WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED
SENATE BILL NO. 243

(By Mr. McCourt)

PASSED March 13, 1965

In Effect Ninety days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65
ENROLLED

Senate Bill No. 243

(By Mr. McCourt)

[Passed March 13, 1965; in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

That section seven, article one, 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. Additional Powers, Duties and Services of Director.—In addition to all other powers, duties and responsibilities granted and assigned to the director in...
this chapter and elsewhere by law, the director is hereby
authorized and empowered to:

(1) With the advice of the commission, prepare and
administer, through the various divisions created by this
chapter, a long-range comprehensive program for the con-
servation of the natural resources of the state which
best effectuates the purpose of this chapter and which
makes adequate provisions for the natural resources laws
of the state;

(2) Sign and execute in the name of the state by the
"Department of Natural Resources" any contract or agree-
ment with the federal government or its departments or
agencies, subdivisions of the state, corporations, associa-
tions, partnerships or individuals;

(3) Conduct research in improved conservation meth-
ods and disseminate information matters to the residents
of the state;

(4) Conduct a continuous study and investigation of
the habits of wildlife, and for purposes of control and
protection to classify by regulation the various species
into such categories as may be established as necessary;
(5) Prescribe the locality in which and the manner and method by which the various species of wildlife may be taken, or chased, unless otherwise specified by this chapter;

(6) Fix by regulation the open seasons and the bag, creel, size, age, weight and sex limits with respect to wildlife in this state;

(7) Hold at least six meetings each year at such times and at such points within the state, as in the discretion of the director may appear to be necessary and proper for the purpose of giving interested persons in the various sections of the state an opportunity to be heard concerning open seasons for their respective areas, before such seasons and bag limits are fixed;

(8) Suspend open hunting seasons upon any or all wildlife in any or all counties of the state with the prior approval of the governor in case of an emergency such as a drought, forest fire hazard or epizootic of disease among wildlife. The suspension shall continue during the existence of the emergency and until rescinded by the director. Suspension, or reopening after such suspension, of open
seasons may be made upon twenty-four hours' notice by
delivery of a copy of the order of suspension or reopening
to the wire press agencies at the state capitol;
(9) Supervise the fiscal affairs and responsibilities of
the department;
(10) Designate such localities as he shall determine to
be necessary and desirable for the perpetuation of any
species of wildlife;
(11) Enter private lands to make surveys or inspec-
tions for conservation purposes, to investigate for viola-
tions of provisions of this chapter, to serve and execute
warrants and processes, to make arrests and to otherwise
effectively enforce the provisions of this chapter;
(12) Acquire for the state in the name of the “Depart-
ment of Natural Resources” by purchase, condemnation,
lease or agreement, or accept or reject for the state, in
the name of the department of natural resources, gifts,
donations, contributions, bequests or devises of money,
security or property, both real and personal, and any
interest in such property, including lands and waters,
which he deems suitable for the following purposes:
(a) For state forests for the purpose of growing timber, demonstrating forestry, furnishing or protecting watersheds or providing public recreation;

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

(c) For public hunting, trapping, or fishing grounds or waters for the purpose of providing areas in which the public may hunt, trap or fish, as permitted by the provisions of this chapter, and the rules and regulations issued hereunder;

(d) For fish hatcheries, game farms, wildlife research areas and feeding stations;

(e) For the extension and consolidation of lands or waters suitable for the above purposes by exchange of other lands or waters under his supervision;

(f) For such other purposes as may be necessary to carry out the provisions of this chapter;

(13) Capture, propagate, transport, sell or exchange any species of wildlife as may be necessary to carry out the provisions of this chapter;
(14) Sell, with the approval in writing of the governor, timber for not less than the value thereof, as appraised by a qualified appraiser appointed by the director, from all lands under the jurisdiction and control of the director, except those lands that are designated as state parks. The appraisal shall be made within a reasonable time prior to any sale, reduced to writing, filed in the office of the director and shall be available for public inspection. When the appraised value of the timber to be sold is more than five hundred dollars, the director, before making sale thereof, shall receive sealed bids therefor, after notice by publication once a week for at least two weeks in two newspapers of general circulation published nearest the lands involved. The timber so advertised shall be sold at not less than the appraised value to the highest responsible bidder, who shall give bond for the proper performance of the sales contract as the director shall designate; but the director shall have the right to reject any and all bids and to readvertise for bids. If the foregoing provisions of this section have been complied with, and no bid equal to or in excess of the appraised value of the timber is received,
the director may, at any time, during a period of six months after the opening of the bids, sell the timber in such manner as he deems appropriate, but the sale price shall not be less than the appraised value of the timber advertised. No contract for sale of timber made pursuant to this section shall extend for a period of more than ten (10) years. And all contracts heretofore entered into by the state for the sale of timber shall not be validated by this section if the same be otherwise invalid. The proceeds arising from the sale of the timber so sold, shall be paid to the treasurer of the state of West Virginia, and shall be credited to the department and used exclusively for the purposes of this chapter;

