WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

House Bill No. 1701

(By Mr. Del. Springle and Del. 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
and its people of conserving the wildlife resources of West Virginia, and for the purpose of providing the opportunity for citizens and residents of the state to invest in the future of its wildlife resources, there is created the West Virginia wildlife endowment fund, the interest and principal of which shall be used only for the purpose of supporting wildlife conservation programs of the state in accordance with this section.

§20-2B-2. Board created; composition.

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


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

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

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

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

The wildlife endowment fund is declared to constitute a special fund within the department, to be expendable only after legislative approval, with the following
limitations and restrictions on expenditures from the funds:

(a) The income received and accruing from the investments of the wildlife endowment fund shall be spent only in furthering the conservation and management of wildlife resources in the state;

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

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

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

(e) Any expenditure or disbursement from the wildlife endowment fund must result in benefits to the department of natural resources and must be spent only for the conservation and management of wildlife resources.

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

(a) The board of trustees of the wildlife endowment fund may accumulate investment income of the fund within the fund until the income, in the sole judgment of the trustees, can provide a significant supplement to the budget of the department of natural resources. After that time the trustees, in their sole discretion and authority, may direct expenditures from the income of the fund to further the conservation of wildlife resources.
(b) Expenditure of the income derived from the wildlife endowment fund shall be made through the state budget accounts of the department of natural resources. The wildlife endowment fund is subject to the oversight of the state auditor.

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

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


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

(a) Income accruing from the investment of moneys resulting from the sale of Class O-L license shall be distributed and disbursed in the same manner as revenues accruing from the sale of Class O licenses as provided for in section forty-six-c, article two of this chapter.
(b) Income accruing from the investment of any portion of the principal of the wildlife endowment fund which, at the time of its deposit into the fund, is specifically designated for the activities of a particular division within the department, shall accrue solely to that division within the department; and

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

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

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

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

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

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

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


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

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

(b) A Class O-L lifetime resident trout fishing license shall be issued only to residents of the state and shall
be valid only when accompanied by a Class AB-L, B-L, AB or B license; and

(c) Class AB-L, A-L and B-L licenses shall include all of the privileges of a Class I national forest license as described in section forty-four-a, article two of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce D. Miller
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.


Elder P. Miller
Clerk of the Senate

Donald J. Kepp
Clerk of the House of Delegates

Dan Tomsic
President of the Senate

Joseph P. Ebleugt
Speaker of the House of Delegates

The within approvethis the 76th
day of .............., 1986.

Mark Hanna
Governor
PRESENTED TO THE
GOVERNOR
Date 3/6/86
Time 4:34 p.m.