

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

Introduced

### House Bill 2968

FISCAL  
NOTE

BY DELEGATES THOMPSON, MARCUM, RODIGHIERO AND

HICKS

[ Introduced March 13, 2017; 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:*

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

**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 subsection (13), section seven, article one and article three, chapter twenty of  
 4 this code, except those powers and duties relating solely to wildlife areas as described in section  
 5 three, article three, chapter twenty of this code, heretofore transferred to the Division of Forestry,  
 6 are hereby continued in the Division of Forestry, except Kanawha State Forest as hereinafter  
 7 provided. The Division of Forestry has within its jurisdiction and supervision the state forests,  
 8 other forests and woodland areas, the protection of forest areas from injury and damage by fire,  
 9 disease, insects and other pestilences and forces, the management of forest areas for natural  
 10 resources, conservation and undeveloped recreational activities, administration of the  
 11 southeastern interstate forest fire protection compact and other compacts and agreements  
 12 relating to forest management and husbandry, and the administration and enforcement of laws  
 13 relating to the conservation, development, protection, use and enjoyment of all forest land areas  
 14 of the state consistent with the provisions of sections one and two of this article. All moneys  
 15 collected from the sale of timber realized through management of the state-owned forests and  
 16 state-owned parks shall be deposited in a special fund, the Forest and Park Timbering Fund.

17 Those moneys shall then be distributed on a pro rata basis to the specific forest or park that was  
18 timbered. Moneys from the sale of seedlings from the tree nurseries shall be paid into the State  
19 Treasury and shall be credited to a special account within the Division of Forestry and used  
20 exclusively for the purposes of this article and article three, chapter twenty of this code.

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

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

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

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

37 In the event of disagreement over the placement of a division line or dual occupancy of a  
38 building, the disposition shall be decided by the Legislature's Joint Committee on Government  
39 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.