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(Plus all the volunteer
help we can get)

March 12, 1996

Cordie Hudkins
Natural Resources
Park & Recreation
State Capitol Bldg 6 Rm B-451
Charleston, WV 25305

HB 4268 authorizing, Title 58, Series 31, **Public Use of WV State Parks, State Forests & State Wildlife Mgmt Areas Under the Division of Natural Resources** passed the Legislature on **March 8, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4268** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4268 Section 64-10-2(i)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 31
PUBLIC USE OF WEST VIRGINIA STATE PARKS,
STATE FORESTS, AND STATE WILDLIFE MANAGEMENT AREAS
UNDER THE DIVISION OF NATURAL RESOURCES

§58-31-1. General.

1.1 Scope. -- This legislative rule governs the public use of West Virginia state parks, state forests, and recreation areas in state wildlife management areas under the jurisdiction and management of the Division of Natural Resources. This rule shall not be construed to include the state forests or state wildlife management areas, or any areas or facilities in the state forests or state wildlife management areas, under the jurisdiction and management of the Department of Agriculture or other sections of the Division of Natural Resources, respectively. This rule is necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2 Authority. -- W.Va. Code 20-5-2

1.3 Filing Date - May 16, 1996

1.4 Effective Date - July 1, 1996

1.5 This rule repeals and replaces Division of Natural Resources' Rule Governing Public Use of West Virginia State Parks, State Forests, and State Wildlife Management Areas, 58 CSR 5.

§58-31-2. General Rules Governing Public Use of State Parks, State Forests, and Recreational Areas in State Wildlife Management Areas under the Division of Natural Resources.

2.1 No person shall cut, deface, destroy, or drive any object into any tree, shrub, rock, sign, building or other structure or object in a state park, state forest, or state wildlife management area. This subsection does not apply to the erection of temporary blinds or tree stands in state wildlife management areas.

2.2 No person shall remove any man-made or natural object, material, substance, plant, animal or historical or archeological relic or artifact from a state park, state forest, or state wildlife management area, except those legally acquired through hunting and fishing in accordance with W. Va. Code §20-2-1 et seq. or upon proper authorization in writing by the Chief of Parks and Recreation, Division of Natural Resources.

2.3. Fires may be lighted only in fireplaces, fire rings or grates provided by the State or in places designated by the area superintendent. Those persons responsible for a fire shall extinguish it completely before leaving it. Ashes, charcoal briquets and other materials used for a fire shall be left in the fireplace, fire ring, grate or place designated for the fire, or be deposited in a trash container or a container provided specifically for that purpose but only after they are extinguished. The materials shall not be strewn over the ground.

2.4. No person shall attempt to or hunt, catch, capture, take, kill, trap, pursue or have in his or her possession any animal, except as provided in W. Va. Code §20-2-1 et seq. Hunting is prohibited in all state parks; however, legally authorized hunting is permitted in state forests, and state wildlife management areas.

a. No person shall attempt to feed, or feed, any animal in a state park, state forest, or state wildlife management area, except a pet they own, or as part of a wildlife management program officially approved by the state agency having lawful jurisdiction over the program.

2.5. Loud or excessive noise, demonstrations, disturbances, disorderly conduct, profanity, public drunkenness, and the possession or use of controlled substances is prohibited.

2.6. Swimming is prohibited in state parks, state forests, and state wildlife management areas, except in places designated for that purpose.

2.7. Recreational activities including, but not limited to, rock climbing, rappeling, hang gliding, parachuting, parasailing, skydiving, spelunking and other like or similar recreational activities that require a high degree of specialized training and equipment are permitted, except where they are prohibited by posted signs. Persons who intend to participate in any such activity shall register at the area superintendent's office before engaging or participating in it and specify where it will take place. Participants in such activities assume full responsibility and liability for any risk or injury related to the activity. Scenic rocks, overlooks and vistas are for providing scenic beauty and aesthetic benefit for guests; therefore, they shall not be used for, or disfigured by, any such recreational activity. This subsection does not apply to golf, skiing, horseback riding, hunting or fishing.

2.8. Garbage, waste, bottles, cans, paper, junk, or any other trash or refuse shall not be dumped, deposited or strewn within the boundary of any state park, state forest, or state wildlife management area.

2.9. Lodge rooms, cabins, campsites, picnic shelters, swimming pools and beaches, or any other facility shall not be subleased by guests or patrons.

