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HB 4007

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4007

(By Delegates Beane, Cann and Walters)



Passed March 10, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4007

(BY DELEGATES BEANE, CANN AND WALTERS)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §20-1A-4 of the Code of West Virginia, 1931, as amended, relating to updating appraisal standards employed by the Public Land Corporation to determine fair market value of public lands.

Be it enacted by the Legislature of West Virginia:

That §20-1A-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

§20-1A-4. Public land corporation to conduct sales of public lands by competitive bidding, modified competitive bidding or direct sale.

1 (a) Sales, exchanges or transfers of public lands under this
2 article shall be conducted under competitive bidding proce-
3 dures. However, where the secretary determines it necessary
4 and proper in order to assure the following public policies,
5 including, but not limited to, a preference to users, lands may
6 be sold by modified competitive bidding or without competitive

7 bidding. In recognizing public policies, the secretary shall give
8 consideration to the following potential purchasers:

9 (1) The local government entities which are in the vicinity
10 of the lands; and

11 (2) Adjoining landowners.

12 (b) The policy for selecting the methods of sale is as
13 follows:

14 (1) Competitive sale is the general procedure for sales of
15 public lands and shall be used in the following circumstances:

16 (A) Wherever in the judgment of the secretary the lands are
17 accessible and usable regardless of adjoining land ownership;
18 or

19 (B) Wherever the lands are within a developing or urbaniz-
20 ing area and land values are increasing due to the location of the
21 land and interest on the competitive market.

22 (2) Modified competitive sales may be used to permit the
23 adjoining landowner or local governmental entity to meet the
24 high bid at the public sale. Lands otherwise offered under this
25 procedure would normally be public lands not located near
26 urban expansion areas, or not located near areas with rapidly
27 increasing land values, and where existing use of adjacent lands
28 would be jeopardized by sale under competitive bidding
29 procedures.

30 (3) Direct sale may be used when the lands offered for sale
31 are completely surrounded by lands in one ownership with no
32 public access, or where the lands are needed by local govern-
33 ments.

34 (4) In no event shall lands be offered for sale by “modified
35 competitive sales” or “direct sale” unless and until the corpora-

36 tion makes a written finding of justification for use of an
37 alternative bidding procedure.

38 (5) Subject to the bidding procedures set forth herein, the
39 corporation is authorized, at its discretion, to sell public lands
40 subject to rights-of-way, restrictive covenants or easements
41 retained by the corporation, limiting the use of such lands to
42 purposes consistent with the use of adjoining or nearby lands
43 owned by the corporation.

44 (c) When lands have been offered for sale by one method
45 of sale and the lands remain unsold, then the lands may be
46 reoffered by another method of sale.

47 (d) Except as provided herein, public lands may not be sold,
48 exchanged or transferred by the corporation for less than fair
49 market value. Fair market value shall be determined by an
50 appraisal made by an independent person or firm chosen by the
51 public land corporation. The appraisal shall be performed using
52 the principles contained in the current "Uniform Appraisal
53 Standards for Federal Land Acquisitions" published under the
54 auspices of the Interagency Land Acquisition Conference:
55 *Provided*, That public lands may be sold, exchanged or trans-
56 ferred to any federal agency or to the state or any of its political
57 subdivisions for less than fair market value if, upon a specific
58 written finding of fact, the corporation determines that such a
59 transfer would be in the best interests of the corporation and
60 state.

61 (e) The corporation may reject all bids when such bids do
62 not represent the corporation's considered value of the property
63 exclusive of the fair market value.

64 (f) The corporation shall promulgate rules, in accordance
65 with the provisions of chapter twenty-nine-a of this code,
66 regarding procedures for conducting public land sales by
67 competitive bidding, modified competitive bidding and direct
68 sales.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

C. Randy White

Chairman Senate Committee

R. Brown

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Russell Atkins

Clerk of the Senate

Bryce D. Smith

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Robert D. ...

Speaker of the House of Delegates

The within is approved this the 30th
day of March, 2006.

[Signature]
Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time 3:50pm