

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5190

**FISCAL
NOTE**

By Delegates Canterbury, Cooper, and Campbell

[Introduced February 04, 2026; referred to the

Committee on Finance]

1 A BILL to amend and reenact §5B-2G-9 of the Code of West Virginia, 1931, as amended, relating
2 to increasing conservation funding by \$300,000, with the increase only to be allocated
3 based on the head count of cattle and/or large livestock.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2G. LAND CONSERVATION.

§5B-2G-9. Grants for land conservation; application; criteria.

1 (a) An eligible grant recipient may apply for a grant from the fund to acquire interests in real
2 property for conservation purposes or for stewardship. An application may not be submitted to the
3 fund without the written consent of the owner of the interest in real property identified in the
4 application.

5 (b) Before applying for a grant, the eligible grant recipient shall notify the owner that is the
6 subject of the grant of the following in writing:

7 (1) That interests in real property acquired with a grant from the fund result in a permanent
8 conveyance of such interests in real property from the owner to the eligible grant recipient or its
9 assigns; and

10 (2) That it may be in the owner's interest to retain independent legal counsel, appraisals
11 and other professional advice.

12 The application shall contain an affirmation that the notice requirement of this subsection
13 has been met.

14 (c) Grants from the fund shall be awarded based upon the conservation criteria and
15 financial criteria contained in this section. In each application, the eligible grant recipient shall
16 provide information regarding how the proposal meets one or more of these criteria and advances
17 the purposes of this article.

18 (d) For purposes of this article, conservation criteria include:

19 (1) Unique or important wildlife habitat as specified in the state Wildlife Conservation
20 Action Plan;

- (2) Habitat for rare, threatened or endangered species;
- (3) A relatively undisturbed or outstanding example of an ecosystem or natural community indigenous to West Virginia;
- (4) An important area for public hunting, fishing or other outdoor recreational uses;
- (5) Important recreation lands or important habitats identified in county comprehensive plans;
- (6) Riparian habitats, wetlands, water quality, watersheds of significant ecological value or critical aquifer recharge areas;
- (7) Forest land or working land that has strategic economic significance;
- (8) A larger area containing conserved lands or as a connection between conserved lands;
- (9) Land of unique cultural, historical or archaeological significance;
- (10) Degree of threat to land; and
- (11) The number of acres of land to be conserved.

34 (e) For purposes of this article, financial criteria include:

35 (1) The degree to which the proposal leverages grants from the fund by including funding

36 or in-kind assets or services from other governmental sources; and

37 (2) The degree to which the proposal leverages grants from the fund by including funding

38 or in-kind assets or services from private or nonprofit sources or charitable donations, including

39 bargain sales of interests in real property for conservation purposes;

40 (f) The board of the fund shall evaluate each proposal according to the conservation

41 criteria and financial criteria set forth in this section, and shall award grants on the basis of how

42 well proposals meet these two criteria.

43 (g) If an eligible grant recipient entity is dissolved or ceases to exist as an entity, or if any
44 interests in real property obtained with a grant from the fund are not being utilized strictly for
45 conservation purposes, the real property interest shall vest in the fund upon recording of a notice
46 signed by the chair of the fund and filed with the clerk of the appropriate county and the fund may

47 transfer the interest to an appropriate eligible grant recipient.

48 (h) Effective July 1, 2026, conservation funding provided for in this article shall be

49 increased by \$300,000: *Provided*, That the increase shall only be allocated based on the head

50 count of cattle and/or large livestock.

NOTE: The purpose of this bill is to increase conservation funding by \$300,000, with the increase only to be allocated based on the head count of cattle and/or large livestock.

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