WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1945

ENROLLED

HOUSE BILL No. 282

(By Mr. Knight)

PASSED March 9, 1945

In Effect July 1, 1945
AN ACT to amend and reenact sections three, four, five, seven, eight, ten, eleven, twelve and fourteen, and to repeal sections four-a and sixteen, article one; to amend and reenact sections one, three, five, six, seven, eight, nine and eleven, and to add section ten to article one-a, all of chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to the reorganization and powers of the conservation commission of West Virginia.

Be it enacted by the Legislature of West Virginia:

That sections three, four, five, seven, eight, ten, eleven, twelve and fourteen, article one, be amended and reenacted; that sections four-a and sixteen of article one, be repealed; that sections one, three, five, six, seven, eight, nine and eleven, article one-a, be amended and reenacted; and that article one-a be
amended by adding thereto a new section to be numbered ten, all of chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to read as follows:

**Article 1. Conservation Commission.**

Section 3. *Members of the Commission.*—The commission shall consist of six members and a director of conservation. There shall be one member for each congressional district. The members shall be appointed by the governor, with the advice and consent of the senate.

Sec. 4. *Terms of Office.*—The term of office of members of the commission shall be six years. The governor, following the adoption of this act, shall appoint the members of the commission upon the following basis: In making initial appointments the governor shall designate their respective terms of office in such manner that thereafter the term of one member shall expire in each calendar year. As the initial appointments expire, all appointments shall be made for six-year terms, or for unexpired terms of members who for any reason have died, resigned or become disqualified.
Sec. 4-a. This section is hereby repealed.

Sec. 5. Qualifications of Members; Political Activities to Vacate Office.---The members of the commission shall be citizens and residents of the state, 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. 7. Director; Quorum.---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. Traveling Expenses.---Each member of the commission shall receive his actual and necessary traveling
Sec. 10. Regular and Special Meetings.—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 at any time on the call of the director of conservation, the governor or a majority of the commission.

Sec. 11. Powers and Duties of the Commission.—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 purpose to have access at reasonable times to all official books, papers, documents, and records.

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

(6) To keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the director.

Sec. 12. **Director May Submit Matters for Advice.**—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. 14. **Annual Report.**—Upon the request of the commission the director shall, and upon his own initiative he may, incorporate the proceedings of the commission in his report to the governor.

Sec. 16. This section is hereby repealed.

**Article 1-A. Executive Director.**

Section 1. **Appointment; Term of Office.**—The governor,
with the advice and consent of the senate, shall appoint
a director of conservation to serve at the will and pleasure
of the governor. The director shall devote his entire time
to the duties of his office.

Sec. 3. Oath and Bond.—The director before entering
upon the duties of his office shall take and subscribe to
the oath prescribed by the constitution. He shall also
execute a bond approved by the governor in the penalty of
five thousand dollars for the faithful performance of his
duties as director, and in case a surety company executes
such bonds the premiums shall be paid out of the funds
of the commission. The bond and the oath shall be filed
with the secretary of state.

Sec. 5. Salary and Traveling Expenses.—The director
shall receive a salary of six thousand dollars per annum
and the necessary traveling expenses incident to the per-
formance of his duties. Requisition for traveling expenses
shall be accompanied by a sworn and itemized statement
which shall be filed with the auditor and preserved as a
public record.

Sec. 6. Heads of Divisions; Necessary Assistants and
Employees.—The director shall appoint the heads of the divisions of the department and shall employ such assistants and employees as may be necessary to the efficient operation of his department, and fix their salaries: Provided, however, That in the employment of assistants and employees the director's actions shall be controlled at all times by the provisions of paragraph twenty-one, section seven of this article.