(15) Sell, with the approval in writing of the governor, or lease coal, oil, gas, sand, gravel and any other minerals that may be found in the lands under the jurisdiction and control of the director, except those lands that are designated as state parks. The director, before making sale or lease thereof, shall receive sealed bids therefor, after notice by publication once a week for at least two weeks in two newspapers of general circulation
published nearest the lands involved. The minerals so advertised shall be sold or leased to the highest responsible bidder, who shall give bond for the proper performance of the sales contract or lease as the director shall designate; but the director shall have the right to reject any and all bids and to readvertise the bids. The proceeds arising from any such sale or lease shall be paid to the treasurer of the state of West Virginia and shall be credited to the department and used exclusively for the purposes of this chapter;

(16) Exercise the powers granted by this chapter for the protection of forests, and regulate fires and smoking in the woods or in their proximity at such times and in such localities as may be necessary to reduce the danger of forest fires;

(17) Cooperate with departments and agencies of state, local and federal governments in the conservation of natural resources and the beautification of the state;

(18) Report to the governor each year all information relative to the operation and functions of his department and he shall make such other reports and recommenda-
tions as may be required by the governor, including an
annual financial report covering all receipts and disburse-
ments of the department for each fiscal year, and he shall
deliver such report to the governor on or before the first
day of December next after the end of the fiscal year so
covered. A copy of such report shall be delivered to each
house of the Legislature when convened in January next
following;

(19) Keep a complete and accurate record of all pro-
ceedings, 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, except as otherwise provided by law;

(20) Offer and pay, in his discretion, rewards for infor-
mation respecting the violation, or for the apprehension
and conviction of any violators, of any of the provisions of
this chapter;

(21) Require such reports as he may deem to be neces-
sary from any person issued a license or permit under the
provisions of this chapter, but no person shall be required
to disclose secret processes or confidential data of com-
petitive significance;
174. (22) Purchase as provided by law all equipment necessary for the conduct of his department;
175. (23) Conduct and encourage research designed to further new and more extensive uses of the natural resources of this state and to publicize the findings of such research;
176. (24) Encourage and cooperate with other public and private organizations or groups in their efforts to publicize the attractions of the state;
177. (25) Accept and expend, without the necessity of appropriation by the Legislature, any gift or grant of money made to the department for any and all purposes specified in this chapter, and he shall account for and report on all such receipts and expenditures to the governor;
178. (26) Cooperate with the state historian and other appropriate state agencies in conducting research with reference to the establishment of state parks and monuments of historic, scenic and recreational value, and to take such steps as may be necessary in establishing such monuments or parks as he deems advisable;
179. (27) Maintain in his office at all times, properly indexed by subject matter, and also, in chronological sequence, all rules and regulations made or issued under
the authority of this chapter. Such records shall be available for public inspection on all business days during the business hours of working days as prescribed by the state board of public works;

(28) Delegate the powers and duties of his office, except the power to execute contracts, to appointees and employees of the department, who shall act under the direction and supervision of the director and for whose acts he shall be responsible;

(29) Conduct schools, institutes and other educational programs, apart from or in cooperation with other governmental agencies, for instruction and training in all phases of the natural resources program of the state; and

(30) Promulgate rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, to implement and make effective the powers and duties vested in him by the provisions of this chapter and take such other steps as may be necessary in his discretion for the proper and effective enforcement of the provisions of this chapter: Provided, That all rules and regulations relating to articles five and five-a of this chapter shall be promulgated by the water resources board.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

By

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes 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 19

day of March, 1965.

Governor
Presented to the Governor's Office
March 18, 1965
4:30 P.M.