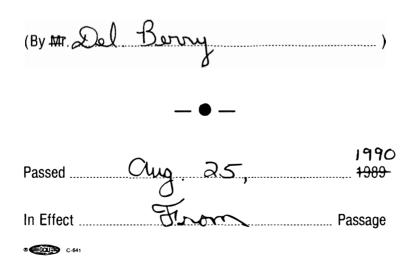
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WEST VIRGINIA LEGISLATURE

THIRD EXTRAORDINARY SESSION, 1990

ENROLLED

HOUSE BILL No. 309



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.

§19-12A-5. Powers, duties and responsibilities of commission.

1 (a) On or before the first day of July, one thousand 2 nine hundred ninety, the commission shall meet and 3 confer with respect to the development of a management plan to determine the optimum use or disposition of all 4 5 institutional farms, at which time the farm management 6 director shall provide the commission with a complete 7 inventory of all institutional farms, and such informa-8 tion relating to easements, mineral rights, appurtenan50 be performed by inmates.

51 (d) The commission is hereby authorized and empo-52 wered to:

53 (1) Lease to public or private parties, for purposes 54 including agricultural production or experimentation. public necessity, or other purposes permitted by the 55 management plan, any land, easements, equipment, or 56 other property, except that property may not be leased 57 for any use in any manner that would render the land 58 59 toxic for agricultural use, nor may toxic or hazardous materials as identified by the commissioner of agricul-60 61 ture be used or stored upon such property unless all 62 applicable state and federal permits necessary are 63 obtained. Any lease for an annual consideration of one 64 thousand dollars or more shall be by sealed bid auction 65 and the commission shall give notice of such auction by 66 publication thereof as a Class II-0 legal advertisement 67 in compliance with the provisions of article three, 68 chapter fifty-nine of this code, and the publication area 69 for such publication shall be the county in which the 70 property to be leased is located:

71 (2) Transfer to the public land corporation land 72 designated in its management plan as land to be 73 disposed of, which land shall be sold, exchanged or 74 otherwise transferred pursuant to sections four and five, 75article one-a, chapter twenty of this code: Provided, That 76 the net proceeds of the sale of farm commission lands 77 shall be deposited in the general revenue fund of the 78 state: Provided, however, That no sale may be concluded 79 until on or after the fifteenth day of March, one 80 thousand nine hundred ninety-one, except with respect 81 to: (A) Properties located at institutions closed on or 82 before the effective date of this section: tenth day of 83 March, one thousand nine hundred ninety; or (B) 84 properties conveyed to or from the farm management 85 commission to or from any other entity in order to 86 facilitate the construction of a regional jail or correc-87 tional facility by the regional jail and correctional 88 facilities authority or the state building commission, 89 with the decision to execute any such conveyance being 90 solely within the discretion of, and at the direction of, Enr. H. B. 309]

91 the regional jail and correctional facilities authority;

92 (3) Develop lands to which it has title for the public 93 use including forestation, recreation, wildlife, stock grazing, agricultural production, rehabilitation and/or 94 95 other conservation activities and may contract or lease for the proper development of timber, oil, gas or mineral 96 97 resources, including coal by underground mining or by 98 surface mining where reclamation as required by 99 specifications of the division of energy will increase the 100 beneficial use of such property. Any such contract or 101 lease shall be by sealed bid auction as provided for in 102 subdivision (1) above;

103 (4) Exercise all other powers and duties necessary to104 effectuate the purposes of this article.

105(e) Notwithstanding the provisions of subsection (d) 106 herein, no timberland may be leased, sold, exchanged or otherwise disposed of, unless the division of forestry of 107 108 the department of commerce, labor and environmental 109 resources certifies that there is no commercially salable 110 timber on the timberland, an inventory is provided, an 111 appraisal of the timber is provided, and the sale, lease. 112 exchange or other disposition is accomplished by the 113 sealed bid auction procedure provided above in subdi-114 visions (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.

an "Ll Chairman Senate Committee

man Chairman House Committee

Originating in the House.

Takes effect from passage. Clerk of the Senate Clerk of the House of Delegates Malle President of the Senate

Speaker of the House of Delegates

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GOVERNOR Date 5/20/90 Time 3:26 fm

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