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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

THIRD EXTRAORDINARY SESSION, 1990

— ● —

# ENROLLED

HOUSE BILL No. 309

(By ~~Mr.~~ Del. Berry )

— ● —

Passed Aug. 25, 1990 ~~1989~~

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.**

**§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  
4       plan to determine the optimum use or disposition of all  
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, appurtenan-

50 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,  
55 public necessity, or other purposes permitted by the  
56 management plan, any land, easements, equipment, or  
57 other property, except that property may not be leased  
58 for any use in any manner that would render the land  
59 toxic for agricultural use, nor may toxic or hazardous  
60 materials as identified by the commissioner of agricul-  
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,  
75 article 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,

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  
94 grazing, agricultural production, rehabilitation and/or  
95 other conservation activities and may contract or lease  
96 for the proper development of timber, oil, gas or mineral  
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 to  
104 effectuate the purposes of this article.

105 (e) Notwithstanding the provisions of subsection (d)  
106 herein, no timberland may be leased, sold, exchanged or  
107 otherwise disposed of, unless the division of forestry of  
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.

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

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

*Fredrick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Charles E. McMan*  
Clerk of the Senate

*Donald G. Lopp*  
Clerk of the House of Delegates

*Kell Buntelle*  
President of the Senate

*W. O. Chal*  
Speaker of the House of Delegates

The within *is approved* this the *30<sup>th</sup>*  
day of *August*, 1990.

*Winston Taylor*  
Governor

PRESENTED TO THE

GOVERNOR

Date 8/29/00

Time 3:26 pm