

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 44

BY SENATORS WILLIAMS AND MILLER

[Introduced January 13, 2016;

Referred to the Committee on Natural Resources; and then
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §19-1A-6; and to amend said code by adding thereto a new section,
 3 designated §20-1-7a, all relating to requiring public hearings upon transfer of certain land
 4 to or from the state; requiring public hearing be held at least thirty days prior to closing of
 5 sale; requiring certain notice of public hearing; and providing for availability of transcript of
 6 public hearing and list of attendees.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §19-1A-6; and that said code be amended by adding thereto a new section,
 3 designated §20-1-7a, all to read as follows:

CHAPTER 19. AGRICULTURE.

ARTICLE 1A. DIVISION OF FORESTRY.

§19-1A-6. Public hearing required upon purchase or sale of real property.

1 Whenever the Division of Forestry is party to a fee simple transfer of real property where
 2 state funds of any type are used for all or a portion of the cost to purchase the real property or, in
 3 the case of a sale, where any or all of the proceeds of such sale are to be deposited in any state
 4 account, the division shall hold a public hearing in the county where the real property is located
 5 at least thirty days prior to the closing of the sale. Notice of the public hearing shall be provided
 6 by: (1) Posting notice of the hearing to the Division of Forestry website; (2) posting notice of the
 7 public hearing in a conspicuous place at the affected land for members of the public to observe;
 8 and (3) publishing notice of the hearing by a Class II legal advertisement where the publication
 9 area is the county where the real property is located, pursuant to section two, article three, chapter
 10 fifty-nine of this code. A list of attendees of the public hearing and a transcript of the proceedings
 11 shall be prepared by the Division of Forestry and shall be made available to interested parties,
 12 including by posting a copy to the Division of Forestry website.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-7a. Public hearing required upon purchase or sale of real property.

1 Whenever the Division of Natural Resources is party to a fee simple transfer of real
2 property where state funds of any type are used for all or a portion of the cost to purchase the
3 real property or, in the case of a sale, where any or all of the proceeds of such sale are to be
4 deposited in any state account, the division shall hold a public hearing in the county where the
5 real property is located at least thirty days prior to the closing of the sale. Notice of the public
6 hearing shall be provided by: (1) Posting notice of the hearing to the Division of Natural Resources
7 website; (2) posting notice of the public hearing in a conspicuous place at the affected land for
8 members of the public to observe; and (3) publishing notice of the hearing by a Class II legal
9 advertisement where the publication area is the county where the real property is located,
10 pursuant to section two, article three, chapter fifty-nine of this code. A list of attendees of the
11 public hearing and a transcript of the proceedings shall be prepared by the division and shall be
12 made available to interested parties, including by posting a copy to the Division of Natural
13 Resources website.

NOTE: The purpose of this bill is to provide for a public hearing before there is fee simple transfer of real property to or from the Division of Natural Resources and the Division of Forestry.

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