

1981

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1701.....

(By Mr. *Del. Springston + Del. Love*.....)



Passed ..... *March 8,* ..... 1986

In Effect ..... *January 1, 1987* ..... ~~Page~~

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 1701**

(By DELEGATE SPRINGSTON and DELEGATE LOVE)

[Passed March 8, 1986; in effect January 1, 1987.]

AN ACT to amend chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-b, relating to the creation of a wildlife endowment fund in the department of natural resources; purpose; board created; composition of board; source of fund assets; status of fund; expenditures from fund; accumulation of investment income; how expenditures made; fund exclusive of other receipts and appropriations; dissolution of department; expenditure of funds for specific and general purposes; lifetime hunting, fishing and trapping licenses created; and privileges of lifetime licenses.

*Be it enacted by the Legislature of West Virginia:*

That chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-b, to read as follows:

**ARTICLE 2B. WILDLIFE ENDOWMENT FUND.**

**§20-2B-1. Purpose.**

1 Recognizing the inestimable importance to the state

2 and its people of conserving the wildlife resources of  
3 West Virginia, and for the purpose of providing the  
4 opportunity for citizens and residents of the state to  
5 invest in the future of its wildlife resources, there is  
6 created the West Virginia wildlife endowment fund, the  
7 interest and principal of which shall be used only for  
8 the purpose of supporting wildlife conservation pro-  
9 grams of the state in accordance with this section.

**§20-2B-2. Board created; composition.**

1 There is hereby created the board of trustees of the  
2 wildlife endowment fund of the department of natural  
3 resources, with full authority over the administration of  
4 the wildlife endowment fund, whose chairman shall be  
5 the director of the department of natural resources and  
6 whose members shall be the executive secretary of the  
7 department, the departmental fiscal officer, the chief of  
8 the wildlife resources division, and the chief of the law  
9 enforcement division and two citizen members, to be  
10 appointed by the Governor. The actual expenses of such  
11 citizen members, incurred in the performance of their  
12 duties hereunder, shall be payable from funds of the  
13 department. The state treasurer shall be the custodian  
14 of the wildlife endowment fund and shall invest its  
15 assets in accordance with the provisions of section nine,  
16 article six, chapter twelve of this code.

**§20-2B-3. Source of fund assets.**

1 The assets of the wildlife endowment fund shall be  
2 derived from the following:

3 (a) The proceeds from the sale of lifetime hunting and  
4 fishing licenses under the provisions of section seven of  
5 this article; and

6 (b) The proceeds of any gifts, grants, contributions or  
7 other moneys accruing to the state which are specifically  
8 designated for inclusion in the fund.

**§20-2B-4. Status of fund; expenditures from the fund.**

1 The wildlife endowment fund is declared to constitute  
2 a special fund within the department, to be expendable  
3 only after legislative approval, with the following

4 limitations and restrictions on expenditures from the  
5 funds:

6 (a) The income received and accruing from the  
7 investments of the wildlife endowment fund shall be  
8 spent only in furthering the conservation and manage-  
9 ment of wildlife resources in the state;

10 (b) The income received and accruing from the  
11 investments of the wildlife endowment fund shall be  
12 distributed among divisions within the department as  
13 prescribed by section six of this article;

14 (c) No expenditure or disbursement shall be made  
15 from the principal of the wildlife endowment fund  
16 except at such time as the income received and accruing  
17 from the investments of the wildlife endowment fund is  
18 expended or disbursed for purposes other than the  
19 conservation and management of wildlife resources;

20 (d) Any disbursement of the principal of the wildlife  
21 endowment fund shall be made in the same manner as  
22 that prescribed for investment income in section six of  
23 this article; and

24 (e) Any expenditure or disbursement from the wild-  
25 life endowment fund must result in benefits to the  
26 department of natural resources and must be spent only  
27 for the conservation and management of wildlife  
28 resources.

**§20-2B-5. Accumulation of investment income; how  
expenditures made; fund exclusive of other  
receipts and appropriations; dissolution of  
department.**

1 (a) The board of trustees of the wildlife endowment  
2 fund may accumulate investment income of the fund  
3 within the fund until the income, in the sole judgment  
4 of the trustees, can provide a significant supplement to  
5 the budget of the department of natural resources. After  
6 that time the trustees, in their sole descretion and  
7 authority, may direct expenditures from the income of  
8 the fund to further the conservation of wildlife  
9 resources.

