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1 **SENATE BILL NO. 192**

2 Offered January 14, 2026

3 Prefiled January 9, 2026

4 *A BILL to amend and reenact § 28.2-1200.1 of the Code of Virginia, relating to state-owned bottomlands;*  
5 *localities; property interest.*

6 Patron—Williams Graves

7 Referred to Committee on Agriculture, Conservation and Natural Resources

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 28.2-1200.1 of the Code of Virginia is amended and reenacted as follows:**10 **§ 28.2-1200.1. Conveyance of state-owned bottomlands.**11 A. In order to fulfill the Commonwealth's responsibility under Article XI of the Constitution of Virginia to  
12 conserve and protect public lands for the benefit of the people, the Commonwealth shall not convey fee  
13 simple title to state-owned bottomlands covered by waters. However, the Commonwealth may grant a lease,  
14 easement, or other limited interest in state-owned bottomlands covered by waters pursuant to § 28.2-1208 or  
15 as long as the property is used by a governmental entity for the performance of a governmental activity, as  
16 defined in §§ 28.2-1300 and 28.2-1400.17 B. 1. The Commonwealth may convey fee simple title to specified parcels of state-owned bottomlands  
18 that have been lawfully filled. For the purpose of this section, "lawfully filled" means the deposit of fill was  
19 (i) authorized by statute, (ii) pursuant to valid court order, (iii) authorized or permitted by state officials  
20 pursuant to statutory authority subsequent to July 1, 1960, or (iv) under apparent color of authority prior to  
21 July 1, 1960. In the absence of information to the contrary, it may be presumed that state-owned bottomlands  
22 filled prior to July 1, 1960, were filled under apparent color of authority and, it may also be presumed, that all  
23 of the fill on the specified parcel was lawfully authorized if a substantial portion of the fill on such parcel was  
24 authorized. Properties not qualified under clauses (i) through (iv) of this subdivision shall not be eligible for  
25 conveyance under this section.26 2. Titles to lands that (i) were once or may have been state-owned bottomlands covered by waters, (ii)  
27 were filled prior to July 1, 1960, and (iii) were acquired by private persons in good faith for value after such  
28 lands were filled, are hereby declared to be free and clear of any claimed ownership or interest by the  
29 Commonwealth and are released to such private persons and their successors and assigns by the  
30 Commonwealth to the extent that the areas of these lands were not state-owned bottomlands covered by  
31 waters on July 1, 1960.32 3. This subsection shall not apply to any state-owned bottomlands filled by a publicly funded initiative  
33 and put to a continuing public use, which includes beach nourishment projects and public landings.34 C. Except as provided in subsection D, the grantee in a conveyance under subdivision B 1 shall  
35 compensate the Commonwealth in an amount commensurate with the property interest being conveyed,  
36 which shall be considered equivalent to 25 percent of the assessed value of the specified parcel, exclusive of  
37 any buildings or other improvements. The assessed value shall be established as the average of the local real  
38 estate tax assessments for the most recent 10 years available for the specified parcel. If no such assessments  
39 are available for the specified parcel, then the assessed value shall be calculated as the percentage, by square  
40 footage or acreage, that the specified parcel represents of the larger parcel for which such assessments are  
41 available.42 D. If the Commission determines that unique circumstances exist, the Commission may allow the grantee  
43 in a conveyance under subdivision B 1 to compensate the Commonwealth in an amount less than 25 percent  
44 of the assessed value of the specified parcel. Any such determination by the Commission shall be justified in  
45 writing and shall not be subject to judicial review.46 E. Any city or county that is party to an executed project partnership agreement with the Department of  
47 the Army for a flood or storm risk management program, damage reduction project, or similar program  
48 specifically authorized by the United States Congress shall be deemed to hold a legal property interest in the  
49 use of state-owned waters, bottoms, or subsurface soils sufficient to qualify for any easements necessary for  
50 the construction or completion of the project or program.

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