

Senate Bill No. 196

(By Senator Beach)

[Introduced February 18, 2013; referred to the Committee on
Natural Resources; and then to the Committee on Government
Organization.]

A BILL to amend and reenact §19-1A-3 of the Code of West Virginia,
1931, as amended, relating to transferring the supervisory and
jurisdictional responsibilities of the area of Coopers Rock
State Forest located south of Interstate 68 and the area
located north of Interstate 68 known as the trout pond and its
immediate environs from the Division of Forestry to the
Division of Natural Resources; and clarifying that the sale of
timber from those designated areas is under the jurisdiction
and control of the Director of the Division of Natural
Resources.

Be it enacted by the Legislature of West Virginia:

That §19-1A-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

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

2 **§19-1A-3. Division of Forestry; division director; duties, powers,**
3 **dedication of certain moneys; creation of a special**
4 **revenue account.**

5 The Division of Forestry heretofore created is hereby
6 continued. And, except as otherwise provided in this article, all
7 powers and duties previously exercised by the Director of Natural
8 Resources under ~~subsection~~ subdivision (13), section seven, article
9 one and article three, chapter twenty of this code, except those
10 powers and duties relating solely to wildlife areas as described in
11 section three, article three, chapter twenty of this code,
12 heretofore transferred to the Division of Forestry, are hereby
13 continued in the Division of Forestry, except Kanawha State Forest,
14 and the area of Coopers Rock State Forest located south of
15 Interstate 68 and the area located north of Interstate 68 known as
16 the trout pond and its immediate environs, as hereinafter provided.

17 The Division of Forestry has within its jurisdiction and
18 supervision the state forests, other forests and woodland areas,
19 the protection of forest areas from injury and damage by fire,
20 disease, insects and other pestilences and forces, the management
21 of forest areas for natural resources, conservation and undeveloped
22 recreational activities, administration of the Southeastern

1 Interstate Forest Fire Protection Compact and other compacts and
2 agreements relating to forest management and husbandry, and the
3 administration and enforcement of laws relating to the
4 conservation, development, protection, use and enjoyment of all
5 forest land areas of the state consistent with the provisions of
6 sections one and two of this article. All moneys collected from
7 the sale of timber realized through management of the state-owned
8 forests and the sale of seedlings from the tree nurseries shall be
9 paid into the State Treasury and shall be credited to a special
10 account within the Division of Forestry and used exclusively for
11 the purposes of this article and article three, chapter twenty of
12 this code.

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

16 The chief of the division is the Director of the Division of
17 Forestry who shall be appointed and qualified as provided in
18 section five of this article.

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

23 The division lines within the state forests between improved

1 recreation areas under the management of the Division of Natural
2 Resources and the demonstration forests under the management of the
3 Division of Forestry, heretofore established by agreement, are
4 hereby continued with the exception of Kanawha State Forest, and
5 the area of Coopers Rock State Forest located south of Interstate
6 68 and the area located north of Interstate 68 known as the trout
7 pond and its immediate environs, where the entire forest areas
8 designated will be managed by and under the jurisdiction of the
9 Division of Natural Resources for multiple uses and the Division of
10 Natural Resources shall continue to provide recreational
11 opportunities, including, but not limited to, mountain-biking
12 trails, hiking trails, horseback-riding trails and hunting, fishing
13 and trapping lands. ~~The~~ These forest areas may not be designated
14 as a state park or state recreation area; however, any sale of
15 timber from Kanawha State Forest shall be continue to be
16 prohibited. Any sale of timber in the area of Coopers Rock State
17 Forest located south of Interstate 68 and the area located north of
18 Interstate 68 known as the trout pond and its immediate environs
19 shall be under the jurisdiction and control of the Director of the
20 Division of Natural Resources as set forth in subdivision (13),
21 section seven, article one, chapter twenty of this code.

22 In the event of disagreement over the placement of a Division
23 line or dual occupancy of a building, the disposition shall be

1 decided by the Legislature's Joint Committee on Government and
2 Finance at a regularly scheduled meeting.

NOTE: The purpose of this bill is to transfer the supervisory and jurisdictional responsibilities of the area of Coopers Rock State Forest located south of Interstate 68 and the area located north of Interstate 68 known as the trout pond and its immediate environs from the Division of Forestry to the Division of Natural Resources. The bill gives the designated areas of Coopers Rock State Forest the same status as Kanawha State Forest, except that the sale of timber would be permitted under the jurisdiction and control of the Director of the Division of Natural Resources in those designated areas.

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