ENROLLED

SENATE BILL NO. 151

(By Mr. [Signature] Mr. [Title] Mr. [Position].)

PASSED MARCH 9, 1972

In Effect JULY 1, 1972

FILED IN THE OFFICE JOHN D. ROCKEFELLER, IV SECRETARY OF STATE THIS DATE 3-28-72
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 land-
ings; 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-
way; (2) trunkline; (3) feeder; (4) state local service; and (5) park and forest. The authority and control over the state roads shall be vested in the commissioner of highways.

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

The commissioner of highways shall take control of all existing roads which are publicly owned within the state parks system and in the state forests including public hunting and fishing areas, formerly the responsibility of the director of the department of natural resources, on the effective date of this section and shall assume control of their further construction, reconstruction and maintenance as a part of the state road system. The commissioner is responsible for construction, reconstruction and maintenance as a part of the state road system of any new roads for public usage that may be constructed with the approval of the director of the department of natural resources, in existing state parks, state forests, public hunting and fishing areas or any such roads for public usage which may be established on publicly owned lands in any future state park, state forest, public hunting or fishing areas.

The director of the department of natural resources has the authority and responsibility to do the necessary cutting and planting of vegetation along road rights-of-way in state parks, state forests and public hunting and fishing areas.

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

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

(a) "Expressway."—Serves major intrastate and interstate travel, including federal interstate routes.
(b) "Trunkline."—Serves major city to city travel.
(c) "Feeder."—Serves community to community travel or collects and feeds traffic to the higher systems or both.
(d) "State local service."—Localized arterial and spur
roads which provide land access and socioeconomic benefits to abutting properties.

(e) "Park and Forest."—Serves travel within state 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.

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

The director shall protect, preserve and maintain lands so acquired as state forests and wildlife areas for the propagation and distribution of forest trees and for the protection, management, propagation and distribution of the fish, wild animals and birds thereon. He may prescribe and enforce rules and regulations consistent with the laws of the state to carry out that objective. The director may prescribe and enforce rules prohibiting all hunting and fishing, pursuing, catching, trapping, capturing and killing of fish, wild animals and birds upon such
28. state forests and wildlife areas for such length of time
as he may deem proper.

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

33. Except for the authority and responsibility to do the
necessary cutting and planting of vegetation along road
rights-of-way in state parks, state forests and public
hunting and fishing areas, the director of the department
of natural resources shall, upon the effective date of this
section, relinquish to the commissioner of highways his
authority over publicly owned roads in state parks, state
forests and public hunting and fishing areas, and shall
thereafter neither construct, reconstruct nor maintain
any road or vehicular bridge for public usage in such
areas except as is specifically authorized by this chapter.

This relinquishment shall not be construed to alter the
responsibilities assigned to the director of the department
of natural resources in section eleven, article four, chapter
twenty of the code of West Virginia.

ARTICLE 4. PARKS AND RECREATION.

§20-4-1. Duties and functions of division of parks and rec-
reation.

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

4. (a) All state parks and state recreation areas, includ-
ing all lodges, cabins, swimming pools, motorboating and
all other recreational facilities therein, except the roads
therein which, by reason of section one, article four,
chapter seventeen, are transferred to the state road sys-

tem and to the responsibility of the commissioner of high-
ways with respect to the construction, reconstruction and
maintenance of the roads or any future roads for public
usage on publicly owned lands in future state parks, state
forests and public hunting and fishing areas;

14. (b) The authority and responsibility to do the neces-
sary cutting and planting of vegetation along road rights-
of-way in state parks and recreational areas;
(c) The functions and services of the following commissions which are hereby made activities of the department of natural resources:

1. Point Pleasant battle monument commission, created by Joint Resolution No. 24 adopted by the Legislature of West Virginia on the sixth day of December, one thousand eight hundred seventy-five;

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

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

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

5. Carnifex Ferry battleground park commission, created by chapter nine, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-one; and

(d) Administration of all laws and regulations relating to the establishment, development, protection, use and enjoyment of all state parks and state recreational facilities consistent with the provisions of this chapter.

Berkeley Springs sanitarium in Morgan county shall be continued as a state recreational facility under the jurisdiction and supervision of the division of parks and recreation and shall be managed, directed and controlled as prescribed in articles one and four, chapter twenty of the code.

The director shall have and is hereby granted all of the powers and authority and shall perform all of the functions and duties with regard to Berkeley Springs sanitarium that were previously vested in and performed by the state commissioner of public institutions, who shall no longer have such power and authority and whose power and authority with regard to Berkeley Springs...
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The title to all property consisting of or belonging to Berkeley Springs sanitarium is hereby transferred to and shall be vested in the director who shall be the custodian of all deeds and other muniments of title to all of that property and shall cause those deeds and muniments susceptible of recordation to be recorded in the proper office.

The chief of the division shall be primarily responsible for the execution and administration of the provisions of this article as an integral part of the natural resources program of the state and shall organize and staff his division for the orderly, efficient and economical accomplishment of these ends.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1972.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within __________ approved this the _______ day of __________, 1972.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/17/72
Time 1:00 p.m.