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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

## ENROLLED

SENATE BILL NO. 151

(By Mr. McCourt, Mr. President and Mr. Dee)

PASSED MARCH 9, 1972

In Effect JULY 1, 1972 Passage



FILED IN THE OFFICE  
JOHN D. ROCKEFELLER, IV  
SECRETARY OF STATE  
THIS DATE 3-28-72

151

# ENROLLED

## Senate Bill No. 151

(By MR. McCOURT, MR. PRESIDENT, and MR. DEEM)

[Passed March 9, 1972; in effect July 1, 1972.]

AN ACT to amend and reenact sections one and two, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section two, article three, chapter twenty of said code; and to amend and reenact section one, article four of said chapter twenty, all relating to transferring the responsibility for the construction and maintenance of roads on publicly owned lands within state parks and forests from the director of the department of natural resources to the commissioner of highways; and relating to the authority of the department of natural resources to cut and plant vegetation along rights-of-way of the roads in state parks, state forests and public hunting and fishing areas.

*Be it enacted by the Legislature of West Virginia:*

That sections one and two, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section two, article three, chapter twenty of said code be amended and reenacted; and that section one, article four of said chapter twenty be amended and reenacted, all to read as follows:

### **CHAPTER 17. ROADS AND HIGHWAYS.**

#### **ARTICLE 4. STATE ROAD SYSTEM.**

**§17-4-1. Classification of state roads; control over state roads; control by county courts of roads, bridges and landings; roads in state parks, forests and public hunting and fishing areas made a part of the state road system.**

1 The state road system shall consist of roads functionally  
2 classified into five categories as follows: (1) Express-

3 way; (2) trunkline; (3) feeder; (4) state local service;  
4 and (5) park and forest. The authority and control over  
5 the state roads shall be vested in the commissioner of  
6 highways.

7 The county courts shall retain the superintendence and  
8 administration of roads, bridges and landings that remain  
9 under their jurisdiction as provided in section one, article  
10 ten of this chapter.

11 The commissioner of highways shall take control of  
12 all existing roads which are publicly owned within the  
13 state parks system and in the state forests including pub-  
14 lic hunting and fishing areas, formerly the responsibility  
15 of the director of the department of natural resources, on  
16 the effective date of this section and shall assume control  
17 of their further construction, reconstruction and main-  
18 tenance as a part of the state road system. The commis-  
19 sioner is responsible for construction, reconstruction and  
20 maintenance as a part of the state road system of any new  
21 roads for public usage that may be constructed with the  
22 approval of the director of the department of natural re-  
23 sources, in existing state parks, state forests, public hunt-  
24 ing and fishing areas or any such roads for public usage  
25 which may be established on publicly owned lands in any  
26 future state park, state forest, public hunting or fishing  
27 areas.

28 The director of the department of natural resources has  
29 the authority and responsibility to do the necessary cut-  
30 ting and planting of vegetation along road rights-of-way  
31 in state parks, state forests and public hunting and fishing  
32 areas.

**§17-4-2. Definitions of roads comprising state road system.**

1 The following meanings shall be ascribed to roads  
2 comprising the state road system:

3 (a) "Expressway."—Serves major intrastate and inter-  
4 state travel, including federal interstate routes.

5 (b) "Trunkline."—Serves major city to city travel.

6 (c) "Feeder."—Serves community to community travel  
7 or collects and feeds traffic to the higher systems or both.

8 (d) "State local service."—Localized arterial and spur

9 roads which provide land access and socioeconomic bene-  
10 fits to abutting properties.

11 (e) "Park and Forest."—Serves travel within state  
12 parks, state forests and public hunting and fishing areas.

## CHAPTER 20. NATURAL RESOURCES.

### ARTICLE 3. FORESTS AND WILDLIFE AREAS.

#### PART I. FORESTS AND WILDLIFE AREAS.

#### §20-3-2. Acquisition of suitable lands by director; maintenance thereof as state forests or wildlife areas; relinquishment of construction and maintenance of roads to the commissioner of highways.

1 The director may with the consent of the governor  
2 purchase, in the name of the state, out of funds set aside  
3 for the purpose, or out of any unused funds in his hands,  
4 lands suitable for forest culture, state forests or wildlife  
5 refuges. Such funds may also be used for the construction  
6 of dams for fish refuges on lands so acquired. Purchase  
7 may be made on terms requiring not less than one third  
8 of the purchase price to be paid at the time of the con-  
9 veyance with the residue to be paid in not less than one  
10 or two years after date. Without the consent of the  
11 governor, not more than twenty-five dollars per acre shall  
12 be paid for lands to be used for the purpose of this article.  
13 The director may also receive the gift of such lands by  
14 deed or bequest. In all cases of transfers to the state,  
15 the fee simple title shall pass to the state, except minerals  
16 and mining rights to remove such minerals may be ex-  
17 cepted or reserved.

18 The director shall protect, preserve and maintain lands  
19 so acquired as state forests and wildlife areas for the  
20 propagation and distribution of forest trees and for the  
21 protection, management, propagation and distribution of  
22 the fish, wild animals and birds thereon. He may pre-  
23 scribe and enforce rules and regulations consistent with  
24 the laws of the state to carry out that objective. The  
25 director may prescribe and enforce rules prohibiting all  
26 hunting and fishing, pursuing, catching, trapping, captur-  
27 ing and killing of fish, wild animals and birds upon such

28. state forests and wildlife areas for such length of time  
29 as he may deem proper.

