

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1935



ENROLLED

SENATE BILL No. 47

(By Mr. Beacom)



PASSED March 9 1935

In Effect from Passage

47

ENROLLED

Senate Bill No. 42

(BY MR. BEACOM) (by request)

[Passed March 9, 1935; in effect from passage.]

AN ACT to amend and reenact section three, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, and to amend and reenact section four, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, relating to forest fires, duties of commission and others in regard thereto, and payment for services rendered at forest fires.

Be it enacted by the Legislature of West Virginia:

That section three, article nine, chapter twenty of the code of

West Virginia, one thousand nine hundred thirty-one, as amended by chapter five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-three, and section four, article nine, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted so as to read as follows:

Section 3. The commission shall have authority and power
2 to protect the forests against injury or destruction by fire, and
3 it shall be the duty of the commission, the chief forester and
4 forest protectors, upon receiving notice of any such forest fire,
5 to employ all the necessary means to confine or extinguish the
6 same. For this purpose authority is given to destroy fences,
7 plow lands, or, in case of extreme emergency, to set backfires.
8 The chief forester and forest protectors may, under the general
9 supervision of the commission, in case of emergency, summon
10 or employ persons to assist in fighting fires, who shall be paid
11 for the actual time so employed in fighting fires, at a rate per
12 hour to be determined from time to time for each county by
13 the director of conservation: *Provided, however,* That such
14 rate per hour so to be paid shall not exceed the rate per hour
15 paid at such time for common labor by the state road commis-

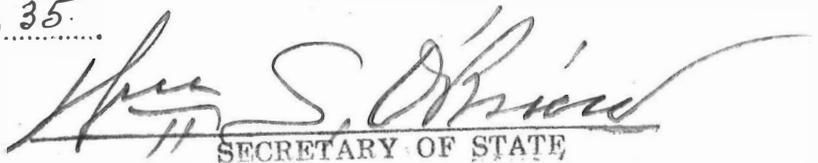
16 sion in the county wherein such services are rendered. Any
17 person who shall fail or refuse to assist in the fighting of such
18 fires shall, unless such failure is due to physical inability, be
19 guilty of a misdemeanor, and, upon conviction, be fined not
20 less than ten nor more than twenty dollars for each offense.

Sec. 4. Compensation for all services rendered in confining,
2 extinguishing or suppressing forest fires, except compensation
3 for services rendered by the chief forester, district foresters and
4 forest protectors, shall be charged against the state of West
5 Virginia, and shall be paid out of the sum of fifty thousand
6 dollars annually appropriated under the provisions of section
7 nine, article nine, chapter twenty of the code of West Virginia,
8 one thousand nine hundred thirty-one, as amended by chapter
9 twenty-nine, acts of the legislature, regular session, one thou-
10 sand nine hundred thirty-one. Each forest protector shall
11 render to the commission at Charleston, within twenty days
12 after the occurrence of a fire requiring payment for services
13 above mentioned out of said fund, a sworn statement with the
14 name or names of all persons who were summoned and assisted
15 in the confining, extinguishing or suppressing of any such forest
16 fire, the time spent by each, as well as the names of persons

17 who furnished subsistence or supplies, or transportation there-
18 for, and the amount of money due each for such services, sub-
19 sistence, supplies or transportation. Requisitions shall be issued
20 and payment of the sums due for the services above mentioned
21 shall be made in the same manner as is provided for the making
22 of other expenditures by the commission under section ten,
23 article seven, chapter twenty of the code of West Virginia, one
24 thousand nine hundred thirty-one.

I certify that the foregoing act, having been presented to the Governor for his approval, and not having been returned by him to the House of the Legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

This the 15th day of March,
1935.


SECRETARY OF STATE

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Clinton L. Howard

Chairman Senate Committee

Arnold M. Vickers

Chairman House Committee

Originated in the

Senate

Takes effect

from passage.

Charles M. ...

Clerk of the Senate

No ...

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

Sam ...

Speaker House of Delegates

The within.....this the.....

day of....., 1935.

Governor

Filed in the office of the Secretary of State of West Virginia. **MAR 15 1935**

Wm. S. O'BRIEN, Secretary of State