WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

HOUSE BILL No. 1096

(By Mr. Ballous)

Passed February 7, 1983
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 correcting a printer’s error from “parts” to “parks.”

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
3 elsewhere by law, the director is hereby authorized and
4 empowered to:

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

11 (2) Sign and execute in the name of the state by the
12 “department of natural resources” any contract or agreement
with the federal government or its departments or agencies,
subdivisions of the state, corporations, associations, partner-
ships 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) Hold at least six meetings each year at such time and
at such points within the state, as in the discretion of the
natural resources commission 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 con-
cerning open season for their respective areas, and report
the results of the meetings to the natural resources com-
mission before such season and bag limits are fixed by it;

(7) 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 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;

(8) Supervise the fiscal affairs and responsibilities of
the department;

(9) Designate such localities as he shall determine to
be necessary and desirable for the perpetuation of any species
of wildlife;
(10) 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 processes, to make arrests and to otherwise effectively enforce the provisions of this chapter;

(11) 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, aesthetic, 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;

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

(13) Sell, with the approval in writing of the governor,
tobacco 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 and
those in the Kanawha state forest. 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 avail-
able 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 publi-
cation 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 per-
formance 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 depart-
ment and used exclusively for the purposes of this chapter:
Provided, That nothing contained herein shall prohibit the
sale of timber which otherwise would be removed from rights-
of-way necessary for and strictly incidental to the extraction
of minerals;

(14) 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 respon-
sible 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;

(15) 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;

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

(17) 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;

(18) Keep a complete and accurate record of all pro-
ceedings, 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;

(19) Offer and pay, in his discretion, rewards for in-
formation respecting the violation, or for the apprehension 
and conviction of any violators, of any of the provisions of 
this chapter;

(20) Require such reports as he may deem to be necessary 
from any person issued a license or permit under the pro-
visions of this chapter, but no person shall be required to 
disclose secret processes or confidential data of competitive 
significance;

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

(22) 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;

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

(24) Accept and expend, without the necessity of appro-
priation by the Legislature, any gift or grant of money made 
to the department for any and all purposes specified in 
this chapter, and he shall account for and report on all 
such receipts and expenditures to the governor;

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

(26) Maintain in his office at all times, properly in-
dexed by subject matter, and also, in chronological sequence, 
all rules and regulations made or issued under the authority 
of this chapter. Such records shall be available for public 
inspection on all business days during the business hours of 
working days;
(27) Delegate the powers and duties of his office, except
the power to execute contracts, to appointees and employees
of the department, who shall act under the direction and
supervision of the director and for whose acts he shall be
responsible;

(28) Conduct schools, institutions and other educational
programs, apart from or in cooperation with other govern-
mental agencies, for instruction and training in all phases of
the natural resources programs of the state;

(29) Authorize the payment of all or any part of the
reasonable expenses incurred by an employee of the depart-
ment in moving his household furniture and effects as a result
of a reassignment of the employee: Provided, That no part
of the moving expenses of any one such employee shall be paid
more frequently than once in twelve months;

(30) Promulgate rules and regulations, in accordance with
the provisions of chapter twenty-nine-a of this code, to im-
plement and make effective the powers and duties vested in
him by the provisions of this chapter and take such other
steps as may be necessary in his discretion for the proper
and effective enforcement of the provisions of this chapter:
Provided, That all rules and regulations relating to articles
five and five-a of this chapter shall be promulgated by the
water resources board; and

(31) Regulate and set the digging season of native, wild
ginseng: Provided, That the digging season for wild, native
ginseng be set between the first day of December and the
fifteenth day of November of the following year.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Frances A. Amelio
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. C. Wells
Clerk of the Senate

Donald L. Hoff
Clerk of the House of Delegates

Walter H. McNae
President of the Senate

H. M. Lee
Speaker House of Delegates

The within _______________ this the __________ day of _______________, 1983.

John D. Rhynie
Governor