

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Introduced**

## **Senate Bill 323**

BY SENATORS JEFFRIES AND LINDSAY

[Introduced February 17, 2021; referred  
to the Committee on Natural Resources]

1 A BILL to amend and reenact §20-1-17 of the Code of West Virginia, 1931, as amended, relating  
2 to prohibiting the Natural Resources Commission from establishing a bag limit for antlered  
3 deer at three or more.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

### **§20-1-17. Natural Resources Commission -- Organization and services.**

1 (a) Members of the Natural Resources Commission shall take and subscribe to the public  
2 officer's oath prescribed by the Constitution before entering upon the duties of their office. All such  
3 executed oaths shall be filed in the office of the Secretary of State. Members of the commission  
4 ~~shall~~ may receive no compensation as such, but each shall be reimbursed for his or her actual  
5 and necessary traveling expenses incurred in the performance of his or her official duties.

6 (b) The director of the division ~~shall be~~ is an *ex officio* a member of the commission and  
7 its presiding officer. A majority of the commission ~~shall constitute~~ is a quorum for transaction of  
8 business. Four regular meetings of the commission shall be held each year. One meeting shall  
9 be held in each quarter of the calendar year. The date of the meeting ~~shall be~~ is at the discretion  
10 of the director of the Division of Natural Resources. Special meetings may be convened by the  
11 Governor, the director, or by a majority of the commission. The meetings of the commission shall  
12 be regularly held at locations designated by the director. The time and place of the meeting shall  
13 be announced in accordance with §6-9A-1 *et seq.* of this code. The director shall furnish all articles  
14 and supplies required by the commission in the performance of its duties and shall provide  
15 necessary stenographic, secretarial and clerical assistance therefor. All such materials and  
16 services shall be paid for from department funds.

17 The director, at any regular or special meeting of the commission, may submit to the  
18 commission any program or policy matters on which he or she wishes to obtain the advice,  
19 counsel and opinion of the commission and may consult with members of the commission on  
20 functions, services, policies and practices of the department at any time. The commission shall

21 serve as a body advisory to the director and shall perform all other duties assigned to it by law. It  
22 shall have the following powers and duties:

23 (1) To consider and study the entire field of legislation and administrative methods  
24 concerning the forests and their maintenance and development, the protection of fish and game,  
25 the beautification of the state and its highways, and the development of lands, minerals, waters  
26 and other natural resources;

27 (2) To advise with the director concerning the conservation problems of particular localities  
28 or districts of the state;

29 (3) To recommend policies and practices to the director relative to any duties imposed  
30 upon him or her by law;

31 (4) To investigate the work of the director, and for this purpose to have access at  
32 reasonable times to all official books, papers, documents and records;

33 (5) To advise or make recommendations to the Governor relative to natural resources of  
34 the state;

35 (6) To keep minutes of the transactions of each session, regular or special, which shall be  
36 public records and filed with the director; and

37 (7) To fix by ~~regulation~~ rule which it is hereby empowered to promulgate, in accordance  
38 with the provisions of chapter 29A of this code, the open seasons and the bag, creel, size, age,  
39 weight and sex limits with respect to wildlife in this state: Provided, That the commission may not  
40 propose for legislative approval or otherwise propose a rule establishing an antlered deer annual  
41 bag limit of three or more, and any rule of the commission in effect as of the effective date of this  
42 section enacted during the 2021 regular legislative session that provides otherwise shall be  
43 construed to include an annual bag limit of two antlered deer.

NOTE: The purpose of this bill is to prohibit the Natural Resources Commission from establishing a bag limit for antlered deer at three or more.

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