10 (b) Expenditure of the income derived from the  
11 wildlife endowment fund shall be made through the  
12 state budget accounts of the department of natural  
13 resources. The wildlife endowment fund is subject to the  
14 oversight of the state auditor.

15 (c) The wildlife endowment fund and the income  
16 derived therefrom shall not take the place of any other  
17 receipts or appropriations accruing to the department  
18 of natural resources, or any part thereof, but any portion  
19 of the income of the wildlife endowment fund shall be  
20 used to supplement other income of and appropriations  
21 to the department of natural resources to the end that  
22 the department may improve and increase its services  
23 to the people of the state and the conservation of their  
24 wildlife resources.

25 (d) In the event of the future dissolution of the  
26 department of natural resources, such state agency as  
27 shall succeed to its statutory authority to conserve the  
28 wildlife resources of the state shall, ex officio, assume  
29 the trusteeship of the wildlife endowment fund and shall  
30 be bound by all the limitations and restrictions placed  
31 by this section on expenditures from the fund. No appeal  
32 or modification of this section shall alter the fundamen-  
33 tal purposes to which the wildlife endowment fund may  
34 be applied. No future dissolution of the department of  
35 natural resources shall invalidate any lifetime license  
36 issued in accordance with section seven of this article.

**§20-2B-6. Expenditure of funds for specific and general purposes.**

1 In accordance with the intent of sections thirty-four  
2 and forty-six-c, article two of this chapter and pursuant  
3 to sections three and four of this article, income  
4 accruing from the investments of the wildlife endow-  
5 ment fund shall be distributed in the following manner:

6 (a) Income accruing from the investment of moneys  
7 resulting from the sale of Class O-L license shall be  
8 distributed and disbursed in the same manner as  
9 revenues accruing from the sale of Class O licenses as  
10 provided for in section forty-six-c, article two of this  
11 chapter.

12 (b) Income accruing from the investment of any  
13 portion of the principal of the wildlife endowment fund  
14 which, at the time of its deposit into the fund, is  
15 specifically designated for the activities of a particular  
16 division within the department, shall accrue solely to  
17 that division within the department; and

18 (c) All other income accruing from the investments of  
19 the wildlife endowment fund shall be distributed within  
20 the department in the same manner as provided for in  
21 section thirty-four, article two of this chapter.

**§20-2B-7. Lifetime hunting, fishing and trapping licenses  
created.**

1 Pursuant to section three of this article the following  
2 lifetime hunting, trapping and fishing licenses are  
3 hereby created and, for the lifetime of the licensee, shall  
4 serve in lieu of the equivalent annual license;

5 (a) A Class AB-L lifetime resident combination  
6 statewide hunting, fishing and trapping license, the fee  
7 for which shall be three hundred dollars;

8 (b) A Class A-L lifetime resident statewide hunting  
9 and trapping license, the fee for which shall be two  
10 hundred dollars;

11 (c) A Class B-L lifetime resident statewide fishing  
12 license, the fee for which shall be two hundred dollars;  
13 and

14 (d) A Class O-L lifetime resident trout fishing license,  
15 the fee for which shall be one hundred dollars.

**§20-2B-8. Privileges of lifetime licenses.**

1 Pursuant to section seven of this article, lifetime  
2 licensees shall be entitled to the same privileges and  
3 subject to the same restrictions as licensees possessing  
4 the equivalent annual license with the following  
5 exceptions:

6 (a) Class AB-L, A-L, B-L and O-L licenses shall be  
7 valid for the lifetime of the licensee;

8 (b) A Class O-L lifetime resident trout fishing license  
9 shall be issued only to residents of the state and shall

10 be valid only when accompanied by a Class AB-L, B-  
11 L, AB or B license; and

12 (c) Class AB-L, A-L and B-L licenses shall include all  
13 of the privileges of a Class I national forest license as  
14 described in section forty-four-a, article two of this  
15 chapter.

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

*Bruce O. Melton*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originating in the House.

Takes effect January 1, 1987.

*Todd C. Hillis*  
.....  
Clerk of the Senate

*Donald J. Kopp*  
.....  
Clerk of the House of Delegates

*Dan Tomlin*  
.....  
President of the Senate

*Joseph P. Allright*  
.....  
Speaker of the House of Delegates

The within *approved* ..... this the *7th*  
*March*  
day of ....., 1986.

*Arch. Shroyer*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/21/86

Time 4:54pm.

RECEIVED

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DEPARTMENT OF STATE  
SECRETARIAT OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86