

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5519

By Delegates Howell, Westfall, Burkhammer, Phillips,

W. Clark, and Hott

[Introduced February 07, 2024; Referred to the
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §20-3-4a, relating to authorizing the director of the Division of Forestry to
 3 contract for the management of state-owned and leased forests and wooded lands for
 4 purposes of preventing forest fires; providing for procedures and requirements to enter into
 5 land management contract; establishing competitive bidding process; and authorizing the
 6 directly to directly award a contract under certain circumstances when necessary for an
 7 economic development project.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§20-3-4a. Authority of director of division of forestry to contract and manage forest land.

1 (a) The director of the Division of Forestry may, with the approval in writing of the Secretary
 2 of Commerce, contract for the management of state-owned or leased forests, natural and scenic
 3 areas, wildlife management areas, and other lands under the jurisdiction and control of the director
 4 for the limited purposes of protecting, preserving and maintaining such lands from forest fire.
 5 Before entering into a contract, the director shall receive sealed bids therefor, after notice by
 6 publication as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of
 7 this code, and the publication area for such publication shall be each county in which the affected
 8 lands are located, and on the Division’s main website for a period of at least 14 days prior to
 9 entering into any contract pursuant to this section. Any such contract shall be awarded to the
 10 highest responsible bidder with experience managing at least 60,000 acres of forested and
 11 mountainous terrain, who shall give bond for the proper performance of the contract as the director
 12 shall designate; but the director may reject any and all bids and re-advertise for bids. Nothing in
 13 this section prohibits the Division from including provisions in any such land management contract
 14 for the disposition of any and all forest biomass. The proceeds arising from any such contract shall
 15 be paid to the Treasurer of the State of West Virginia and shall be credited to the Division and used
 16 exclusively for the purposes of this chapter.

17 (b) Notwithstanding the competitive bidding process established in subsection (a), the
18 director may, with the approval in writing of the Secretary of the Department of Commerce, directly
19 award such a contract when the Secretary of the Department of Commerce and the Secretary of
20 the Department of Economic Development certifies in writing to the director that the lease is a
21 necessary component of an economic development project: *Provided*, That the contract shall be
22 based on market value.

NOTE: The purpose of this bill is to authorize the director of the Division of Forestry to enter into contracts for management of state forests and wooded areas for the purposes of preventing forest fires.

This is a new section; therefore, underscoring and strike-throughs have been omitted.