

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 688

BY SENATORS WOODRUM, SMITH, SWOPE, AND NELSON

[Originating in the Committee on Economic
Development; reported February 15, 2024]

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 and
3 the Director of the Division of Natural Resources to contract for the management of state-
4 owned and -leased forests and wooded lands for purposes of preventing forest fires;
5 providing for procedures and requirements to enter into land management contract;
6 establishing competitive bidding process; providing for proceeds from contracts to be paid
7 to treasurer and credited to the appropriate division for certain purposes; and authorizing
8 either director to directly award a contract under certain circumstances when necessary
9 for an 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 the Division of Forestry and Director of the Division of
Natural Resources to contract and manage forest land.**

1 (a) The Director of the Division of Forestry and the Director of the Division of Natural
2 Resources may, with the approval in writing of the Secretary of Commerce, contract for the
3 management of state-owned or -leased forests, natural and scenic areas, wildlife management
4 areas, and other lands under their respective jurisdiction and control of the directors for the limited
5 purposes of protecting, preserving, and maintaining such lands from wildfires. Before entering
6 into a contract, the directors shall receive sealed bids therefor, after notice by publication as a
7 Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code, and
8 the publication area for such publication shall be each county in which the affected lands are
9 located, and on the respective division's main website for a period of at least 14 days prior to
10 entering into any contract pursuant to this section. Any such contract shall be awarded to the
11 highest responsible bidder with experience managing forested and mountainous terrain, who shall
12 give bond for the proper performance of the contract as either director shall designate; but either
13 director may reject any and all bids and re-advertise for bids. Nothing in this section prohibits

14 either division from including provisions in any such land management contract for the disposition
15 of any and all forest biomasses. The proceeds arising from any such contract shall be paid to the
16 State Treasurer and shall be credited to the appropriate division and used exclusively for the
17 purposes of this chapter.

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