ENROLLED BILL
(EXTRAORDINARY SESSION, 1933)

Comm. Sub. for
House Bill No. 116

(By Mr___________)

Passed June 3, 1933

In Effect_________ Passage
ENROLLED BILL

(Com. Sub. for H. B. No. 116)

[Passed June 3, 1933: In effect from passage.]

AN ACT to amend and reenact sections one to eight, inclusive, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by substituting therefor sections one to fifteen, inclusive, and by adding articles one-(a) and eight-(a), relating to the organization and duties of the conservation commission.

Be it enacted by the Legislature of West Virginia:

That sections one to eight, inclusive, article one, chapter twenty of the code of West Virginia of one thousand nine hundred thirty-one, as amended, be amended and reenacted by substituting therefor sections one to fifteen, inclusive, and that articles one-(a) and eight-(a) be added to read as follows:

ARTICLE I.

Section 1. The purpose of this chapter is to provide an or-
ganization for the protection, beautification, development, and
use of lands, forests, fish, game, waters, plant and animal life,
and the natural and scenic resources of this state; and for the
use of forest lands and other natural resources for projects to
relieve unemployment in this state.

Sec. 2. To accomplish the above purposes there is hereby
created "The conservation commission of West Virginia,"
which shall be a public benefit corporation, and, as such may
sue and be sued, contract and be contracted with, and it shall
have a common seal.

Sec. 3. The commission shall consist of five members and a
director of conservation. The members and the director shall
be appointed by the governor, with the advice and consent of the
senate.

Sec. 4. The term of office of members of the commission
shall be six years, except that the governor, upon the adoption
of this act, shall appoint the members of the commission upon
the following basis: Two members for a term of six years; two
members for a term of four years and two members for a term
of two years. As these appointments expire, all appointments
shall be made for six year terms.
Sec. 5. The members of the commission shall be selected with special reference to their training and experience in relation to the principal activities required of the commission, and for their ability and fitness to perform their duties within the purposes of this chapter.

No member of the commission shall be a candidate for or hold any public office other than that of member of the commission; nor shall he be a member of any committee of a political party. In case a member becomes a candidate for or is appointed to any public office or political committee, his office as member of the commission shall be immediately vacated.

Sec. 6. Members of the commission shall take and subscribe to the oath prescribed by the constitution before entering upon their duties. Their oaths shall be filed with the secretary of state.

Sec. 7. The director shall be the presiding officer of the commission. A majority of the commission shall constitute a quorum for the conduct of official business.

Sec. 8. Each member of the commission shall receive his actual and necessary traveling expense incurred in the performance of his duties.
Sec. 9. The office and place of meeting of the commission shall be the office of the director of conservation in the state capitol.

Sec. 10. The commission shall hold four regular sessions each year, as follows: On the first Monday in the months of July, October, January and April. Special meetings may be convened on the call of the director of conservation, the governor or a majority of the commission.

Sec. 11. The members of the commission shall serve only as an advisory body to the director of conservation, and, as such, shall have the following powers and duties:

1. To consider and study the entire field of legislation and administrative methods concerning the forests and their maintenance and development, the protection of fish and game, the beautification of the state and its highways, and the development of lands and natural resources;

2. To advise with the director concerning the conservation problems of particular localities or districts of the state;

3. To recommend policies and practices to the director relative to any duties imposed upon him by law;

4. To investigate the work of the director and for this pur-
pose to have access at reasonable times to all official books, 
papers, documents, and records;

(5) To advise or make recommendations to the governor re-
lative to the conservation policy of the state; and

(6) To keep minutes of the transactions of each session, reg-
ular or special, which shall be public records and filed with the

Sec. 12. The director of conservation may submit to the 
commission or any committee thereof at any regular or special 
meeting any matter upon which he desires the advice or opinion 
of the commission.

Sec. 13. The director of conservation shall furnish the com-
mission with all articles and supplies required for the public 
use and necessary to enable the commission to perform the 
duties imposed upon it by law. Such articles and supplies 
shall be obtained and accounted for as if obtained and used by 
the director.

Sec. 14. Upon the request of the commission the director 
shall and upon his own initiative he may incorporate the pro-
ceedings of the commission in his report to the governor.

Sec. 15. The expenses of the commission shall be paid en-
2 tirely out of collections made under this chapter and segregated
3 as provided by section two, article two, chapter twelve of the
4 code.

ARTICLE I-A.

Section 1. The governor, with the advice and consent of
2 the senate, shall appoint, for a term of six years, a director of
3 conservation. The director shall devote his entire time to the
4 duties of his office.

Sec. 2. The director shall be selected with special reference
2 to his training, experience, capacity and interest in the activi-
3 ties embraced within this chapter.

4 He shall not be a candidate for or hold any other public
5 office; nor shall he be a member of any committee of a political
6 party. In case he becomes a candidate for or is appointed to
7 another public office or on a political committee, his office as
8 director of conservation shall be immediately vacated.

