

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 730**

By Senators Tarr, Woodrum, and Thorne

[Reported March 24, 2025, from the Committee on  
Energy, Industry, and Mining]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §19-1D-1, §19-1D-2, §19-1D-3, and §19-1D-4, relating to the establishment of a Forest Carbon Registry under the administration of the Division of Forestry; providing for the registration of carbon offset agreements and projects affecting West Virginia forestlands; requiring the inclusion of geographic information system shapefiles for encumbered properties; assigning responsibility to purchasers and certain landowners to record such agreements or projects; establishing a deadline for recording; and imposing civil penalties for noncompliance.

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

**ARTICLE 1D. WEST VIRGINIA FOREST CARBON REGISTRY.**

**§19-1D-1. Purpose and definitions.**

(a) The purpose of this article is to establish a Forest Carbon Registry to track properties in West Virginia that are encumbered by carbon offset agreements or project and to ensure transparency and accountability in the management of forest carbon resources.

(b) For the purposes of this article:

"Carbon offset agreement" means a contractual arrangement in which a landowner agrees to maintain or enhance carbon sequestration on their property in exchange for compensation from a purchaser.

"Carbon offset project" means an undertaking by a landowner, including a carbon trading company, to generate and sell carbon offsets directly from their own property without a separate purchaser.

"Division" means the Division of Forestry created in §19-1A-1, et seq. of this code .

"GIS shapefile" means a geospatial data file format that contains the boundaries and location of a property in a format compatible with geographic information systems.

"Landowner" includes any individual or entity, such as a carbon trading company, that owns forestland and engages in a carbon offset agreement or project.

"Purchaser" means the entity or individual acquiring rights to carbon offsets under a carbon offset agreement from a landowner.

"Registry" means the Forest Carbon Registry established under this article.

**§19-1D-2. Establishment and administration of the Forest Carbon Registry.**

(a) The Division of Forestry shall establish and administer a Forest Carbon Registry to record all carbon offset agreements and carbon offset projects affecting forestlands within the state.

(b) The registry shall include, at a minimum:

(1) The legal description of any property encumbered by a carbon offset agreement or project;

(2) A GIS shapefile delineating the boundaries of the encumbered properties;

(3) The names and contact information of the landowners and the purchasers;

(4) The date of execution of each agreement or initiation of a project; and

(5) The duration and terms of each carbon offset obligation.

(c) The division may promulgate rules to:

(1) Implement and maintain the registry, including specifications for the submission of GIS shapefiles; and

(2) Establish reasonable fees to cover administrative costs.

**§19-1D-3. Responsibility and deadline for recording.**

(a) The following parties shall record their carbon offset activities with the Forest Carbon registry:

(1) Any purchaser under a carbon offset agreement, when the agreement involves a separate landowner; and

(2) Any landowner, including a carbon trading company, when the landowner directly initiates and sells carbon offsets through a carbon offset project on their own property.

(b) The purchaser or owner required to report pursuant to subsection (a) of this section

8 shall submit the required information, including the GIS shapefile, to the registry within 60 days of  
9 executing of a carbon offset agreement or initiating a carbon offset project.

10 (c) Where there is a carbon offset agreement between a landowner and a purchaser, the  
11 landowner is not responsible or liable for the purchaser's failure to comply with this section.

**§19-1D-4. Penalties for noncompliance.**

1 (a) Any purchaser or landowner who fails to record with the registry a carbon offset  
2 agreement or carbon offset project as required by §19-1D-3 of this article, is subject to the  
3 following penalties:

4 (1) For the first offense, a civil penalty of \$5,000;

5 (2) For any subsequent offense, permanent suspension of the responsible party's West  
6 Virginia business license.

7 (b) Each 30-day period following the initial 60-day deadline during which the agreement or  
8 project remains unrecorded constitutes a separate offense.

9 (c) The division shall notify the Secretary of State of any subsequent offense resulting in a  
10 business license suspension, and the Secretary of State shall effectuate the suspension in  
11 accordance with state law.

12 (d) Monetary penalties collected under subsection (a) of this section shall be deposited into  
13 the division's operating fund to support the administration of the registry.

14 (e) The division may pursue enforcement actions through the appropriate courts to ensure  
15 compliance with this article.