

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 243

(By Mr. Mc Court)

PASSED March 13, 1965

In Effect Ninety days for Passage



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

#243

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
2 Director.—In addition to all other powers, duties and
3 responsibilities granted and assigned to the director in

4 this chapter and elsewhere by law, the director is hereby
5 authorized and empowered to:

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

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

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

21 (4) Conduct a continuous study and investigation of
22 the habits of wildlife, and for purposes of control and
23 protection to classify by regulation the various species
24 into such categories as may be established as necessary;

25 (5) Prescribe the locality in which and the manner and
26 method by which the various species of wildlife may be
27 taken, or chased, unless otherwise specified by this
28 chapter;

29 (6) Fix by regulation the open seasons and the bag,
30 creel, size, age, weight and sex limits with respect to wild-
31 life in this state;

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

39 (8) Suspend open hunting seasons upon any or all
40 wildlife in any or all counties of the state with the prior
41 approval of the governor in case of an emergency such as
42 a drought, forest fire hazard or epizootic of disease among
43 wildlife. The suspension shall continue during the exist-
44 ence of the emergency and until rescinded by the director.
45 Suspension, or reopening after such suspension, of open

46 seasons may be made upon twenty-four hours' notice by
47 delivery of a copy of the order of suspension or reopening
48 to the wire press agencies at the state capitol;

49 (9) Supervise the fiscal affairs and responsibilities of
50 the department;

51 (10) Designate such localities as he shall determine to
52 be necessary and desirable for the perpetuation of any
53 species of wildlife;

54 (11) Enter private lands to make surveys or inspec-
55 tions for conservation purposes, to investigate for viola-
56 tions of provisions of this chapter, to serve and execute
57 warrants and processes, to make arrests and to otherwise
58 effectively enforce the provisions of this chapter;

59 (12) Acquire for the state in the name of the "Depart-
60 ment of Natural Resources" by purchase, condemnation,
61 lease or agreement, or accept or reject for the state, in
62 the name of the department of natural resources, gifts,
63 donations, contributions, bequests or devises of money,
64 security or property, both real and personal, and any
65 interest in such property, including lands and waters,
66 which he deems suitable for the following purposes:

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

70 (b) For state parks or recreation areas for the purpose
71 of preserving scenic, esthetic, scientific, cultural, archae-
72 ological or historical values or natural wonders, or pro-
73 viding public recreation;

74 (c) For public hunting, trapping, or fishing grounds or
75 waters for the purpose of providing areas in which the
76 public may hunt, trap or fish, as permitted by the provi-
77 sions of this chapter, and the rules and regulations issued
78 hereunder;

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

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

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

86 (13) Capture, propagate, transport, sell or exchange
87 any species of wildlife as may be necessary to carry out
88 the provisions of this chapter;

89 (14) Sell, with the approval in writing of the governor,
90 timber for not less than the value thereof, as appraised by
91 a qualified appraiser appointed by the director, from all
92 lands under the jurisdiction and control of the director,
93 except those lands that are designated as state parks. The
94 appraisal shall be made within a reasonable time prior to
95 any sale, reduced to writing, filed in the office of the direc-
96 tor and shall be available for public inspection. When the
97 appraised value of the timber to be sold is more than five
98 hundred dollars, the director, before making sale thereof,
99 shall receive sealed bids therefor, after notice by publica-
100 tion once a week for at least two weeks in two newspapers
101 of general circulation published nearest the lands in-
102 volved. The timber so advertised shall be sold at not less
103 than the appraised value to the highest responsible bidder,
104 who shall give bond for the proper performance of the
105 sales contract as the director shall designate; but the di-
106 rector shall have the right to reject any and all bids and
107 to readvertise for bids. If the foregoing provisions of this
108 section have been complied with, and no bid equal to or
109 in excess of the appraised value of the timber is received,

110 the director may, at any time, during a period of six
111 months after the opening of the bids, sell the timber in
112 such manner as he deems appropriate, but the sale price
113 shall not be less than the appraised value of the timber
114 advertised. No contract for sale of timber made pursuant
115 to this section shall extend for a period of more than ten
116 (10) years. And all contracts heretofore entered into by
117 the state for the sale of timber shall not be validated by
118 this section if the same be otherwise invalid. The pro-
119 ceeds arising from the sale of the timber so sold, shall be
120 paid to the treasurer of the state of West Virginia, and
121 shall be credited to the department and used exclusively
122 for the purposes of this chapter;

