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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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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 discretion 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.

Ed L. Miller
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

Dan Tonkovich
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

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

Arthur S. Shaffer
Governor

PRESENTED TO THE

GOVERNOR

Date 3/21/86

Time 4:54pm.

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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