

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Enrolled**

### **Senate Bill 1033**

BY SENATORS THORNE, DEEDS, RUCKER, AND SMITH

(MR. PRESIDENT)

[Passed March 14, 2026; in effect 90 days from  
passage (June 12, 2026)]



1 AN ACT to amend and reenact §19-12A-5 and §19-12A-6a of the Code of West Virginia, 1931,  
2 as amended, relating to the powers and duties of the West Virginia Commissioner of  
3 Agriculture with respect to land owned by the West Virginia Department of Agriculture;  
4 and relating to the disposition of funds generated from that land.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12A. LAND DIVISION.**

**§19-12A-5. Powers, duties, and responsibilities of commissioner.**

1 (a) The commissioner shall manage all institutional farms, equipment, and other property  
2 to most efficiently produce food products for state institutions, support the department and its  
3 activities, advance the agricultural interests of the state, as identified by the commissioner, and  
4 otherwise implement the intent of the Legislature as set forth by this article. From the total amount  
5 of food, milk, and other commodities produced on institutional farms, the commissioner shall sell,  
6 at prevailing wholesale prices, and each of the institutions under the control of the Department of  
7 Health Facilities and Division of Corrections and Rehabilitation shall purchase, these products  
8 based on the dietary needs of each institution: *Provided*, That if the commissioner cannot sell  
9 sufficient food products to each institution to meet the demand created, each institution may  
10 purchase such food products from vendors who can supply those food products at the greatest  
11 savings to the taxpayers of the state.

12 (b) If requested by the Commissioner of the Division of Corrections and Rehabilitation, the  
13 Commissioner of Agriculture may authorize the Division of Corrections and Rehabilitation to  
14 operate a farm or other enterprise using inmates as labor on those lands. The Commissioner of  
15 the Division of Corrections and Rehabilitation is responsible for the selection, direction, and  
16 supervision of the inmates and shall, in consultation with the Commissioner of Agriculture, assign  
17 the work to be performed by inmates. The Commissioner of Agriculture may also request inmate  
18 labor to perform work on the institutional farms, and if requested, the Commissioner of the Division  
19 of Corrections and Rehabilitation shall provide inmate labor, if available.

20 (c) The commissioner may:

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;

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

39 (5) Transfer land, or any interest therein, to another public body pursuant to the provisions  
40 of §1-5-1 through §1-5-5, inclusive, of this code; and

41 (6) Exercise all other powers and duties necessary to effectuate the purposes of this  
42 article.

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

46 (e) The commissioner may promulgate, pursuant to §29A-3-1 *et seq.* of this code, rules  
47 and regulations relating to the powers and duties of the commissioner as enumerated in this  
48 section.

**§19-12A-6a. Special revenue account.**

1 Notwithstanding any provision of this code to the contrary, all funds collected by the  
2 department pursuant to this article, whether from the sale of food, the disposition of assets,  
3 including land, the lease of land or minerals or any other source, shall be paid into a special  
4 revenue account to be used for the purposes of this article: *Provided*, That when the remaining  
5 balance at the end of any fiscal year of the funds so collected and deposited in the special revenue  
6 account exceeds \$1 million, the department may transfer the excess funds to the Department of  
7 Agriculture Capital Improvements Fund established in §19-1-4e of this code.



The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

Originated in the Senate.

In effect 90 days from passage.

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within is ..... this the.....  
Day of ....., 2026.

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*Governor*