

1 and reenacted, all to read as follows:

2 **CHAPTER 19. AGRICULTURE.**

3 **ARTICLE 1A. DIVISION OF FORESTRY.**

4 **§19-1A-3. Division of Forestry; Division Director; duties, powers,**
5 **dedication of certain moneys; creation of a special**
6 **revenue account.**

7 The Division of Forestry heretofore created is hereby
8 continued. And, except as otherwise provided in this article, all
9 powers and duties previously exercised by the Director of Natural
10 Resources under subsection (13), section seven, article one and
11 article three, chapter twenty of this code, except those powers and
12 duties relating solely to wildlife areas as described in section
13 three, article three, chapter twenty of this code, heretofore
14 transferred to the Division of Forestry, are hereby continued in
15 the Division of Forestry, except Kanawha State Forest, and the area
16 of Coopers Rock State Forest located south of Interstate 68 and the
17 area located north of Interstate 68 known as the trout pond and its
18 immediate environs, as hereinafter provided. The Division of
19 Forestry has within its jurisdiction and supervision the state
20 forests, other forests and woodland areas, the protection of forest
21 areas from injury and damage by fire, disease, insects and other
22 pestilences and forces, the management of forest areas for natural
23 resources, conservation and undeveloped recreational activities,

1 administration of the southeastern interstate forest fire
2 protection compact and other compacts and agreements relating to
3 forest management and husbandry, and the administration and
4 enforcement of laws relating to the conservation, development,
5 protection, use and enjoyment of all forest land areas of the state
6 consistent with the provisions of sections one and two of this
7 article. All moneys collected from the sale of timber realized
8 through management of the state-owned forests and the sale of
9 seedlings from the tree nurseries shall be paid into the State
10 Treasury and shall be credited to a special account within the
11 Division of Forestry and used exclusively for the purposes of this
12 article and article three, chapter twenty of this code.

13 The Division of Forestry has jurisdiction to regulate the
14 growing, digging, collecting, gathering, possession and sale of
15 ginseng as provided in section three-a of this article.

16 The chief of the Division is the Director of the Division of
17 Forestry who shall be appointed and qualified as provided in
18 section five of this article.

19 The Director of the Division of Forestry shall study means and
20 methods of implementing the provisions of section fifty-three,
21 Article VI of the Constitution of West Virginia, relating to forest
22 lands, and shall prepare and recommend legislation thereon.

23 The division lines within the state forests between improved
24 recreation areas under the management of the Division of Natural

1 Resources and the demonstration forests under the management of the
 2 Division of Forestry, heretofore established by agreement, are
 3 hereby continued with the exception of Kanawha State Forest, and
 4 the area of Coopers Rock State Forest located south of Interstate
 5 68 and the area located north of Interstate 68 known as the trout
 6 pond and its immediate environs, where the entire ~~forest~~ forests
 7 will be managed by and under the jurisdiction of the Division of
 8 Natural Resources for multiple uses and the Division of Natural
 9 Resources shall continue to provide recreational opportunities,
 10 including, but not limited to, mountain-biking trails, hiking
 11 trails, horseback-riding trails and hunting, fishing and trapping
 12 lands. The forest may not be designated as a state park or state
 13 recreation area; however, any sale of timber from Kanawha State
 14 Forest, and the area of Coopers Rock State Forest located south of
 15 Interstate 68 and the area located north of Interstate 68 known as
 16 the trout pond and its immediate environ is ~~continue to~~
 17 prohibited.

18 In the event of disagreement over the placement of a Division
 19 line or dual occupancy of a building, the disposition shall be
 20 decided by the Legislature's Joint Committee on Government and
 21 Finance at a regularly scheduled meeting.

22 **CHAPTER 20. NATURAL RESOURCES.**

23 **ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

24 **§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 elsewhere
3 by law, the director is hereby authorized and empowered to:

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

10 (2) Sign and execute in the name of the state by the Division
11 of Natural Resources any contract or agreement with the federal
12 government or its departments or agencies, subdivisions of the
13 state, corporations, associations, partnerships or individuals;

14 (3) Conduct research in improved conservation methods and
15 disseminate information matters to the residents of the state;

16 (4) Conduct a continuous study and investigation of the habits
17 of wildlife and, for purposes of control and protection, to
18 classify by regulation the various species into such categories as
19 may be established as necessary;

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

23 (6) Hold at least six meetings each year at such time and at
24 such points within the state, as in the discretion of the Natural

