WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED

Com. Sub. for
HOUSE BILL No. 12.1.2

(By Mr. Dale 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 outdoors by the youth of this state, the director is hereby au-
Authorized to enter into long-term agreements, with the written
approval of the governor, leasing unto the county board of
education of any county wherein are situate lands belonging to
the department of natural resources, for nominal consideration,
one parcel of rural land not exceeding in size one acre for each
five hundred students registered in the public schools of the
county at the time of the lease. Such land shall be used by the
county board of education exclusively to establish and main-
tain an outdoor education program and for no other purpose.

By a multi-county agreement, the county boards of education
of any county or counties in which no land belonging to the
department of natural resources is located may join with any
other county or counties in which such land is located to
establish and maintain a joint outdoor education program and
the combined student enrollment of the counties joining into
such an agreement shall determine the maximum acreage that
may be leased by the department of natural resources for such
purposes.

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

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

Donald Anello
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 3d day of March, 1984.

Governor