Sec. 3. The director before entering upon the duties of his
2 office shall take and subscribe to the oath prescribed by the con-
3 stitution. He shall also execute a bond approved by the gov-
4 ernor in the penalty of five thousand dollars for the faithful
5 performance of his duties as director, and in case a surety com-
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6 pany executes such bonds the premiums shall be paid out of
7 the funds of the commission. The bond and the oath shall be
8 filed with the secretary of state.

Sec. 4. The offices of the director shall be located in the
2 state capitol building. The director shall keep his offices open
3 at all reasonable times for the transaction of public business.

Sec. 5. The director shall receive a salary of four thousand
2 dollars per annum and the necessary traveling expenses inci-
3 dent to the performance of his duties. Requisition for travel-
4 ing expenses shall be accompanied by a sworn and itemized
5 statement which shall be filed with the auditor and preserved
6 as a public record.

Sec. 6. The director shall appoint the heads of the divisions
2 of the department and shall employ such assistants and em-
3 ployees as may be necessary to the efficient operation of his de-
4 partment, and fix their salaries.

Sec. 7. The director, in addition to the other powers granted
2 by this chapter, shall have the sole authority to:
3 (1) Exercise general supervision of, and make rules and reg-
4 ulations for the government of his commission or department;
5 (2) Sign and execute in the name of the state by "The con-
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6 servation commission of West Virginia' any contract or agree-
7 ment with the federal government or its departments, subdivi-
8 sions of the state, corporations, associations, copartnerships or
9 individuals;

10 (3) Supervise the fiscal affairs and responsibilities of the
11 department;

12 (4) Make a general conservation plan or program for the
13 state; conduct research in improved conservation methods and
14 disseminate information on conservation matters to the resi-
15 dents of the state;

16 (5) Organize his department to give adequate treatment to
17 the problems of fish and game, forestry, parks and playgrounds,
18 natural resources and publicity;

19 (6) Alter the open seasons and bag limits as provided in this
20 chapter;

21 (7) Designate such localities as he shall determine to be nec-
22 essary and desirable for the perpetuation of any species of fish
23 and for the purpose of replenishing adjacent fishing waters;

24 (8) Designate such localities as he shall determine to be nec-
25 essary and desirable for the perpetuation of any species of
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26 game bird or animal and for the purpose of replenishing ad-
27 jacent hunting grounds;
28 (9) Enter private lands to make surveys or inspections for
29 conservation purposes; and
30 (10) Acquire by purchase, condemnation, lease, or agree-
31 ment or receive by gifts or devise, lands or waters suitable for
32 the following purposes:
33 (a) For state forests for the purpose of growing timber,
34 demonstrating forestry, protecting watersheds or providing
35 public recreation;
36 (b) For state parks for the purpose of preserving scenic or
37 historical values or natural wonders;
38 (c) For public shooting, trapping or fishing grounds or
39 waters for the purpose of providing areas in which any citizen
40 may hunt, trap or fish;
41 (d) For fish hatcheries and game farms;
42 (e) For forest nurseries and experimental stations;
43 (f) To extend and consolidate lands or waters suitable for
44 the above purposes by exchange of other lands or waters under
45 his supervision;
46 (11) Capture, propagate, transport, sell or exchange any
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47 species of game or fish needed for stocking any lands or waters
48 of this state;
49 (12) Exercise the powers granted by this chapter for the
50 protection of forests;
51 (13) Regulate fires and smoking in the woods or in their
52 proximity at such times and in such localities as is necessary
53 to reduce the danger of forest fires;
54 (14) Cooperate with the state road commissioner in the
55 beautification of state highways;
56 (15) Cooperate with other departments and agencies of the
57 state and federal government;
58 (16) Keep a complete and accurate record of all proceedings,
59 record and file all bonds and contracts taken or entered into,
60 and assume responsibility for the custody and preservation of
61 all papers and documents pertaining to his office. Rules and
62 regulations shall be recorded in a book especially kept for that
63 purpose, and in his discretion may be published for general
64 circulation. All other records and entries necessary to show
65 the official conduct of the department shall be preserved and
66 shall be public records and open for inspection during business
67 hours;
(17) Purchase as provided by law all equipment necessary for the conduct of his department;

(18) Report to the governor each year all information relative to the operation and functions of his department. He shall make such other reports and recommendations as may be required by the governor;

(19) Exercise any other power that may be necessary or proper for the orderly conduct of his business and the effective discharge of his duties. Invoke any legal or equitable remedies for the enforcement of his orders or the provisions of this chapter;

(20) This section shall not be construed as authorizing the director to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to extend any open season or bag limit on migratory birds prescribed by federal law or regulation.

Sec. 8. All powers and duties vested in the director, except the power to sign contracts, may be exercised by the appointees or employees of the director at his discretion; but the director shall be responsible for their acts.

Sec. 9. The attorney general and his assistants and the
prosecuting attorneys of the several counties shall render to the
director, without additional compensation, such legal services
as he shall require of them in the discharge of his duties under
the provisions of this chapter.

