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WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

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ENROLLED

HOUSE BILL No. 571

(By Mr. Ballou)

—●—

PASSED April 14, 1973

In Effect from Passage



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INT. SEC. 1001
1001-1001
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House Bill No. 571

(By MR. BALLOUZ)

[Passed April 14, 1973; in effect 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 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
2 granted and assigned to the director in this chapter and else-
3 where by law, the director is hereby authorized and empower-
4 ed to:

5 (1) With the advice of the commission, prepare and ad-
6 minister, through the various divisions created by this chap-
7 ter, a long-range comprehensive program for the conservation
8 of the natural resources of the state which best effectuates the
9 purpose of this chapter and which makes adequate provisions
10 for the natural resources laws of the state;

11 (2) Sign and execute in the name of the state by the "de-
12 partment of natural resources" any contract or agreement with

13 the federal government or its departments or agencies, subdi-
14 visions of the state, corporations, associations, partnerships
15 or individuals;

16 (3) Conduct research in improved conservation methods
17 and disseminate information matters to the residents of the
18 state;

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

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

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

29 (7) Hold at least six meetings each year at such time and at
30 such points within the state, as in the discretion of the direc-
31 tor may appear to be necessary and proper for the purpose of
32 giving interested persons in the various sections of the state an
33 opportunity to be heard concerning open season for their re-
34 spective areas, before such season and bag limits are fixed;

35 (8) Suspend open hunting season upon any or all wildlife
36 in any or all counties of the state with the prior approval of
37 the governor in case of an emergency such as a drought, for-
38 est fire hazard or epizootic of disease among wildlife. The sus-
39 pension shall continue during the existence of the emergency
40 and until rescinded by the director. Suspension, or reopening
41 after such suspension, of open seasons may be made upon
42 twenty-four hours' notice by delivery of a copy of the order of
43 suspension or reopening to the wire press agencies at the state
44 capitol;

45 (9) Supervise the fiscal affairs and responsibilities of the
46 department;

47 (10) Designate such localities as he shall determine to be
48 necessary and desirable for the perpetuation of any species of
49 wildlife;

50 (11) Enter private lands to make surveys or inspections for
51 conservation purposes, to investigate for violations of provi-
52 sions of this chapter, to serve and execute warrants and pro-

53 cesses, to make arrests and to otherwise effectively enforce the
54 provisions of this chapter;

55 (12) Acquire for the state in the name of the "department
56 of natural resources" by purchase, condemnation, lease or
57 agreement, or accept or reject for the state, in the name of the
58 department of natural resources, gifts, donations, contributions,
59 bequests or devises of money, security or property, both real
60 and personal, and any interest in such property, including lands
61 and waters, which he deems suitable for the following pur-
62 poses:

63 (a) For state forests for the purpose of growing timber,
64 demonstrating forestry, furnishing or protecting watersheds or
65 providing public recreation;

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

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

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

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

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

81 (13) Capture, propagate, transport, sell or exchange any
82 species of wildlife as may be necessary to carry out the pro-
83 visions of this chapter;

84 (14) Sell, with the approval in writing of the governor, tim-
85 ber for not less than the value thereof, as appraised by a quali-
86 fied appraiser appointed by the director, from all lands under
87 the jurisdiction and control of the director, except those lands
88 that are designated as state parks. The appraisal shall be made
89 within a reasonable time prior to any sale, reduced to writing,
90 filed in the office of the director and shall be available for pub-
91 lic inspection. When the appraised value of the timber to be
92 sold is more than five hundred dollars, the director, before

93 making sale thereof, shall receive sealed bids therefor, after
94 notice by publication as a Class II legal advertisement in com-
95 pliance with the provisions of article three, chapter fifty-nine
96 of this code, and the publication area for such publication
97 shall be each county in which the timber is located. The tim-
98 ber so advertised shall be sold at not less than the appraised
99 value to the highest responsible bidder, who shall give bond
100 for the proper performance of the sales contract as the director
101 shall designate; but the director shall have the right to reject
102 any and all bids and to readvertise for bids. If the foregoing
103 provisions of this section have been complied with, and no bid
104 equal to or in excess of the appraised value of the timber is
105 received, the director may, at any time, during a period of six
106 months after the opening of the bids, sell the timber in such
107 manner as he deems appropriate, but the sale price shall not
108 be less than the appraised value of the timber advertised. No
109 contract for sale of timber made pursuant to this section shall
110 extend for a period of more than ten years. And all contracts
111 heretofore entered into by the state for the sale of timber shall
112 not be validated by this section if the same be otherwise in-
113 valid. The proceeds arising from the sale of the timber so sold,
114 shall be paid to the treasurer of the state of West Virginia,
115 and shall be credited to the department and used exclusively
116 for the purposes of this chapter;

117 (15) Sell or lease, with the approval in writing of the gov-
118 ernor, coal, oil, gas, sand, gravel and any other minerals that
119 may be found in the lands under the jurisdiction and control
120 of the director, except those lands that are designated as state
121 parks. The director, before making sale or lease thereof, shall
122 receive sealed bids therefor, after notice by publication as a
123 Class II legal advertisement in compliance with the provisions
124 of article three, chapter fifty-nine of this code, and the pub-
125 lication area for such publication shall be each county in
126 which such lands are located. The minerals so advertised shall
127 be sold or leased to the highest responsible bidder, who shall
128 give bond for the proper performance of the sales contract
129 or lease as the director shall designate; but the director shall
130 have the right to reject any and all bids and to readvertise the
131 bids. The proceeds arising from any such sale or lease shall be
132 paid to the treasurer of the state of West Virginia and shall be

133 credited to the department and used exclusively for the pur-
134 poses of this chapter;

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

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

142 (18) Report to the governor each year all information rela-
143 tive to the operation and functions of his department and he
144 shall make such other reports and recommendations as may be
145 required by the governor, including an annual financial report
146 covering all receipts and disbursements of the department of
147 each fiscal year, and he shall deliver such report to the gover-
148 nor on or before the first day of December next after the end
149 of the fiscal year so covered. A copy of such report shall be
150 delivered to each house of the Legislature when convened in
151 January next following;

152 (19) Keep a complete and accurate record of all proceed-
153 ings, record and file all bonds and contracts taken or entered
154 into, and assume responsibility for the custody and preserva-
155 tion of all papers and documents pertaining to his office, ex-
156 cept as otherwise provided by law;

157 (20) Offer and pay, in his discretion, rewards for informa-
158 tion respecting the violation, or for the apprehension and con-
159 viction of any violators, of any of the provisions of this chap-
160 ter;

161 (21) Require such reports as he may deem to be necessary
162 from any person issued a license or permit under the provi-
163 sions of this chapter, but no person shall be required to dis-
164 close secret processes or confidential data of competitive
165 significance;

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

168 (23) Conduct and encourage research designed to further
169 new and more extensive uses of the natural resources of this
170 state and to publicize the findings of such research;

171 (24) Encourage and cooperate with other public and pri-
172 vate 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 cepts 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 ervision 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.

H. Darrel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect from passage.

Harward W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. J. Brotherton
President of the Senate

Lewis D. McKenna
Speaker House of Delegates

The within Approved this the 24th
April day of _____, 1973.

Arch A. Phares, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/24/73

Time 2:34 p.m.