

No: 1212

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1212

(By Mr. Del. Murphy.....)

— ● —

Passed March 10, 1984

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1212
(By DELEGATE MURPHY)

[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the authority of the director of the department of natural resources to lease land to county boards of education for outdoor education programs with the approval of the governor; multi-county agreements to establish joint programs; reversion upon determination of the director that the land has ceased to be used for outdoor education purposes; judicial review of such determinations by the director.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-10a. Authority to convey land to county board of education for educational purposes.

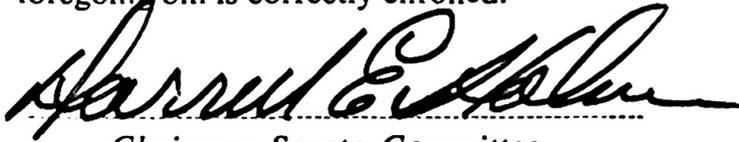
1 To further an appreciation and understanding of the out-
2 doors by the youth of this state, the director is hereby au-

3 thORIZED to enter into long-term agreements, with the written
4 approval of the governor, leasing unto the county board of
5 education of any county wherein are situate lands belonging to
6 the department of natural resources, for nominal consideration,
7 one parcel of rural land not exceeding in size one acre for each
8 five hundred students registered in the public schools of the
9 county at the time of the lease. Such land shall be used by the
10 county board of education exclusively to establish and main-
11 tain an outdoor education program and for no other purpose.
12 By a multi-county agreement, the county boards of education
13 of any county or counties in which no land belonging to the
14 department of natural resources is located may join with any
15 other county or counties in which such land is located to
16 establish and maintain a joint outdoor education program and
17 the combined student enrollment of the counties joining into
18 such an agreement shall determine the maximum acreage that
19 may be leased by the department of natural resources for such
20 purposes.

21 If the department of natural resources makes a finding
22 that land leased pursuant to this section has ceased to be used
23 for the purposes set forth herein for a period of three consecu-
24 tive years, the director shall notify the affected county board
25 or boards of education of such a finding in writing. Upon the
26 expiration of sixty days from receipt of said notice, such
27 lease shall become null and void and control of such leased
28 land shall revert to the department of natural resources unless
29 the affected board or boards of education have petitioned
30 the circuit court of the county wherein the land or the greater
31 portion thereof lies for review of the said finding.

32 Upon petition and hearing, the said circuit court shall
33 determine whether the land has ceased to be used for the
34 purposes set forth in this section. Periodic or incidental use
35 of the land for less than six months of each calendar year
36 shall not be sufficient to support a finding that the land has
37 ceased to be used for the purposes set forth herein. If the said
38 circuit court determines that the land has ceased to be used
39 for the purposes set forth herein, the court shall, by written
40 order, declare the lease null and void and reinstate control of
41 the leased land in the department of natural resources.

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



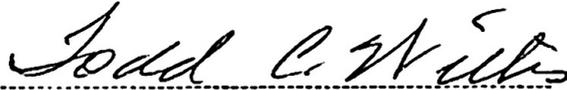
Chairman Senate Committee



Chairman House Committee

Originating in the House.

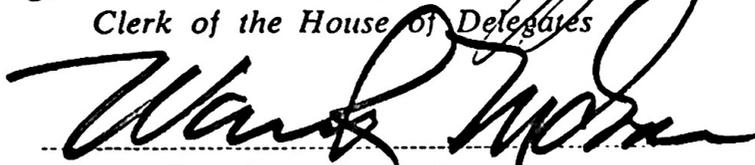
Takes effect ninety days from passage.



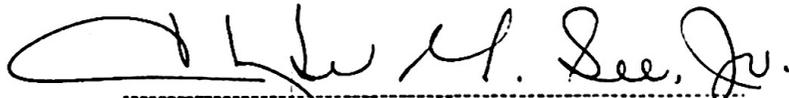
Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within is approved this the 30
day of March, 1984.



Governor

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SECY. OF STATE