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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 458

(By Senator WALKER, ET AL)



PASSED MARCH 10, 2000
In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 458

(SENATORS WALKER, MCCABE, MITCHELL
AND SPROUSE, *original sponsors*)

[Passed March 10, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article one-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to excepting Kanawha state forest from among the forests under the supervision and jurisdiction of the division of forestry; and providing for the management of same by the division of natural resources.

Be it enacted by the Legislature of West Virginia:

That section three, article one-a, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1A. DIVISION OF FORESTRY.

§19-1A-3. Division of forestry; division director; duties, powers, dedication of certain moneys; creation of a special revenue account.

1 The division of forestry heretofore created is hereby
2 continued. And, except as otherwise provided in this
3 article, all powers and duties previously exercised by the
4 director of natural resources under subsection (13), section
5 seven, article one and article three, chapter twenty of this
6 code, except those powers and duties relating solely to
7 wildlife areas as described in section three, article three,
8 chapter twenty of this code, heretofore transferred to the
9 division of forestry, are hereby continued in the division of
10 forestry, except Kanawha state forest as hereinafter
11 provided. The division of forestry has within its jurisdic-
12 tion and supervision the state forests, other forests and
13 woodland areas, the protection of forest areas from injury
14 and damage by fire, disease, insects and other pestilences
15 and forces, the management of forest areas for natural
16 resources, conservation and undeveloped recreational
17 activities, administration of the southeastern interstate
18 forest fire protection compact and other compacts and
19 agreements relating to forest management and husbandry,
20 and the administration and enforcement of laws relating
21 to the conservation, development, protection, use and
22 enjoyment of all forest land areas of the state consistent
23 with the provisions of sections one and two of this article.
24 All moneys collected from the sale of timber realized
25 through management of the state-owned forests and the
26 sale of seedlings from the tree nurseries shall be paid into
27 the state treasury and shall be credited to a special ac-
28 count within the division of forestry and used exclusively
29 for the purposes of this article and article three, chapter
30 twenty of this code.

31 The division of forestry has jurisdiction to regulate the
32 digging, possession and sale of native, wild or cultivated
33 ginseng as provided in section three-a, article one-a,
34 chapter nineteen of this code.

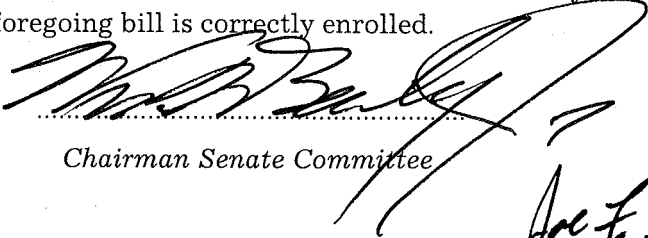
35 The chief of the division is the director of the division of
36 forestry who shall be appointed and qualified as provided
37 in section five of this article.

38 The director of the division of forestry shall study means
39 and methods of implementing the provisions of section
40 fifty-three, article VI of the constitution of West Virginia,
41 relating to forest lands, and shall prepare and recommend
42 legislation thereon.

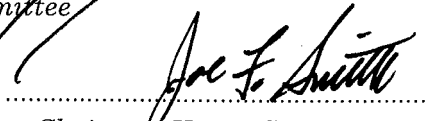
43 The division lines within the state forests between
44 improved recreation areas under the management of the
45 division of natural resources and the demonstration forests
46 under the management of the division of forestry, hereto-
47 fore established by agreement, are hereby continued with
48 the exception of Kanawha state forest where the entire
49 forest will be managed by and under the jurisdiction of the
50 division of natural resources for multiple uses and the
51 division of natural resources shall continue to provide
52 recreational opportunities, including, but not limited to,
53 mountain-biking trails, hiking trails, horseback riding
54 trails and hunting, fishing and trapping lands. The forest
55 may not be designated as a state park or state recreation
56 area; however, any sale of timber from Kanawha state
57 forest shall continue to be prohibited.

58 In the event of disagreement over the placement of a
59 division line or dual occupancy of a building, the disposi-
60 tion shall be decided by the Legislature's joint committee
61 on government and finance at a regularly scheduled
62 meeting.

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



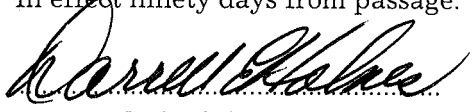
Chairman Senate Committee



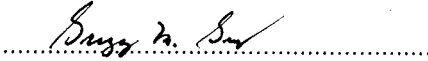
Chairman House Committee

Originating in the Senate.

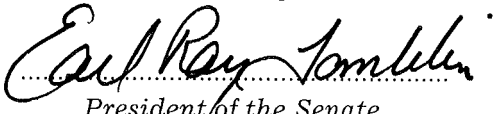
In effect ninety days from passage.



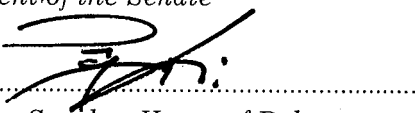
Clerk of the Senate



Clerk of the House of Delegates



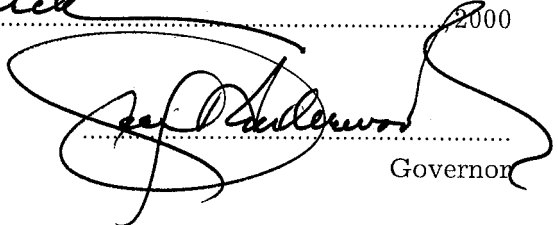
President of the Senate



Speaker House of Delegates

The within approved this the 2/5

Day of March 2000



Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/08

Time 3:10 pm