

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 291

(By Mr. Myler)

PASSED March 7 1957

In Effect Today's From Passage



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House Bill No. 291
(By MR. MYLES)

[Passed March 7, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article one-a, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the director of conservation.

Be it enacted by the Legislature of West Virginia:

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

Section 7. *Powers and Duties of the Director.*—The

2 director in addition to the other powers granted by this
3 chapter, shall have the sole authority to:

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

7 (2) Sign and execute in the name of the state by “The

8 Conservation Commission of West Virginia" any contract
9 or agreement with the federal government or its depart-
10 ments or agencies, subdivisions of the state, corporations,
11 associations, copartnerships or individuals;

12 (3) Supervise the fiscal affairs and responsibilities of
13 the department;

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

18 (5) Organize his department to give adequate treat-
19 ment to the problems of fish and game, forestry, parks
20 and playgrounds, natural resources, education in prin-
21 ciples of conservation, and publicity;

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

24 (7) Designate such localities as he shall determine to
25 be necessary and desirable for the perpetuation of any
26 species of fish and for the purpose of replenishing ad-
27 jacent fishing waters;

28 (8) Designate such localities as he shall determine to

29 be necessary and desirable for the perpetuation of any
30 species of game bird or animal and for the purpose of
31 replenishing adjacent hunting grounds;

32 (9) Enter private lands to make surveys or inspections
33 for conservation purposes; and

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

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

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

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

46 (d) For fish hatcheries and game farms;

47 (e) For forest nurseries and experimental stations;

48 (f) To extend and consolidate lands or waters suitable

49 for the above purposes by exchange of other lands or
50 waters under his supervision;

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

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

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

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

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

65 (16) Keep a complete and accurate record of all pro-
66 ceedings, record and file all bonds and contracts taken
67 or entered into, and assume responsibility for the custody
68 and preservation of all papers and documents pertaining
69 to his office. Rules and regulations shall be recorded in

70 a book especially kept for that purpose, and in his dis-
71 cretion may be published for general circulation. All
72 other records and entries necessary to show the official
73 conduct of the department shall be preserved and shall
74 be public records and open for inspection during business
75 hours;

76 (17) Purchase as provided by law all equipment neces-
77 sary for the conduct of his department;

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

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

87 (20) This section shall not be construed as authorizing
88 the director to change any penalty for violating any game
89 law or regulation, or change the amount of any license
90 established by the Legislature, or to extend any open

91 season or bag limit on migratory birds prescribed by
92 federal law or regulation.

93 (21) Establish a merit system of personnel manage-
94 ment for any division in order to insure the impartial
95 selection of competent and qualified personnel and to
96 accord to the employees of the commission, except the
97 director, rights of tenure and advancement so long as they
98 discharge their duties in a satisfactory manner. Such
99 a merit system shall be established for the game pro-
100 tectors and for those employed in the division of forestry.
101 Instead of establishing its own merit system, however,
102 the commission may avail itself of the services of the state
103 merit system council and for this purpose may contribute
104 its fair share of the expenses of such council.

105 (22) Regulate fires in the woods or in their proximity
106 at such times and in such localities as is necessary to re-
107 duce the danger of forest fires.

108 (23) Plan and conduct a program or campaign of in-
109 formation, advertising and publicity, which may include
110 newspaper, magazine, outdoor, radio and television ad-
111 vertising both within and without the state of West Vir-

112 ginia, and prepare the necessary forms and literature
113 therefor to advertise the scenic and historic attractions,
114 educational and agricultural facilities, natural resources,
115 advantages and attractions of the state of West Virginia
116 with reference to conservation, and to contract for space
117 or time in said advertising mediums, for the printing of
118 such literature and for space or land at various exposi-
119 tions and festivals or other celebrations within and without
120 the state, including suitable booths, exhibits and build-
121 ings, for appropriate display of West Virginia's said re-
122 sources, attractions and facilities. To expedite and facili-
123 tate such work the director may appoint an assistant in
124 charge of advertising and publicity, and such additional
125 help as may be necessary and shall fix the compensation
126 and actual expenses of such assistant director and addi-
127 tional help, which compensation and expenses shall be
128 paid from the amount appropriated in the budget for the
129 conservation commission. Said assistant director shall
130 coordinate and cooperate with public and private institu-
131 tions, departments, officials, organizations, societies and
132 other groups and individuals engaged in publicizing the

133 scenic and historic attractions and natural resources and
134 advantages relating to conservation in the state of West
135 Virginia.

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

E. H. McCourt
Chairman Senate Committee

W. C. Hutcheson
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

J. Howard Meyer
Clerk of the Senate

C. B. Blenkinship
Clerk of the House of Delegates

Ralph J. Bran
President of the Senate

W. C. H. H. H.
Speaker, House of Delegates

The within Vetoed this the 15th
day of March, 1957.

Governor



Filed in the Office of the Secretary of State

of West Virginia. **MAR 15 1957**

D. PITT O'BRIEN
SECRETARY OF STATE