

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 2476**

By Delegate Fast

[Introduced January 11, 2023; Referred to the  
Committee on Agriculture and Natural Resources  
then Government Organization]

1 A BILL to amend and reenact §8A-12-12 of the Code of West Virginia, 1931, as amended, relating  
 2 to ending the authority of county farmland protection boards to acquire ownership of farm  
 3 property or other properties for farmland protection.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 12. VOLUNTARY FARMLAND PROTECTION PROGRAMS.**

### **§8A-12-12. Methods of farmland protection.**

1 (a) The authority or a county farmland protection board may negotiate with and  
 2 compensate eligible property owners to ensure the protection of farmland within the county or  
 3 state. ~~Methods of protecting farmland may include, but are not limited to, the following:~~

4 ~~(1) Acquisition of conservation easement or preservation easement. —~~With the consent of  
 5 a property owner, the county farmland protection board or the authority may acquire and place on  
 6 record a conservation or preservation easement. Acquired easements apply only to those  
 7 properties which qualify for consideration under the terms established by an adopted farmland  
 8 protection program; and

9 ~~(2) (b) Acquisition of land and disposition. -- With the consent of a property owner, the~~  
 10 ~~county farmland protection board or the authority may acquire any property which qualifies for~~  
 11 ~~agricultural protection under terms established by an adopted farmland protection program. The~~  
 12 ~~county farmland protection board or the authority may lease, as lessor, acquired property for~~  
 13 ~~agricultural uses or may restrict the property to agricultural uses and sell the property at fair market~~  
 14 ~~value for use as a farm. Any property acquired by a county farmland protection board or the~~  
 15 ~~authority and then sold shall be sold subject to a conservation or preservation easement. If the~~  
 16 ~~property is leased, the lessee shall pay to the county commission, in addition to rent, an annual fee~~  
 17 ~~set by the county commission. The amount of this annual fee shall be commensurate with the~~  
 18 ~~amount of property taxes which would be assessed in accordance with the provisions of this code~~  
 19 ~~upon the property if the property were held by a private landowner Effective from the passage of~~  
 20 ~~this amendment to this section in the 2023 regular session of the West Virginia Legislature, no~~

21 farmland protection board or authority may acquire ownership of real property for purposes of  
22 protecting farmland or farm uses of the property.

23           ~~(b)~~ (c) Revenues from the sale of previously acquired properties restricted to agricultural  
24 uses shall be used to recover the original purchase costs of the properties and shall be returned to  
25 the applicable funds which were used by the county farmland protection board or the authority to  
26 purchase the property. Any profits resulting from the sale of property restricted to agricultural uses  
27 shall be deposited in a farmland protection fund.

NOTE: The purpose of this bill is to remove the authority of county farmland protection boards to acquire ownership of farm property or other properties for farm uses and protection.

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