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# ENROLLED BILL

House Bill No. 255.

(By Mr. Hines )

Passed March 13, 1931

In Effect From Passage

Originated in the *House* Takes effect *from* Passage.  
*W. H. Hines* Clerk of the House of Delegates.  
*W. H. Hines* Clerk.

CORRECTLY ENROLLED

*Frederick H. Hines* Chairman House Committee.  
*Frederick H. Hines* Chairman Senate Committee.

## 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:*

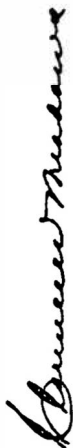
That section ten of article seven and sections one, nine, ten and twelve of article nine of chapter twenty of the code of West Virginia, relating to forests, game and fish and the game, fish and forestry commission, be amended and re-enacted so as to read as follows:

### ARTICLE 7

Section 10. All moneys received by or paid to any officer 2 or other person of this state for licenses as aforesaid shall be 3 paid to the commission, in the manner and at the times as herein- 4 after provided, and the commission shall, on receipt of the same, 5 forthwith pay over to the state treasurer such money so received,



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Chairman House Committee.

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.

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*James D. Smith*

*Chairman Senate Committee.*

*Samuel M. Madsen*

*Chairman House Committee.*

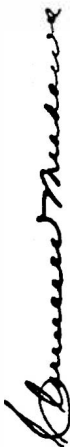
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27 All money so credited to and kept separately in "License fund  
28 —game, fish and forestry," and applicable as aforesaid, and  
29 also all other moneys to the credit of the commission in the  
30 state treasury whether derived from the fifty thousand dollar  
31-32 annual appropriation from the general revenue of the state or  
33 from financial assistance received from the owners of forest land,  
34 or from recoveries against persons giving origin to forest fires, or  
35 from the federal government, by appropriation under the Weeks  
36 and the Clarke-McNary laws or otherwise, shall be withdrawn  
37 from the state treasury and expended at the sole discretion of  
38 the commission in accordance with the provisions hereof, only  
39 upon the written requisition of the commission duly authorized  
40 by it at a meeting duly held, and signed by the chairman of such  
41 commission, but the unused portion, if any, of said funds or  
42 credits derived from said fifty thousand dollar annual appro-  
43 priation from the general revenues of the state remaining un-  
44 expended or undrawn at the end of the year for which made,  
45 shall be carried over as a balance to the next year, and from year  
46 to year thereafter, and the appropriation therefor shall not be  
47 deemed to have expired at the end of the year.



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**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

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*Joseph D. Smith*

*Chairman Senate Committee.*

*Benjamin Harrison*

*Chairman House Committee.*

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21 and other employees of the commission.

Sec. 9. The commission may do all things required to meet  
2 the conditions and requirements of the federal government in  
3 securing federal cooperation under the provisions of the Weeks  
4 law and the Clarke-McNary law, and any law amendatory there-  
5 of or supplemental thereto, for the purpose of preventing for-  
6 est fires and the advancement of forestry practices. The sum  
7 of fifty thousand dollars is hereby appropriated annually and  
8 the board of public works shall include said sum of fifty thou-  
9 sand dollars for said purpose in its biennial budget to the legis-  
10 lature as provided in section fifty-one, article six of the consti-  
11 tution of this state and/or in such other budgets as it may pre-  
12 sent to the legislature as may be necessary to provide the said  
13 sum of fifty thousand dollars for the purposes of this section,  
14 which sum of fifty thousand dollars annually shall be paid into  
15 the state treasury to the credit of the game, fish and forestry  
16 commission and be expended and drawn upon by it for the  
17 aforesaid purposes, in the manner herein elsewhere provided.

Sec. 10. The commission may cooperate with the owners of  
2 forest lands and receive financial assistance from them for the  
3 purposes aforesaid and do any and all things necessary therefor,

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Samuel M. Reed

Chairman House Committee

4 including the establishment and maintenance of patrol and  
5 lookout stations: *Provided*, That the commission shall expend  
6 for forestry purposes only such moneys as shall be appropriated  
7 therefor by the state, and such moneys as may be contributed  
8 therefor by the private owners, and such moneys as may be  
9 recovered from persons giving origin to forest fires, and such  
10 moneys as may be received from the federal government by ap-  
11 propriation under the Weeks and the Clarke-McNary laws,  
12 or otherwise, and in addition for the aforementioned purposes,  
13 shall provide twenty-five per cent of the funds derived annual-  
14 ly from the sale of game and fish licenses: *Provided further*,  
15 That the commission shall, upon the written request of twenty or  
16 more taxpayers of any county, expend in that county at least  
17 twenty per cent of all money received from such county in  
18 hunting and fishing license fees for the purpose of restocking  
19 and propagating fish or game.

Sec. 12. If the owner of any forest land fails properly to  
2 patrol his lands, the commission may cause the same to be  
3 patrolled and charge the cost thereof against such owner: *Pro-*  
4 *vided*, That the aggregate amount so charged shall not exceed  
5 one cent per acre per year. If the amount so charged against

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*Joseph D. Smith*

*Chairman Senate Committee.*

*Samuel M. Adams*

*Chairman House Committee.*

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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 cuting 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.



CORRECTLY ENROLLED

*Charles S. Smith*  
Chairman Senate Committee.  
  
*Charles S. Meadows*  
Chairman House Committee.

*J. Alfred Taylor*  
Speaker of the House of Delegates.

*R. H. Williams*  
Clerk of the House of Delegates.

*W. B. C. C. C.*  
President of the Senate.

*M. S. Hargis*  
Clerk of the Senate.

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

*W. G. Cowley*  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. **MAR 20 1931**  
GEORGE W. STATE,  
Secretary of State.