

Senate Bill No. 495

(By Senators Williams and Sypolt)

[Introduced March 11, 2013; referred to the Committee on Natural
Resources; and then to the Committee on Finance.]

A BILL to amend and reenact §5B-2G-6 of the Code of West Virginia,
1931, as amended, relating to providing public notice, comment
and a hearing prior to real property acquisitions by the West
Virginia Outdoor Heritage Conservation Fund Board.

Be it enacted by the Legislature of West Virginia:

That §5B-2G-6 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2G. LAND CONSERVATION.

**§5B-2G-6. West Virginia Outdoor Heritage Conservation Fund -
Duties.**

The board shall, on behalf of the fund:

(a) Disseminate information regarding land conservation and
promote the conservation of land.

1 (b) Develop and implement additional guidelines and
2 procedures, consistent with the purposes of this chapter, as
3 necessary to implement this chapter.

4 (c) Seek and apply for funds from federal, state and private
5 sources to carry out its purpose as provided in this chapter.

6 (d) From moneys received from the recording fee in accordance
7 with section ten, article one, chapter fifty-nine of this code, to:

8 (1) Make available to the West Virginia Division of Natural
9 Resources fifty percent of the moneys so received by the fund for
10 the division to acquire interests in real property for conservation
11 purposes in perpetuity in keeping with the West Virginia Wildlife
12 Conservation Action Plan or other conservation plans developed by
13 the division, provided that the board approves any acquisitions.
14 The division may agree to permit the fund to retain any or all of
15 this fifty percent to remain in the fund to be used as payment of
16 debt service and other costs associated with revenue bonds on the
17 fund's behalf by the Economic Development Authority in accordance
18 with the provisions of this article;

19 (2) Ensure that the remaining fifty percent of the moneys so
20 received by the fund are used for competitive grants in accordance
21 with this article or used as payment of debt service and other
22 costs associated with revenue bonds on the fund's behalf by the
23 Economic Development Authority in accordance with the provisions of

1 this article, the proceeds of which shall also be used for
2 competitive grants.

3 (e) Publish notice of any proposed real property acquisitions
4 by a Class II legal advertisement in accordance with the provisions
5 of article three, chapter fifty-one of this code, published and of
6 general circulation in each county where the real property is
7 located. The notice shall contain the date and time of a public
8 hearing and written comment period, which shall be at least thirty
9 days prior to the scheduled hearing at a convenient location near
10 the proposed acquisition. The board shall consider the comments
11 received from the public prior to making a final decision to
12 acquiring the real property.

13 ~~(e)~~ (f) Prepare and file electronically with the Governor's
14 office and with the Legislature by August 31 of each year, a report
15 that accounts for fund receipts and disbursements and sets forth a
16 list and description of all grants approved and all acquisitions of
17 interests in real property obtained with moneys from the fund
18 during the current year, including the recipients of the grants,
19 the amounts and the public benefits of the interests in real
20 property acquired.

21 ~~(f)~~ (g) Propose legislative rules in accordance with the
22 provisions of article three, chapter twenty-nine-a of this code to
23 carry out its purposes and programs, to include specifically the

1 qualifications and procedures relating to its awarding of grants.

NOTE: The purpose of this bill is to require public notice, comment and a hearing prior to real property acquisitions by the West Virginia Outdoor Heritage Conservation Fund board.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.