30 The director may provide special regulations and open  
31 seasons for the taking of any wild birds, wild animals or  
32 fish on such lands in the manner provided in this chapter.

33 Except for the authority and responsibility to do the  
34 necessary cutting and planting of vegetation along road  
35 rights-of-way in state parks, state forests and public  
36 hunting and fishing areas, the director of the department  
37 of natural resources shall, upon the effective date of this  
38 section, relinquish to the commissioner of highways his  
39 authority over publicly owned roads in state parks, state  
40 forests and public hunting and fishing areas, and shall  
41 thereafter neither construct, reconstruct nor maintain  
42 any road or vehicular bridge for public usage in such  
43 areas except as is specifically authorized by this chapter.  
44 This relinquishment shall not be construed to alter the  
45 responsibilities assigned to the director of the department  
46 of natural resources in section eleven, article four, chapter  
47 twenty of the code of West Virginia.

#### **ARTICLE 4. PARKS AND RECREATION.**

##### **§20-4-1. Duties and functions of division of parks and recreation.**

1 The division of parks and recreation herein created and  
2 established shall have within its jurisdiction and super-  
3 vision:

4 (a) All state parks and state recreation areas, includ-  
5 ing all lodges, cabins, swimming pools, motorboating and  
6 all other recreational facilities therein, except the roads  
7 therein which, by reason of section one, article four,  
8 chapter seventeen, are transferred to the state road sys-  
9 tem and to the responsibility of the commissioner of high-  
10 ways with respect to the construction, reconstruction and  
11 maintenance of the roads or any future roads for public  
12 usage on publicly owned lands in future state parks, state  
13 forests and public hunting and fishing areas;

14 (b) The authority and responsibility to do the neces-  
15 sary cutting and planting of vegetation along road rights-  
16 of-way in state parks and recreational areas;

17 (c) The functions and services of the following com-  
18 missions which are hereby made activities of the de-  
19 partment of natural resources:

20 (1) Point Pleasant battle monument commission, cre-  
21 ated by Joint Resolution No. 24 adopted by the Legisla-  
22 ture of West Virginia on the sixth day of December, one  
23 thousand eight hundred seventy-five;

24 (2) The Prickett's Fort state park commission, created  
25 by chapter forty-eight, acts of the Legislature of West  
26 Virginia, regular session, one thousand nine hundred  
27 twenty-seven;

28 (3) Droop Mountain battlefield commission, created by  
29 House Joint Resolution No. 8 adopted by the Legislature  
30 of West Virginia on the twenty-fifth day of January, one  
31 thousand nine hundred twenty-seven;

32 (4) Philippi battlefield commission, created by House  
33 Joint Resolution No. 15 adopted by the Legislature of  
34 West Virginia on the thirtieth day of March, one thousand  
35 nine hundred twenty-seven; and

36 (5) Carnifex Ferry battleground park commission, cre-  
37 ated by chapter nine, acts of the Legislature of West  
38 Virginia, regular session, one thousand nine hundred  
39 thirty-one; and

40 (d) Administration of all laws and regulations relat-  
41 ing to the establishment, development, protection, use and  
42 enjoyment of all state parks and state recreational facili-  
43 ties consistent with the provisions of this chapter.

44 Berkeley Springs sanitarium in Morgan county shall be  
45 continued as a state recreational facility under the juris-  
46 diction and supervision of the division of parks and rec-  
47 reation and shall be managed, directed and controlled as  
48 prescribed in articles one and four, chapter twenty of  
49 the code.

50 The director shall have and is hereby granted all of  
51 the powers and authority and shall perform all of the  
52 functions and duties with regard to Berkeley Springs  
53 sanitarium that were previously vested in and performed  
54 by the state commissioner of public institutions, who  
55 shall no longer have such power and authority and whose  
56 power and authority with regard to Berkeley Springs

57 sanitarium is hereby abolished. The title to all property  
58 consisting of or belonging to Berkeley Springs sanitarium  
59 is hereby transferred to and shall be vested in the direc-  
60 tor who shall be the custodian of all deeds and other  
61 muniments of title to all of that property and shall cause  
62 those deeds and muniments susceptible of recordation to  
63 be recorded in the proper office.

64 The chief of the division shall be primarily responsible  
65 for the execution and administration of the provisions of  
66 this article as an integral part of the natural resources  
67 program of the state and shall organize and staff his  
68 division for the orderly, efficient and economical accomp-  
69 lishment of these ends.

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

*Russell G. Bruce*

Chairman Senate Committee

*Phyllis J. Rutledge*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1972.

*Howard W. Carson*

Clerk of the Senate

*V. A. Blankenship*

Clerk of the House of Delegates

*George Brent*  
President of the Senate

*Levin R. McKinnis*

Speaker House of Delegates

The within *approved* this the *17th*  
day of *March*, 1972.

*Wm. A. Shaver, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/17/72

Time 1:00 p.m.