

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 627

BY SENATORS JEFFRIES, CLEMENTS, HELTON, ROSE,

TARR, AND WILLIS

[Reported March 5, 2025, from the Committee on

Economic Development]

1 A BILL to amend and reenact §20-1-22 of the Code of West Virginia, 1931, as amended, relating
2 to removing the prohibition against leasing state-owned pore spaces underlying lands
3 designated as state parks; and prohibiting any disturbance of the surface of state park
4 property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-22. Authorizing the director to lease and develop pore spaces.

1 (a) The director may, with the approval in writing of the Secretary of Commerce, lease
2 state-owned pore spaces underlying state forests, natural and scenic areas, wildlife management
3 areas, and other lands under the jurisdiction and control of the director for underground carbon
4 sequestration: ~~Provided, That the director is prohibited from leasing state-owned pore spaces~~
5 ~~underlying lands that are designated as state parks.~~ Provided, That the director may not permit
6 the disturbance of the surface of state park property for any drilling or injection activity. Before
7 entering into a lease, the director shall receive sealed bids therefor, after notice by publication as
8 a Class I legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code,
9 and the publication area for such publication shall be each county in which the affected lands are
10 located, and on the division's main website for a period of at least 14 days prior to entering into
11 any lease pursuant to this section. The pore space development proposal so advertised shall be
12 leased to the highest responsible bidder, who shall give bond for the proper performance of the
13 lease as the director shall designate; but the director may reject any and all bids and re-advertise
14 for bids. The development of pore spaces pursuant to this section shall be consistent with the
15 requirements of §22-11B-1 *et seq.* of this code. The proceeds arising from any such lease shall
16 be paid to the Treasurer of the State of West Virginia and shall be credited to the division and
17 used exclusively for the purposes of this chapter.

18 (b) Notwithstanding the competitive bidding process established in subsection (a) of this
19 section, the director may, with the approval in writing of the Secretary of the Department of

20 Commerce, directly award a pore space lease when the Secretary of the Department of
21 Commerce and the Secretary of the Department of Economic Development certifies in writing to
22 the director that the lease is a necessary component of an economic development project:
23 *Provided*, That the lease shall afford a market value or greater royalty.