WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED

HOUSE BILL No. 3121

(By Delegate J. Martin)

Passed March 14, 1987

In Effect from Passage
ENROLLED

H. B. 3121

(By Delegate J. Martin)

[Passed March 14, 1987; in effect from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-four, relating to a West Virginia Forest Management Review Commission; short title; legislative findings; purposes and intent; purposes of article; commission created; commission composition; appointment of members; powers and responsibilities; compensation and expenses of members; expenses of the commission; reports; commission termination.

Be it enacted by the Legislature of West Virginia:

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

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 24. WEST VIRGINIA FOREST MANAGEMENT REVIEW COMMISSION.

§5-24-1. Short Title.
§5-24-2. Legislative findings, purposes and intent.

The Legislature hereby finds and declares:

(a) That the future economic base of West Virginia is tied to the development of the forestry industry.

(b) That efforts to enhance and promote the expansion of the forestry industry should be coordinated among the several state and federal agencies, commissions, boards, committees, associations and other entities.

(c) That the development of the forestry and wood products industry will require: (1) The development of multiple-use, sustained-yield management plans for non-industrial timber tracts; (2) the development of products and markets for the grade of materials that currently comprise a majority of the state's available resources; (3) a stable and predictable tax program for both new and existing firms; (4) a centralized protection program that will reduce risk from fire and pestilence; and (5) financial assistance for the attraction and expansion of new and existing secondary manufacturing facilities with special emphasis on assistance for smaller firms employing less than twenty persons.

(d) That the present and future welfare of the people of the state require, as a public purpose, a continuing effort toward the promotion and development of the forestry and wood products industry.

(e) In recognition of these findings and purposes, it is in the best interest of this state to create the West Virginia forest management review commission as a statutory body.

§5-24-3. Commission created; composition; appointment of members.

(a) The West Virginia forest management review commission is hereby created for the purposes as set forth in this article. This commission shall be comprised of four members from the West Virginia Senate, a co-chairman and three members to be appointed by the...
Senate President, and four members of the House of Delegates, a co-chairman and three members to be appointed by the Speaker; four members to be representatives from the commercial forest industry in the state, and three members of the public-at-large. The seven non-legislative members shall be appointed by the governor, with the advice and consent of the Senate. Two members shall be appointed to serve a term of two years; three members shall be appointed to serve a term of four years; two members shall be appointed to serve a term of six years. The successor of each such appointed member shall be appointed for an overlapping term of six years, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed only to the remainder of such term. Each board member shall serve until the appointment of his successor.

§5-24-4. Powers, duties and responsibilities.

The commission shall have the power, duty and responsibility to:

(a) Generally assist in the retention, expansion and attraction of forestry and forestry related industries by creating a climate for the development and support of the industry.

(b) Coordinate the current efforts to enhance and promote the expansion of the forestry industry among the several state and federal agencies, commissions, boards, committees, associations and other entities.

(c) Urge the development of multiple-use sustained-yield management plans for non-industrial timber tracts.

(d) Develop products and markets for the grade of materials that currently comprise a majority of the state's resources.

(e) Recommend a stable and predictable tax program for both new and existing firms in the state.

(f) Develop a centralized and enhanced protection program that will reduce risks from fire and pestilence.
(g) Develop financial assistance for the attraction and expansion of new and existing secondary manufacturing facilities, with special emphasis on assistance for smaller firms employing less than twenty persons.

(h) Utilize recognized research expertise of appropriate existing educational, public and industrial institutions or agencies of the state. Research shall include economic development efforts in West Virginia, including silviculture, woodland management, forest management, the development of new products as well as other products designed to aid forestry development.

(i) Employ, if needed, and only with prior approval of the West Virginia Legislature's joint committee on government and finance, such staff as may be necessary. In the event an executive director may be necessary, such individual shall be a forestry graduate of a four-year college of forestry and shall, in addition, have administrative and research experience, preferably, but not mandatorily, with at least five years experience in government.

§5-24-5. Appalachian hardwood research center; creation; duties; responsibilities.

The Appalachian hardwood research center is hereby created, in association with, and the director shall be a member of the faculty of, the forestry school at West Virginia University. The center shall utilize, to the extent possible, the programs already created under the Vandalia partnership program as provided for in chapter five-b, article two-a, section four, et seq., of this code.

The Appalachian hardwood research center at West Virginia University is directed to establish priorities and coordinate its research functions with the governor and the Legislature. The center shall: (1) develop and maintain a computerized inventory of all possible scientific information relating to Appalachian hardwood tree species, silviculture, management, products and product development; (2) initiate research projects, including applied research, either originally or by request, designed to aid forestry economic development
efforts in West Virginia, including the development of
new products as well as other projects designed to
increase the utility of low grade Appalachian hardwoods;
and (3) be generally responsible for encouraging the
development of research needed by the forest industry
of the state.

§5-24-6. Compensation and expenses of members; expenses of the commission.

The members of the commission shall be reimbursed
for all of their reasonable and necessary travel and other
expenses incurred in connection with carrying out their
duties as members, which expenses shall be paid in the
manner and form prescribed by law. Members of the
commission may receive no other compensation for their
services on or with the commission.

§5-24-7. Reports.

The commission shall report to the Legislature's joint
committee on government and finance as to the progress
being made in forestry development activity by state
governmental entities and projects, and shall report, at
least annually, but more often if requested, the financ-
ing deemed necessary to continue funding, if desired, of
forestry development activities.


The commission shall be terminated on the first day
of July, one thousand nine hundred ninety-two, or until
review of its functions shall be undertaken pursuant to
the provisions of sections nine, ten and eleven, article
ten, chapter four of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams  
Chairman Senate Committee

Lyle Letter  
Chairman House Committee

Originating in the House.

Takes effect from passage.

Fred C. Fuller  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Dave Tomlinson  
President of the Senate

Nicholas A. Nguyen  
Speaker of the House of Delegates

The within appeared this the 2nd day of April, 1987.

Andrew P. Pau.  
Governor