123 (15) Sell, with the approval in writing of the governor,
124 or lease coal, oil, gas, sand, gravel and any other minerals
125 that may be found in the lands under the jurisdiction
126 and control of the director, except those lands that are
127 designated as state parks. The director, before making
128 sale or lease thereof, shall receive sealed bids therefor,
129 after notice by publication once a week for at least
130 two weeks in two newspapers of general circulation

131 published nearest the lands involved. The minerals so
132 advertised shall be sold or leased to the highest responsi-
133 ble bidder, who shall give bond for the proper perform-
134 ance of the sales contract or lease as the director shall
135 designate; but the director shall have the right to reject
136 any and all bids and to readvertise the bids. The proceeds
137 arising from any such sale or lease shall be paid to the
138 treasurer of the state of West Virginia and shall be cred-
139 ited to the department and used exclusively for the pur-
140 poses of this chapter;

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

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

149 (18) Report to the governor each year all information
150 relative to the operation and functions of his department
151 and he shall make such other reports and recommenda-

152 tions as may be required by the governor, including an
153 annual financial report covering all receipts and disburse-
154 ments of the department for each fiscal year, and he shall
155 deliver such report to the governor on or before the first
156 day of December next after the end of the fiscal year so
157 covered. A copy of such report shall be delivered to each
158 house of the Legislature when convened in January next
159 following;

160 (19) Keep a complete and accurate record of all pro-
161 ceedings, record and file all bonds and contracts taken or
162 entered into, and assume responsibility for the custody
163 and preservation of all papers and documents pertaining
164 to his office, except as otherwise provided by law;

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

169 (21) Require such reports as he may deem to be neces-
170 sary from any person issued a license or permit under the
171 provisions of this chapter, but no person shall be required
172 to disclose secret processes or confidential data of com-
173 petitive significance;

174 (22) Purchase as provided by law all equipment neces-
175 sary for the conduct of his department;

176 (23) Conduct and encourage research designed to fur-
177 ther new and more extensive uses of the natural resources
178 of this state and to publicize the findings of such research;

179 (24) Encourage and cooperate with other public and
180 private organizations or groups in their efforts to publicize
181 the attractions of the state;

182 (25) Accept and expend, without the necessity of ap-
183 propriation by the Legislature, any gift or grant of money
184 made to the department for any and all purposes specified
185 in this chapter, and he shall account for and report on all
186 such receipts and expenditures to the governor;

187 (26) Cooperate with the state historian and other ap-
188 propriate state agencies in conducting research with refer-
189 ence to the establishment of state parks and monuments
190 of historic, scenic and recreational value, and to take such
191 steps as may be necessary in establishing such monuments
192 or parks as he deems advisable;

193 (27) Maintain in his office at all times, properly in-
194 dexed by subject matter, and also, in chronological se-
195 quence, all rules and regulations made or issued under

196 the authority of this chapter. Such records shall be avail-
197 able for public inspection on all business days during the
198 business hours of working days as prescribed by the state
199 board of public works;

200 (28) Delegate the powers and duties of his office, ex-
201 cept the power to execute contracts, to appointees and em-
202 ployees of the department, who shall act under the direc-
203 tion and supervision of the director and for whose acts he
204 shall be responsible;

205 (29) Conduct schools, institutes and other educational
206 programs, apart from or in cooperation with other govern-
207 mental agencies, for instruction and training in all phases
208 of the natural resources program of the state; and

209 (30) Promulgate rules and regulations, in accordance
210 with the provisions of chapter twenty-nine-a of this code,
211 to implement and make effective the powers and duties
212 vested in him by the provisions of this chapter and take
213 such other steps as may be necessary in his discretion for
214 the proper and effective enforcement of the provisions of
215 this chapter: *Provided*, That all rules and regulations re-
216 lating to articles five and five-a of this chapter shall be
217 promulgated by the water resources board.

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

C. Kay Parker

Chairman Senate Committee

James W. Loop

Chairman House Committee

Originated in the Senate.

Takes effect *thirty days from* Passage.

James M. Taylor

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Howard G. Bason

President of the Senate

H. Leban White

Speaker House of Delegates

The within *approved* this the *19*
day of *March*, 1965.

Allen C. Smith

Governor



Presented to the Governor's Office

March 18, 1965

4:30 P.M.