Sec. 7. Powers and Duties of the Director.—The director, in addition to the other powers granted by this chapter, shall have the sole authority to:

(1) Exercise general supervision of, and make rules and regulations for the government of his commission or department;

(2) Sign and execute in the name of the state by "The Conservation Commission of West Virginia" any contract or agreement with the federal government or its departments or agencies, subdivisions of the state, corporations, associations, copartnerships or individuals;

(3) Supervise the fiscal affairs and responsibilities of the department;
(4) Make a general conservation plan or program for the state; conduct research in improved conservation methods and disseminate information on conservation matters to the residents of the state;

(5) Organize his department to give adequate treatment to the problems of fish and game, forestry, parks and playgrounds, natural resources, education in principles of conservation, and publicity: Provided, however,

That publicity work of an advertising nature shall be coordinated with that of the West Virginia industrial and publicity commission so far as possible;

(6) Set and alter the open seasons and bag limits as provided in this chapter;

(7) Designate such localities as he shall determine to be necessary and desirable for the perpetuation of any species of fish and for the purpose of replenishing adjacent fishing waters;

(8) Designate such localities as he shall determine to be necessary and desirable for the perpetuation of any species of game bird or animal and for the purpose of replenishing adjacent hunting grounds;
(9) Enter private lands to make surveys or inspections for conservation purposes; and

(10) Acquire by purchase, condemnation, lease, or agreement or receive by gifts or devise, lands or waters suitable for the following purposes:

(a) For state forests for the purpose of growing timber, demonstrating forestry, furnishing or protecting water-sheds or providing public recreation;

(b) For state parks for the purpose of preserving scenic or historical values or natural wonders, or providing public recreation;

(c) For public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap or fish;

(d) For fish hatcheries and game farms;

(e) For forest nurseries and experimental stations;

(f) To extend and consolidate lands or waters suitable for the above purposes by exchange of other lands or waters under his supervision;

(11) Capture, propagate, transport, sell or exchange any species of game or fish needed for stocking any
lands or waters of this state;

(12) Exercise the powers granted by this chapter for the protection of forests;

(13) Regulate fires and smoking in the woods or in their proximity at such times and in such localities as is necessary to reduce the danger of forest fires;

(14) Cooperate with the state road commission in the beautification of state highways, and establishment and maintenance of roadside parks and planning of roadside slopes;

(15) Cooperate with other departments and agencies of the state and federal government;

(16) Keep a complete and accurate record of all proceedings, record and file all bonds and contracts taken or entered into, and assume responsibility for the custody and preservation of all papers and documents pertaining to his office. Rules and regulations shall be recorded in a book especially kept for that purpose, and in his discretion may be published for general circulation. All other records and entries necessary to show the official conduct of the department shall be preserved and shall
be public records and open for inspection during business 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, civil or criminal, for the enforcement of his orders of 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.

(21) Establish a merit system of personnel management for any division in order to insure the impartial
selection of competent and qualified personnel and to accord to the employees of the commission, except the director, rights of tenure and advancement so long as they discharge their duties in a satisfactory manner. Such a merit system shall be established for the game protectors and for those employed in the division of forestry. Instead of establishing its own merit system, however, the commission may avail itself of the services of the state merit system council and for this purpose may contribute its fair share of the expenses of such council.

(22) Regulate fires in the woods or in their proximity at such times and in such localities as is necessary to reduce the danger of forest fires.

Sec. 8. Powers and Duties Exercised by Appointees.—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 and pursuant to his directions; but the director shall be responsible for their acts.

Sec. 9. Legal Services by Attorney General and Prosecuting Attorneys.—The attorney general and his assist-
ants 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. **Powers and Duties Vested in Director.**—The powers and duties granted by chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, to any officer, board, or commission, or elsewhere vested in the game, fish and forestry commission or commission, shall now be vested in the director of conservation. He shall have possession of all records, papers, equipment and property of every nature now belonging to the game, fish and forestry commission.

Sec. 11. **Cooperation with Federal Government in Wildlife Projects.**—The state of West Virginia hereby assents to the provision of the act of congress entitled, "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes," approved September second, one thousand nine hundred thirty-seven (public law number four hundred fifteen,
eighty-fifth congress), and the executive director is hereby authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the secretary of interior thereunder. Funds accruing to the state from license fees paid by hunters shall not be diverted for any other purpose than the activities of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C. Norris  
Chairman Senate Committee

J. L. Griffith  
Chairman House Committee

Originated in the House

Takes effect July 1, 1945 passage.

James Magee  
Clerk of the Senate

R. Kipp  
Clerk of the House of Delegates

Ernest W. Fickes  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 16th day of March, 1945.

Oliver D. Wendell  
Governor.

Filed in the office of the Secretary of State  
MAR 16 1945  
of West Virginia  
Wm. S. O'Brien,  
Secretary of State