1 Resources Commission may appear to be necessary and proper for the
2 purpose of giving interested persons in the various sections of the
3 state an opportunity to be heard concerning open season for their
4 respective areas, and report the results of the meetings to the
5 Natural Resources Commission before such season and bag limits are
6 fixed by it;

7 (7) Suspend open hunting season upon any or all wildlife in
8 any or all counties of the state with the prior approval of the
9 Governor in case of an emergency such as a drought, forest fire
10 hazard or epizootic disease among wildlife. The suspension shall
11 continue during the existence of the emergency and until rescinded
12 by the director. Suspension, or reopening after such suspension,
13 of open seasons may be made upon twenty-four hours' notice by
14 delivery of a copy of the order of suspension or reopening to the
15 wire press agencies at the State Capitol;

16 (8) Supervise the fiscal affairs and responsibilities of the
17 division;

18 (9) Designate such localities as he or she shall determine to
19 be necessary and desirable for the perpetuation of any species of
20 wildlife;

21 (10) Enter private lands to make surveys or inspections for
22 conservation purposes, to investigate for violations of provisions
23 of this chapter, to serve and execute warrants and processes, to
24 make arrests and to otherwise effectively enforce the provisions of

1 this chapter;

2 (11) Acquire for the state in the name of the Division of
3 Natural Resources by purchase, condemnation, lease or agreement, or
4 accept or reject for the state, in the name of the Division of
5 Natural Resources, gifts, donations, contributions, bequests or
6 devises of money, security or property, both real and personal, and
7 any interest in such property, including lands and waters, which he
8 or she deems suitable for the following purposes:

9 (a) For state forests for the purpose of growing timber,
10 demonstrating forestry, furnishing or protecting watersheds or
11 providing public recreation;

12 (b) For state parks or recreation areas for the purpose of
13 preserving scenic, aesthetic, scientific, cultural, archaeological
14 or historical values or natural wonders, or providing public
15 recreation;

16 (c) For public hunting, trapping or fishing grounds or waters
17 for the purpose of providing areas in which the public may hunt,
18 trap or fish, as permitted by the provisions of this chapter and
19 the rules issued hereunder;

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

22 (e) For the extension and consolidation of lands or waters
23 suitable for the above purposes by exchange of other lands or
24 waters under his or her supervision;

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

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

6 (13) Sell timber for not less than the value thereof, as
7 appraised by a qualified appraiser appointed by the director, from
8 all lands under the jurisdiction and control of the director,
9 except those lands that are designated as state parks and those in
10 the Kanawha State Forest, and the area of Coopers Rock State Forest
11 located south of Interstate 68 and the area located north of
12 Interstate 68 known as the trout pond and its immediate environs.
13 The appraisal shall be made within a reasonable time prior to any
14 sale, reduced to writing, filed in the office of the director and
15 shall be available for public inspection. The director must obtain
16 the written permission of the Governor to sell timber when the
17 appraised value is more than \$5,000. The director shall receive
18 sealed bids therefor, after notice by publication as a Class II
19 legal advertisement in compliance with the provisions of article
20 three, chapter fifty-nine of this code and the publication area for
21 such publication shall be each county in which the timber is
22 located. The timber so advertised shall be sold at not less than
23 the appraised value to the highest responsible bidder, who shall
24 give bond for the proper performance of the sales contract as the

1 director shall designate; but the director shall have the right to
2 reject any and all bids and to readvertise for bids. If the
3 foregoing provisions of this section have been complied with and no
4 bid equal to or in excess of the appraised value of the timber is
5 received, the director may, at any time, during a period of six
6 months after the opening of the bids, sell the timber in such
7 manner as he or she deems appropriate, but the sale price shall not
8 be less than the appraised value of the timber advertised. No
9 contract for sale of timber made pursuant to this section shall
10 extend for a period of more than ten years. And all contracts
11 heretofore entered into by the state for the sale of timber shall
12 not be validated by this section if the same be otherwise invalid.
13 The proceeds arising from the sale of the timber so sold shall be
14 paid to the Treasurer of the State of West Virginia and shall be
15 credited to the division and used exclusively for the purposes of
16 this chapter: *Provided*, That nothing contained herein shall
17 prohibit the sale of timber which otherwise would be removed from
18 rights-of-way necessary for and strictly incidental to the
19 extraction of minerals;