Sec. 10. The powers and duties granted by chapter twenty
2 of the code of West Virginia, one thousand nine hundred thirty-
3 one, as amended, to any officer, board, or commission, or else-
4 where vested in the game, fish and forestry commission or com-
5 missioner, shall now be vested in the director of conservation.
6 He shall have possession of all records, papers, equipment and
7 property of every nature now belonging to the game, fish and
8 forestry commission.

ARTICLE VIII-A.

Section 1. It is the purpose of this article that the state of
2 West Virginia shall extend its cooperation to all provisions of
3 acts of congress now in force, or hereafter enacted, providing
4 for cooperations between states and the United States in the
5 relief of hardship and unemployment through acquisition and
6 development by this state of lands, of state forests, state forest
7 parks, and the public recreational facilities, fish and game
8 refuges therein.
Sec. 2. In order to give effect to this policy, the director of conservation, with the consent of the governor, may enter into contracts or agreements with the government of the United States or any of its agencies in accordance with subsection two, section seven, article one-(a), of this chapter.

Sec. 3. The director of conservation may, as provided in subsection ten, section seven, article one-(a), of this chapter, procure with the approval of the governor by purchase, lease or agreement any lands necessary to carry into effect the purposes of this article.

Sec. 4. There is hereby created a fund to be known as the "State forest land fund," which shall consist of the income set aside by section eleven, article seven of this chapter, as amended, and all other moneys which may be received or collected under the provisions of this article with the exception of moneys received from the government of the United States or any agency thereof for the purchase of lands. The proceeds of this fund shall be used solely for the liquidation of any indebtedness incurred for the purchase or administration of lands under the
provisions of this article, until such indebtedness has been en-
tirely discharged.

The fund shall then be used for the acquisition of forest lands,
for conservation and work relief purposes, and for the improve-
ment, development and maintenance of the natural resources,
plant and animal life of this state.

All income derived from sale, exchange or management of
state forest lands, or from the sale of timber, cuttings or stump-
age, or from the lease of oil, gas and mineral rights; sale of
camp sites, leasing of camp building material, by the director of
conservation shall be deposited in the "State forest land fund."

In order efficiently to administer the "State forest land fund"
for the accomplishment of the purposes set forth in this act, the
director of conservation is hereby authorized to pledge such sum
or sums from said fund as in his discretion, and with the ap-
proval of the governor, may be necessary for the liquidation of
loans from the government of the United States or any agency
thereof.

Sec. 5. If, and when, as a result of any work done by the
establishment of conservation works camps on the state forest
3 lands, the state of West Virginia derives a direct profit from
4 sale of such lands or their products the proceeds shall be equally
5 divided between the state of West Virginia and the federal gov-
6 ernment until the state shall have paid for the work done at
7 the rate of one dollar per man per day for the time spent on
8 projects, subject to a maximum of three dollars per acre.

Sec. 6. The director of conservation, with the consent of the
2 governor, may, in the name of "The conservation commission
3 of West Virginia," negotiate loans from the government of the
4 United States or any proper agency thereof for the purchase
5 as provided by law of such lands as may be necessary for the
6 purposes of this article. Such loans shall be self-liquidating
7 out of the income of the "State forest land fund."

Sec. 7. In order to consolidate forest tracts under either
2 state or federal administration, the director of conservation may
3 sell, purchase or exchange stumpage or lands within or adjacent
4 to any national forest purchase area within the state.
5 At the expiration of the present emergency the director, upon
6 the request of the government of the United States or any
7 proper agency thereof, shall convey to the United States such
8 title and interest as acquired by the state of West Virginia or
its agents in any lands acquired by the expenditure of moneys
granted outright to the state by the United States.

Sec. 8. In carrying into effect the provisions of this article
the director of conservation in addition to powers elsewhere
granted, shall have the authority to:

(1) Make rules and regulations for the use and occupancy
of lands and other property under his control;

(2) Provide and develop facilities for outdoor recreation in-
cluding the leasing of camp sites and the sale of camp building
materials;

(3) Remove and dispose of forest and mineral products in-
cidental to the protection, reforestation and proper develop-
ment of lands under his control; and

(4) Conduct such investigations and research as may be
necessary for the proper conduct of his work. To this end the
director shall utilize the facilities of the West Virginia uni-
versity insofar as they may be adequate.

Sec. 9. If any term or provision of this act shall be declared
unconstitutional or ineffective in whole or in part by a court
of competent jurisdiction, then to the extent that it is not un-
constitutional or ineffective, such term or proviso shall be in
5 force and effect; nor shall such determination be deemed to in-
6 validate the remaining terms or provisions of this act.

Sec. 10. That all laws and clauses of laws in conflict with the
2 provisions of this act are hereby repealed.

Sec. 11. That this act shall be in force and effect from date
2 of passage.
The within is... approved...

this 7th day of June... 1933.

[Signature]
Governor.