WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 571

(By Mr. Ballenger)

PASSED April 14, 1973

In Effect 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 the additional powers, duties and services of the director of the department of natural resources and payment of moving expenses of employees.

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:

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-7. Additional powers, duties and services of director.

1 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:

5 (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 conservation 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 agreement with
the federal government or its departments or agencies, subdivisions of the state, corporations, associations, partnerships or individuals;

(3) Conduct research in improved conservation methods 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 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 time 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 season for their respective areas, before such season and bag limits are fixed;

(8) Suspend open hunting season 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 inspections for conservation purposes, to investigate for violations of provisions of this chapter, to serve and execute warrants and pro-
cesses, to make arrests and to otherwise effectively enforce the provisions of this chapter;

(12) Acquire for the state in the name of the “department 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 as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be each county in which the timber is located. 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 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 or lease, with the approval in writing of the governor, 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 as a Class II legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code, and the publication area for such publication shall be each county in which such lands are located. 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 recommendations as may be required by the governor, including an annual financial report covering all receipts and disbursements of the department of 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 proceedings, 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 information 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 necessary 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 competitive significance;

(22) Purchase as provided by law all equipment necessary for the conduct of his department;

(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;

(24) Encourage and cooperate with other public and private organizations or groups in their efforts to publicize the
173 attractions of the state;
174 (25) Accept and expend, without the necessity of appro-
175 priation by the Legislature, any gift or grant of money made
176 to the department for any and all purposes specified in this
177 chapter, and he shall account for and report on all such re-
178 ceipts and expenditures to the governor;
179 (26) Cooperate with the state historian and other appro-
180 priate state agencies in conducting research with reference to
181 the establishment of state parks and monuments of historic,
182 scenic and recreational value, and to take such steps as may
183 be necessary in establishing such monuments or parks as he
184 deems advisable;
185 (27) Maintain in his office at all times, properly indexed
186 by subject matter, and also, in chronological sequence, all
187 rules and regulations made or issued under the authority of
188 this chapter. Such records shall be available for public inspec-
189 tion on all business days during the business hours of work-
190 ing days;
191 (28) Delegate the powers and duties of his office, except
192 the power to execute contracts, to appointees and employees
193 of the department, who shall act under the direction and sup-
194 evision of the director and for whose acts he shall be respon-
195 sible;
196 (29) Conduct schools, institutes and other educational pro-
197 grams, apart from or in cooperation with other governmental
198 agencies, for instruction and training in all phases of the
199 natural resources programs of the state;
200 (30) Authorize the payment of all or any part of the
201 reasonable expenses incurred by an employee of the depart-
202 ment in moving his household furniture and effects as a
203 result of a reassignment of the employee: Provided, That
204 no part of the moving expenses of any one such employee
205 shall be paid more frequently than once in twelve months;
206 and
207 (31) Promulgate rules and regulations, in accordance with
208 the provisions of chapter twenty-nine-a of this code, to imple-
209 ment and make effective the powers and duties vested in him
210 by the provisions of this chapter and take such other steps as
211 may be necessary in his discretion for the proper and effec-
212 tive enforcement of the provisions of this chapter: Provided,
213  *however,* That all rules and regulations relating to articles 214  five and five-a of this chapter shall be promulgated by the 215  water resources board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

K. Darrel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the House.
Takes effect from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

A. J. Boothby, Jr.
President of the Senate

Lewis F. Wilmore
Speaker House of Delegates

The within ___________________ approved this the 24th day of ___________________ 1973.

A. R. Shaver, Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date  4/24/73  

Time  2:34 p.m.