

WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2014



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 357

(SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT,
PLYMALE AND TUCKER, *ORIGINAL SPONSORS*)

[PASSED MARCH 7, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

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(SENATORS WILLIAMS, BEACH, D. HALL, MILLER, SYPOLT,
PLYMALE AND TUCKER, *original sponsors*)

[Passed March 7, 2014; in effect ninety days from passage.]

AN ACT to repeal §19-1B-12 of the Code of West Virginia, 1931, as amended; and to amend and reenact §19-1B-12a of said code, all relating to civil and criminal penalties for violations of the Logging Sediment Control Act pertaining to timber operations; and establishing a violation for failure to reclaim.

Be it enacted by the Legislature of West Virginia:

That §19-1B-12 of the Code of West Virginia, 1931, as amended, be repealed; and that §19-1B-12a of said code be amended and reenacted, all to read as follows:

**ARTICLE 1B. SEDIMENT CONTROL DURING
COMMERCIAL TIMBER
HARVESTING OPERATIONS.**

§19-1B-12a. Criminal and civil penalties.

1 (a) It is illegal for a person to:

2 (1) Conduct timbering operations, purchase timber or buy
3 logs for resale in this state without holding a valid license
4 from the Director of the Division of Forestry, as required by
5 section four of this article;

6 (2) Conduct timbering operations or sever trees for sale
7 at a location in this state without providing the Director of the
8 Division of Forestry with notice of the location where the
9 timbering or harvesting operations are to be conducted, as
10 required by section six of this article;

11 (3) Conduct a timbering operation in this state that is not
12 supervised by a certified logger who holds a valid certificate
13 from the Director of the Division of Forestry, as required by
14 section seven of this article;

15 (4) Continue to conduct timbering operations in violation
16 of a suspension or revocation order that has been issued by
17 the Director of the Division of Forestry or a conference panel
18 under section five, ten or eleven of this article; and

19 (5) Fail to reclaim the real property in accordance with
20 the best management practices set forth by the Division of
21 Forestry and the committee established in subsection (h),
22 section seven of this article.

23 (b) *Criminal and civil penalties.* – A person that violates
24 this section is guilty of a misdemeanor and, upon conviction,
25 shall be fined not less than \$250 nor more than \$500 for each
26 violation. In addition to fines and costs, a person or entity
27 convicted of a violation of this section shall pay a \$500 civil
28 penalty to the division within sixty days. The civil penalty
29 shall be collected by the court in which the person is convicted
30 and forwarded to the State Treasurer for deposit in the Division
31 of Forestry Timber Operations Enforcement Fund (3082) for
32 use in administering the provisions of this article.

33 (c) Each day that a person is in violation of this section
34 constitutes a separate criminal and civil offense.

35 (d) In addition to any other law-enforcement agencies
36 that have jurisdiction over criminal violations, any forester or
37 forest technician employed by the Division of Forestry who,
38 as a part of his or her official duties is authorized by the
39 Director of the Division of Forestry to inspect timbering
40 operations, is authorized to issue citations for any of the listed
41 violations in this article that he or she has witnessed. The
42 limited authority granted to employees of the Division of
43 Forestry to issue citations to enforce the provisions of this
44 section does not include the power to place any individual or
45 person under arrest.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this
the Day of, 2014.

.....
Governor