

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 226

By Senator Tarr

[Introduced January 11, 2024; referred
to the Committee on Agriculture and Natural
Resources]

20 (c) The commissioner is hereby authorized and empowered to:

21 (1) Lease to public or private parties, for purposes including agricultural production or
22 experimentation, public necessity, or other purposes, any land, easements, equipment, or other
23 property, except that property may not be leased for any use in any manner that would render the
24 land toxic for agricultural use, nor may toxic or hazardous materials as identified by the
25 Commissioner of Agriculture be used or stored upon such property unless all applicable state and
26 federal permits necessary are obtained.;

27 (2) Transfer to the public land corporation land designated in its management plan as land
28 to be disposed of, which land shall be sold, exchanged, or otherwise transferred pursuant to §5A-
29 11-4 and §5A-11-5 of this code;

30 (3) Develop lands to which it has title for the public use including forestation, recreation,
31 wildlife, stock grazing, agricultural production, rehabilitation, and/or other conservation activities
32 and may contract or lease for the proper development of timber, oil, gas, or mineral resources,
33 including coal by underground mining or by surface mining where reclamation as required by
34 specifications of the Department of Environmental Protection will increase the beneficial use of
35 such property; and

36 ~~(4) Upon 30 days written notice to the lessee, cancel a lease to which the department is a~~
37 ~~party and which is for annual consideration of less than \$5 per acre: *Provided*, That such lease~~
38 ~~must contain a provision authorizing cancellation or impairment by the Legislature; and~~

39 ~~(5)~~ (4) Exercise all other powers and duties necessary to effectuate the purposes of this
40 article.

41 (d) Notwithstanding the provisions of subsection (c) of this section, no timberland may be
42 leased, sold, exchanged, or otherwise disposed of unless there is no commercially salable timber
43 on the timberland, an inventory is provided, and an appraisal of the timber is provided.

44 (e) The commissioner may promulgate, pursuant to §29-1-1 *et seq.* of this code, rules and
45 regulations relating to the powers and duties of the commissioner as enumerated in this section.

NOTE: The purpose of this bill is to preclude the Department of Agriculture from cancellation of certain leases; remove language allowing cancellation of any lease which the Department of Agriculture is a party and the consideration is less than five dollars and acre; and make technical corrections.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.