

# **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.