20 (14) Sell or lease, with the approval in writing of the
21 Governor, coal, oil, gas, sand, gravel and any other minerals that
22 may be found in the lands under the jurisdiction and control of the
23 director, except those lands that are designated as state parks.
24 The director, before making sale or lease thereof, shall receive

1 sealed bids therefor, after notice by publication as a Class II
2 legal advertisement in compliance with the provisions of article
3 three, chapter fifty-nine of this code, and the publication area
4 for such publication shall be each county in which such lands are
5 located. The minerals so advertised shall be sold or leased to the
6 highest responsible bidder, who shall give bond for the proper
7 performance of the sales contract or lease as the director shall
8 designate; but the director shall have the right to reject any and
9 all bids and to readvertise for bids. The proceeds arising from
10 any such sale or lease shall be paid to the Treasurer of the State
11 of West Virginia and shall be credited to the division and used
12 exclusively for the purposes of this chapter;

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

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

20 (17) Report to the Governor each year all information relative
21 to the operation and functions of the division and the director
22 shall make such other reports and recommendations as may be
23 required by the Governor, including an annual financial report
24 covering all receipts and disbursements of the division for each

1 fiscal year, and he or she shall deliver such report to the
2 Governor on or before December 1, next after the end of the fiscal
3 year so covered. A copy of such report shall be delivered to each
4 house of the Legislature when convened in January next following;

5 (18) Keep a complete and accurate record of all proceedings,
6 record and file all bonds and contracts taken or entered into and
7 assume responsibility for the custody and preservation of all
8 papers and documents pertaining to his or her office, except as
9 otherwise provided by law;

10 (19) Offer and pay, in his or her discretion, rewards for
11 information respecting the violation, or for the apprehension and
12 conviction of any violators, of any of the provisions of this
13 chapter;

14 (20) Require such reports as he or she may deem to be
15 necessary from any person issued a license or permit under the
16 provisions of this chapter, but no person shall be required to
17 disclose secret processes or confidential data of competitive
18 significance;

19 (21) Purchase as provided by law all equipment necessary for
20 the conduct of the division;

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

24 (23) Encourage and cooperate with other public and private

1 organizations or groups in their efforts to publicize the
2 attractions of the state;

3 (24) Accept and expend, without the necessity of appropriation
4 by the Legislature, any gift or grant of money made to the division
5 for any and all purposes specified in this chapter and he or she
6 shall account for and report on all such receipts and expenditures
7 to the Governor;

8 (25) Cooperate with the state historian and other appropriate
9 state agencies in conducting research with reference to the
10 establishment of state parks and monuments of historic, scenic and
11 recreational value and to take such steps as may be necessary in
12 establishing such monuments or parks as he or she deems advisable;

13 (26) Maintain in his or her office at all times, properly
14 indexed by subject matter and also in chronological sequence, all
15 rules made or issued under the authority of this chapter. Such
16 records shall be available for public inspection on all business
17 days during the business hours of working days;

18 (27) Delegate the powers and duties of his or her office,
19 except the power to execute contracts not related to land and
20 stream management, to appointees and employees of the division, who
21 shall act under the direction and supervision of the director and
22 for whose acts he or she shall be responsible;

23 (28) Conduct schools, institutions and other educational
24 programs, apart from or in cooperation with other governmental

1 agencies, for instruction and training in all phases of the natural
2 resources programs of the state;

3 (29) Authorize the payment of all, or any part of, the
4 reasonable expenses incurred by an employee of the division in
5 moving his or her household furniture and effects as a result of a
6 reassignment of the employee: *Provided*, That no part of the moving
7 expenses of any one such employee shall be paid more frequently
8 than once in twelve months; and

9 (30) Promulgate rules, in accordance with the provisions of
10 chapter twenty-nine-a of this code, to implement and make effective
11 the powers and duties vested in him or her by the provisions of
12 this chapter and take such other steps as may be necessary in his
13 or her discretion for the proper and effective enforcement of the
14 provisions of this chapter.

NOTE: The purpose of this bill is to transfer the supervisory and jurisdictional responsibilities of the area of Coopers Rock State Forest located south of Interstate 68 and the area located north of Interstate 68 known as the trout pond and its immediate environs from the Division of Forestry to the Division of Natural Resources. The bill also prohibits the sale of timber in the same areas of Coopers Rock State Forest. The bill gives these areas of Coopers Rock State Forest the same status as Kanawha State Forest.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.