

No: 3121

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.

1 This article shall be known by and may be cited as
2 "The Forestry Development Act of 1987."

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

1 The Legislature hereby finds and declares:

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

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

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

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

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

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

1 (a) The West Virginia forest management review
2 commission is hereby created for the purposes as set
3 forth in this article. This commission shall be comprised
4 of four members from the West Virginia Senate, a co-
5 chairman and three members to be appointed by the

6 Senate President, and four members of the House of
7 Delegates, a co-chairman and three members to be
8 appointed by the Speaker; four members to be represen-
9 tatives from the commercial forest industry in the state,
10 and three members of the public-at-large. The seven
11 non-legislative members shall be appointed by the
12 governor, with the advice and consent of the Senate.
13 Two members shall be appointed to serve a term of two
14 years; three members shall be appointed to serve a term
15 of four years; two members shall be appointed to serve
16 a term of six years. The successor of each such appointed
17 member shall be appointed for an overlapping term of
18 six years, except that any person appointed to fill a
19 vacancy occurring prior to the expiration of the term for
20 which the predecessor was appointed shall be appointed
21 only to the remainder of such term. Each board member
22 shall serve until the appointment of his successor.

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

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

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

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

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

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

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

19 (f) Develop a centralized and enhanced protection
20 program that will reduce risks from fire and pestilence.

21 (g) Develop financial assistance for the attraction and
22 expansion of new and existing secondary manufacturing
23 facilities, with special emphasis on assistance for
24 smaller firms employing less than twenty persons.

25 (h) Utilize recognized research expertise of approp-
26 priate existing educational, public and industrial institu-
27 tions or agencies of the state. Research shall include
28 economic development efforts in West Virginia, includ-
29 ing silviculture, wood land management, forest manage-
30 ment, the development of new products as well as other
31 products designed to aid forestry development.

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

**§5-24-5. Appalachian hardwood research center; crea-
tion; duties; responsibilities.**

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

9 The appalachian hardwood research center at West
10 Virginia University is directed to establish priorities
11 and coordinate its research functions with the governor
12 and the Legislature. The center shall: (1) develop and
13 maintain a computerized inventory of all possible
14 scientific information relating to appalachian hardwood
15 tree species, silviculture, management, products and
16 product development; (2) initiate research projects,
17 including applied research, either originally or by
18 request, designed to aid forestry economic development

19 efforts in West Virginia, including the development of
20 new products as well as other projects designed to
21 increase the utility of low grade appalachian hardwoods;
22 and (3) be generally responsible for encouraging the
23 development of research needed by the forest industry
24 of the state.

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

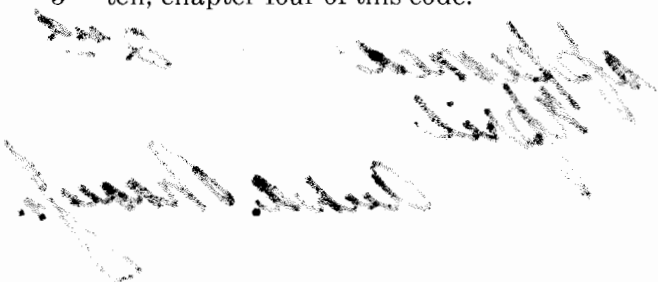
1 The members of the commission shall be reimbursed
2 for all of their reasonable and necessary travel and other
3 expenses incurred in connection with carrying out their
4 duties as members, which expenses shall be paid in the
5 manner and form prescribed by law. Members of the
6 commission may receive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

§5-24-7. Reports.

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

§5-24-8. Commission termination.

1 The commission shall be terminated on the first day
2 of July, one thousand nine hundred ninety-two, or until
3 review of its functions shall be undertaken pursuant to
4 the provisions of sections nine, ten and eleven, article
5 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

Lyb Settee
Chairman House Committee

Originating in the House.

Takes effect from passage.

Todd C. Stettin
Clerk of the Senate

Donald J. Kopp
Clerk of the House of Delegates

Dan Tomlinson
President of the Senate

Walter C. Hall
Speaker of the House of Delegates

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

Arthur Hanes Jr.
Governor

PRESENTED TO THE
GOVERNOR
Date 3/27/87
Time 2:49 p.m.