

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1033

By Senator Thorne

[Introduced February 20, 2026; referred
to the Committee on Government Organization]

20 (c) The commissioner ~~is authorized and empowered to~~ 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 a
37 party and which is for annual consideration of less than \$5 per acre: Provided, That ~~such~~ the lease
38 must contain a provision authorizing cancellation or impairment by the Legislature; ~~and~~

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 of this code: and

41 ~~(5)~~ (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 §29-1-1 *et seq.* of this code, rules and
47 regulations relating to the powers and duties of the commissioner as enumerated in this section.

§19-12A-6a. Special revenue account.

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

NOTE: The purpose of this bill is to enable the West Virginia Commissioner of Agriculture to transfer land owned by the West Virginia Department of Agriculture to other public bodies pursuant to §1-5-1 through to §1-5-5 of this code and deposit any proceeds from the transfer into the special revenue account established in §19-12A-6a of this code.

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