ENROLLED BILL

House Bill No.255:

(By Mr. 

Passed March 13, 1931

In Effect from Passage
ENROLLED BILL

(H. B. No. 255)

[Passed March 13, 1931; in effect from passage.]

AN ACT to amend and re-enact section ten of article seven and sections one, nine, ten and twelve of article nine of chapter twenty of the code of West Virginia, relating to forests, game and fish and the game, fish and forestry commission.

Be it enacted by the Legislature of West Virginia:

That section ten of article seven and sections one, nine, ten and twelve of article nine of chapter twenty of the code of West Virginia, relating to forests, game and fish and the game, fish and forestry commission, be amended and re-enacted so as to read as follows:

ARTICLE 7

Section 10. All moneys received by or paid to any officer or other person of this state for licenses as aforesaid shall be paid to the commission, in the manner and at the times as herein-after provided, and the commission shall, on receipt of the same, forthwith pay over to the state treasurer such money so received,
6 accompanying it with a statement showing in detail the sources 7 of such money and the purposes for which the same was original-
8 ly paid, and the same shall be credited forthwith to the game,
9 fish and forestry fund. Such officers and other persons so re-
10 ceiving such money shall, on the first day of each month, pay
11 over to the commission all moneys so paid to them during the
12 preceding month, and each officer and person shall accompany
13 such payment with a report showing, in the case of license
14 money, the name of the county, the class of licenses sold, the
15 names and addresses of the persons paying the same, and the
16 date of the receipt thereof. All such money so paid for licenses
17 shall be credited to the commission, as hereinbefore provided,
18 and shall be further credited to and kept in a separate fund
19 designated "License fund—game, fish and forestry," and shall
20 be used and paid out, upon the order of the commission, solely
21 for the conservation, protection, propagation and distribution of
22 the fish, frogs, wild game and wild birds and fowls in this state,
23 in the enforcement of the fish and game laws of this state, for
24 any of the purposes in this chapter provided; for the operation
25 of the commission, and as provided for by section ten of article
26 nine of this chapter.
All money so credited to and kept separately in "License fund — game, fish and forestry," and applicable as aforesaid, and also all other moneys to the credit of the commission in the state treasury whether derived from the fifty thousand dollar annual appropriation from the general revenue of the state or from financial assistance received from the owners of forest land, or from recoveries against persons giving origin to forest fires, or from the federal government, by appropriation under the Weeks and the Clarke-McNary laws or otherwise, shall be withdrawn from the state treasury and expended at the sole discretion of the commission in accordance with the provisions hereof, only upon the written requisition of the commission duly authorized by it at a meeting duly held, and signed by the chairman of such commission, but the unused portion, if any, of said funds or credits derived from said fifty thousand dollar annual appropriation from the general revenues of the state remaining unexpended or undrawn at the end of the year for which made, shall be carried over as a balance to the next year, and from year to year thereafter, and the appropriation therefor shall not be deemed to have expired at the end of the year.
ARTICLE 9

Sec. 1. The game, fish and forestry commission shall have
2 power and authority to protect the forests of the state against
3 injury or destruction by fire, insects, fungus, or other disease,
4 to study and make recommendations as to proper methods for
5 such protection and for forest culture, and to disseminate any
6 such information throughout the state. For such purposes the
7 commission shall appoint a chief forester, duly qualified with
8 technical forestry training, a graduate of a reputable college
9 or university supplemented by actual experience in handling
10 forestry field organization. The chief forester shall appoint
11 local protectors for such forest fire districts as the commission
12 may deem it necessary to designate, each of whom shall be sub-
13 ject to approval and confirmation by the commission. Such
14 local forest protectors shall hold office at and during the pleas-
15 ure of the chief forester, who may, at his discretion, subject
16 however to the approval of the commission, with or without
17 cause, summarily remove any person appointed by him, and
18 fill any vacancy so, or otherwise, created. The commission
19 shall fix the salary to be paid to the chief forester, and shall
20 fix and pay reasonable compensation to local forest protectors
Sec. 9. The commission may do all things required to meet the conditions and requirements of the federal government in securing federal cooperation under the provisions of the Weeks law and the Clarke-McNary law, and any law amendatory thereof, or supplemental thereto, for the purpose of preventing forest fires and the advancement of forestry practices. The sum of fifty thousand dollars is hereby appropriated annually and the board of public works shall include said sum of fifty thousand dollars for said purpose in its biennial budget to the legislature as provided in section fifty-one, article six of the constitution of this state and/or in such other budgets as it may present to the legislature as may be necessary to provide the said sum of fifty thousand dollars for the purposes of this section, which sum of fifty thousand dollars annually shall be paid into the state treasury to the credit of the game, fish and forestry commission and be expended and drawn upon by it for the aforesaid purposes, in the manner herein elsewhere provided.

Sec. 10. The commission may cooperate with the owners of forest lands and receive financial assistance from them for the purposes aforesaid and do any and all things necessary therefor,
including the establishment and maintenance of patrol and lookout stations: Provided, That the commission shall expend for forestry purposes only such moneys as shall be appropriated therefor by the state, and such moneys as may be contributed therefor by the private owners, and such moneys as may be recovered from persons giving origin to forest fires, and such moneys as may be received from the federal government by appropriation under the Weeks and the Clarke-McNary laws, or otherwise, and in addition for the aforementioned purposes, shall provide twenty-five per cent of the funds derived annually from the sale of game and fish licenses: Provided further, That the commission shall, upon the written request of twenty or more taxpayers of any county, expend in that county at least twenty per cent of all money received from such county in hunting and fishing license fees for the purpose of restocking and propagating fish or game.

Sec. 12. If the owner of any forest land fails properly to patrol his lands, the commission may cause the same to be patrolled and charge the cost thereof against such owner: Provided, That the aggregate amount so charged shall not exceed one cent per acre per year. If the amount so charged against
6 such owner as cost and expense of such patrol is not paid upon
7 presentation of a bill therefor, it shall be the duty of the prose-
8 cutting attorney of the county in which such land or the greater
9 part thereof is situated, at the instance of the commission or
10 some one of its agents, to institute, in the name of the state of
11 West Virginia, action for the recovery thereof. All moneys
12 collected from owners of forest lands, either by suit or voluntary
13 payment, shall be paid into the state treasury, to the credit of
14 the game, fish and forestry commission to be expended and
15 drawn upon in its discretion as herein elsewhere provided. But
16 the foregoing provisions shall not apply to corporations, firms
17 or individuals who are members of and contributing to the vari-
18 ous fire protective associations of this state, now in existence.
Corrected enrolled

Chairman Senate Committee

Speaker of the House of Delegates

Clerk of the House of Delegates

President of the Senate

Clerk of the Senate

The within is Approved this 19th day of March 1931.

Governor

Filed in the office of the Secretary of State of West Virginia

MAR 20 1931

GEORGE W. STOUT,
Secretary of State.