

FILED

1985 SEP -4 PM 3: 37

NOTICE OF ADOPTION AND FINAL FILING - LEGISLATIVE RULE

SECRETARY OF STATE

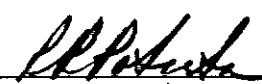
LEGISLATIVE RULE: Ginseng Rules and Regulations (Department of Natural Resources)
The attached legislative rule is hereby adopted and final filed with the Secretary of State by The Department of Natural Resources, as authorized by "Acts of the Legislature, 1983," c. 148.

Subdivision (31); 20-1-7, was completely rewritten, and the attached regulation was amended to include statutory dates and to insert the word "uncertified" in paragraph 3.01., as specified in the code. Therefore, no public hearing is required, and these regulations are hereby adopted and final filed.

*Process Paper
Series XII*

August 27, 1985

Date



Director



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PROPOSED RULES

STATE REGISTER FILING

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AGENCY Department of Natural Resources

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TYPE OF RULE Legislative

TITLE OF RULE Ginseng Rules and Regulations

CHAPTER 20 ARTICLE 1 SERIES XII

AUTHORITY 20-1-7(31)

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CHECK APPLICABLE ITEMS BELOW TO SHOW KIND OF ACTION BEING TAKEN

NEW RULE

NOTICE OF HEARING

AMENDMENTS TO EXISTING RULE

NOTICE OF AGENCY APPROVAL
-(legislative rules only)

REPEAL OF EXISTING RULE

NOTICE OF AGENCY ADOPTION
(interpretive & procedural
rules only)

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may be necessary in establishing such monuments or parks as he deems advisable;

(26) Maintain in his office at all times, properly indexed 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 governmental 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 department 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 implement 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 [§§ 20-5-1 et seq. and 20-5A-1 et seq.] of this chapter shall be promulgated by the water resources board; and

(31) Regulate the digging, possession and sale of native, wild or cultivated ginseng: Provided, that the digging season for wild, native or cultivated ginseng shall begin on the fifteenth day of August and end on the thirtieth day of November of each year unless otherwise authorized by the director. Ginseng dealers shall: (a) Obtain a ginseng dealer's permit from the director of the department of natural resources; (b) keep on forms provided by the director accurate records for all ginseng acquired showing the year harvested, the date acquired by the dealer, county of origin, weight and whether wild or cultivated; and (c) have all records and all acquired ginseng inspected by the director at official ginseng inspection stations for the purpose of certifying the dealer's records and issuing a certificate documenting the inspection and the weight of the ginseng. All ginseng dug in West Virginia must be certified by the director before being transported or shipped out of the State. No person shall have in his possession uncertified green ginseng from the first day of April through the fourteenth day of August. (1929, c. 13, §§ 8, 24, 65, 70, 71, 121; 1931, cc. 25, 27; 1933, c. 5; 1933, Ex. Sess., c. 55; 1939, c. 64; 1943, c. 68; 1945, c. 70; 1947, c. 96; 1961, c. 133; 1964, c. 20; 1965, c. 111; 1967, c. 105; 1969, c. 13; 1973, c. 95; 1975, c. 169; 1978, c. 75; 1983, cc. 147, 148.)

Effect of amendments of 1983. — Acts 1983, c. 147 substituted "parks" for "parks" in paragraph (25). Acts 1983, c. 148 rewrote subdi-

vision (31) as it appeared in the original volume.