

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Enrolled**

### **Senate Bill 161**

By Senators Blair (Mr. President), Azinger, Barrett,  
Boley, Caputo, Chapman, Clements, Deeds, Grady,  
Hamilton, Hunt, Jeffries, Karnes, Maroney, Martin,  
Maynard, Nelson, Oliverio, Phillips, Plymale, Queen,  
Roberts, Rucker, Smith, Stover, Stuart, Swope,  
Takubo, Tarr, Taylor, Trump, Weld, Woelfel, and  
Woodrum

[Passed January 20, 2023; in effect from passage]

1 AN ACT to amend and reenact §20-1-10 of the Code of West Virginia, 1931, as amended, relating  
2 to the authority of the Division of Natural Resources to manage and dispose of property;  
3 repealing the requirement to report items to the Public Land Corporation; and authorizing  
4 the division to dispose of certain property under the jurisdiction and control of the director.

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

**ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

**§20-1-10. Property management.**

1 (a) The division shall maintain at all times an accurate record of all of its lands, interests in  
2 lands, buildings, structures, equipment and other tangible properties and assets. The record shall  
3 reflect the location, utility, condition and estimated value of all such properties and assets. The  
4 division shall provide for the maintenance, preservation and custody of all such properties and  
5 assets.

6 (b) Subject to the provisions of §20-1-19 of this code, when any item or items or lands are  
7 deemed obsolete or are no longer needed the division shall have the authority, with the approval in  
8 writing of the Secretary of Commerce, to sell, lease, or otherwise dispose of property that is under  
9 the jurisdiction and control of the director. The director may convey property in exchange for  
10 money, security or property, both real and personal, and any interest in such property, including  
11 lands and waters, which he or she deems suitable for the purposes of the division.

12 (c) The director shall select and designate a competent and qualified person as division  
13 property officer, who shall be responsible for the division's records relating to its properties and  
14 assets and for the maintenance, preservation, custody and disposition of all such properties and  
15 assets as herein provided.

16 (d) Subject to valid existing rights, division owned wildlife management area lands shall be  
17 open to access and use for recreational hunting and shooting except as limited by the division for  
18 reasons of public safety, fish and wildlife management or homeland security or as otherwise  
19 limited by law.

20 (e) The division shall exercise its authority consistent with subsection (d) to support,  
21 promote and enhance recreational hunting and shooting opportunities, to the extent authorized by  
22 statute. The division shall give preference to hunting and shooting over other uses of division  
23 owned wildlife management area lands.

24 (f) Division land management decisions and actions may not result in a net loss of habitat  
25 land acreage available for hunting and shooting opportunities on division owned wildlife  
26 management area lands that exists on the effective date of this section.

27 (g) On or before December 1, the division shall submit an annual report to the Governor  
28 and to the Joint Committee on Government and Finance, including the following:

29 (1) The acreage administered by the division that has been closed during the previous year  
30 to recreational hunting and the reasons for the closures; and

31 (2) The acreage administered by the division that, in order to comply with the provisions of  
32 subsection (f) was opened to recreational hunting to compensate for that acreage.