WEST VIRGINIA LEGISLATURE

THIRD EXTRAORDINARY SESSION, 1990

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ENROLLED

HOUSE BILL No. 309

(By Mr. Del. Berry)

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Passed Aug. 25, 1990

In Effect From Passage
ENROLLED

H. B. 309
(By Delegate Berry)

[Passed August 25, 1990; in effect from passage.]

AN ACT to amend and reenact section five, article twelve-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers, duties and responsibilities of the farm management commission generally; and authorizing the commission to convey certain real property to or from any other entity in order to facilitate the construction of a regional jail or correctional facility by the regional jail and correctional facilities authority or the state building commission.

Be it enacted by the Legislature of West Virginia:

That section five, article twelve-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 12A. FARM MANAGEMENT COMMISSION.


(a) On or before the first day of July, one thousand nine hundred ninety, the commission shall meet and confer with respect to the development of a management plan to determine the optimum use or disposition of all institutional farms, at which time the farm management director shall provide the commission with a complete inventory of all institutional farms, and such information relating to easements, mineral rights, appurtenan-
be performed by inmates.

(d) The commission is hereby authorized and empo-
wered to:

(1) Lease to public or private parties, for purposes
including agricultural production or experimentation,
public necessity, or other purposes permitted by the
management plan, any land, easements, equipment, or
other property, except that property may not be leased
for any use in any manner that would render the land
toxic for agricultural use, nor may toxic or hazardous
materials as identified by the commissioner of agricul-
ture be used or stored upon such property unless all
applicable state and federal permits necessary are
obtained. Any lease for an annual consideration of one
thousand dollars or more shall be by sealed bid auction
and the commission shall give notice of such auction by
publication thereof as a Class II-0 legal advertisement
in compliance with the provisions of article three,
chapter fifty-nine of this code, and the publication area
for such publication shall be the county in which the
property to be leased is located;

(2) Transfer to the public land corporation land
designated in its management plan as land to be
disposed of, which land shall be sold, exchanged or
otherwise transferred pursuant to sections four and five,
article one-a, chapter twenty of this code: Provided, That
the net proceeds of the sale of farm commission lands
shall be deposited in the general revenue fund of the
state: Provided, however, That no sale may be concluded
until on or after the fifteenth day of March, one
thousand nine hundred ninety-one, except with respect
to: (A) Properties located at institutions closed on or
before the effective date of this section; tenth day of
March, one thousand nine hundred ninety-one; or (B)
properties conveyed to or from the farm management
commission to or from any other entity in order to
facilitate the construction of a regional jail or correc-
tional facility by the regional jail and correctional
facilities authority or the state building commission,
with the decision to execute any such conveyance being
solely within the discretion of, and at the direction of,
the regional jail and correctional facilities authority;

(3) Develop lands to which it has title for the public use including forestation, recreation, wildlife, stock grazing, agricultural production, rehabilitation and/or other conservation activities and may contract or lease for the proper development of timber, oil, gas or mineral resources, including coal by underground mining or by surface mining where reclamation as required by specifications of the division of energy will increase the beneficial use of such property. Any such contract or lease shall be by sealed bid auction as provided for in subdivision (1) above;

(4) Exercise all other powers and duties necessary to effectuate the purposes of this article.

(e) Notwithstanding the provisions of subsection (d) herein, no timberland may be leased, sold, exchanged or otherwise disposed of, unless the division of forestry of the department of commerce, labor and environmental resources certifies that there is no commercially salable timber on the timberland, an inventory is provided, an appraisal of the timber is provided, and the sale, lease, exchange or other disposition is accomplished by the sealed bid auction procedure provided above in subdivisions (1) or (2), as applicable.

(f) The commission shall promulgate, pursuant to chapter twenty-nine-a of this code, rules and regulations relating to the powers and duties of the commission as enumerated in this section.
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 from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th day of August, 1900.

Governor