

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2043**

BY DELEGATE THOMPSON

[Introduced January 9, 2019; Referred  
to the Committee on Agriculture and Natural  
Resources then Finance.]

1 A BILL to amend and reenact §19-1A-3 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring moneys collected from the sale of timber realized through management of the  
 3 state-owned forests and parks be distributed on a pro rata basis to the specific forest or  
 4 park that was timbered; and creating a special fund.

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

**ARTICLE 1A. DIVISION OF FORESTRY.**

**§19-1A-3. Division of Forestry; Division Director; duties, powers, dedication of certain moneys; creation of a special revenue account; creation of a special fund.**

1 The Division of Forestry heretofore created is hereby continued. And, except as otherwise  
 2 provided in this article, all powers and duties previously exercised by the Director of Natural  
 3 Resources under §20-1-7(13), and §20-3-1 *et seq.*, of this code, except those powers and duties  
 4 relating solely to wildlife areas as described in §20-3-3 of this code, heretofore transferred to the  
 5 Division of Forestry, are hereby continued in the Division of Forestry, except Kanawha State  
 6 Forest as hereinafter provided. The Division of Forestry has within its jurisdiction and supervision  
 7 the state forests, other forests and woodland areas, the protection of forest areas from injury and  
 8 damage by fire, disease, insects and other pestilences and forces, the management of forest  
 9 areas for natural resources, conservation and undeveloped recreational activities, administration  
 10 of the southeastern interstate forest fire protection compact and other compacts and agreements  
 11 relating to forest management and husbandry, and the administration and enforcement of laws  
 12 relating to the conservation, development, protection, use and enjoyment of all forest land areas  
 13 of the state consistent with the provisions of sections one and two of this article. All moneys  
 14 collected from the sale of timber realized through management of the state-owned forests and  
 15 state-owned parks shall be deposited in a special fund, the Forest and Park Timbering Fund.  
 16 Those moneys shall then be distributed on a pro rata basis to the specific forest or park that was  
 17 timbered. Moneys from the sale of seedlings from the tree nurseries shall be paid into the State  
 18 Treasury and shall be credited to a special account within the Division of Forestry and used

19 exclusively for the purposes of this article and article three, chapter twenty of this code.

20           The Division of Forestry has jurisdiction to regulate the growing, digging, collecting,  
21 gathering, possession and sale of ginseng as provided in section three-a, of this article.

22           The chief of the Division is the Director of the Division of Forestry who shall be appointed  
23 and qualified as provided in section five of this article.

24           The Director of the Division of Forestry shall study means and methods of implementing  
25 the provisions of section fifty-three, Article VI of the Constitution of West Virginia, relating to forest  
26 lands, and shall prepare and recommend legislation thereon.

27           The division lines within the state forests between improved recreation areas under the  
28 management of the Division of Natural Resources and the demonstration forests under the  
29 management of the Division of Forestry, heretofore established by agreement, are hereby  
30 continued with the exception of Kanawha State Forest where the entire forest will be managed by  
31 and under the jurisdiction of the Division of Natural Resources for multiple uses and the Division  
32 of Natural Resources shall continue to provide recreational opportunities, including, but not limited  
33 to, mountain-biking trails, hiking trails, horseback-riding trails and hunting, fishing and trapping  
34 lands. The forest may not be designated as a state park or state recreation area; however, any  
35 sale of timber from Kanawha State Forest shall continue to be prohibited.

36           In the event of disagreement over the placement of a division line or dual occupancy of a  
37 building, the disposition shall be decided by the Legislature's Joint Committee on Government  
38 and Finance at a regularly scheduled meeting.

NOTE: The purpose of this bill is to require the moneys collected from the sale of timber realized through management of the state-owned forests and parks be distributed on a pro rata basis to the specific forest or park that was timbered. The bill creates a special fund.

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