2.10. It is unlawful for any person not to pay the rental, charge or fee for any facility, service, activity or good he or she uses or purchases in a state park, state forest, or state wildlife management area.

2.11. Only registered lodge, cabin, and camping guests, licensed hunters, and fishermen

while hunting or fishing and persons who have authorized, legitimate business in a state park, state forest, or state wildlife management area are permitted on the premises between the closing hour of 10:00 P.M. and the opening of 6:00 A.M. during which hours the premises are closed to the general public.

2.12. Dogs and cats are the only pets permitted in state parks, state forests, and state wildlife management areas; however, they are prohibited in state park and state forest cabins and the areas immediately around them, in state park lodges, and in swimming pool and beach swimming areas. In and around campgrounds, picnic areas, playgrounds and other similar intense public use areas, they shall be restrained at all times on a sturdy leash not to exceed ten feet in length and their owner or master shall clean up the pet's excreta, keep it quiet and from disturbing other guests, and is responsible for all damages it causes.

2.13. Explosives, incendiaries, flammables and other dangerous substances are prohibited in state parks, state forests, and state wildlife management areas.

2.14. Uncased firearms, uncased bows and uncased arrows are prohibited in state parks, state forests, and state wildlife management areas, and on state trails, except:

a. When the area is open for hunting (hunting is prohibited in state parks) or when a registered park or forest guest has the written permission of the area superintendent to carry them in a case from his or her lodge room, cabin or campsite to open hunting areas, or to an officially designated rifle, pistol, skeet, trap, target or shooting range;

b. Area superintendents may authorize their use in historical reenactments and plays; and

c. The Chief of Parks and Recreation, Division of Natural Resources, may authorize their use for a limited period in conjunction with recreational and arts and crafts programs.

2.15. The Division of Natural Resources assumes no responsibility for any personal property. If personal property is abandoned or left unattended by park guests more than forty-eight (48) hours, it will be removed from the public use area and disposed of according to law.

2.16. Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited in state parks, state forests, and state wildlife management areas without the written permission of the Director of the Division of Natural Resources.

2.17. Fishing and boating are permitted in state parks, state forests, and state wildlife management areas only in accordance with state law, fishing and boating rules promulgated under the law, and rules publicly posted in those areas.

2.18. The speed limit for motor vehicles is thirty (30) miles per hour in state parks, state forests, and state wildlife management areas, except where a lower speed limit is posted. All traffic laws, signs and directions shall be strictly observed. Driving of motor vehicles in any

manner that creates a nuisance to any guest by repetitive or continuous cruising or operation is prohibited.

2.19. Motor vehicles including, but not limited to, trail bikes, motorbikes, snowmobiles, and all terrain vehicles may be operated only on public roads usable by automotive vehicles, and on trails and areas designated for their use by the area superintendent by posted signs. It is unlawful for any unauthorized motor vehicle to go beyond a gate, cable, or other obstruction, or to proceed beyond any sign prohibiting such travel. All person operating motor vehicles in state recreational areas shall obey and comply with all applicable state laws and rules.

a. Mountain and trail bicycles may be operated only on public roads, trails and other readily recognizable passageways such as logging roads and oil or gas well roads. They shall not be operated on horseback riding trails when they are open and operating as horseback riding trails, nor shall they be operated on any trail or road where their use is prohibited by posted signs.

"Mountain and trail bicycles" means any devices designed for operation on mountains and trails having two tandem wheels and pedals for propelling it by human power.

2.20. No person may operate a vehicle in a manner so as to harass, chase or annoy any person or animal.

2.21. No person shall have in his or her possession beer, wine, liquor, and all other alcoholic beverages within the boundaries of all historical, day use and natural area state parks, which are Beartown, Berkeley Springs, Carnifex Ferry Battlefield, Cass Scenic Railroad, Cathedral, Chief Logan, Droop Mountain Battlefield, Fairfax Stone Historic Monument, Little Beaver, Pinnacle Rock, Point Pleasant Battle Monument, Prickett's Fort, Valley Falls, and Watters Smith Memorial, the Greenbrier River Trail and the North Bend Rail Trail; in the following vacation parks: Audra, Babcock, Camp Creek, Moncove Lake, Tomlinson Run except in reserved picnic shelters, in all boat launch ramp parking areas within the boundary of Bluestone State Park, and in all of Hawks Nest State Park except the lodge; in all state forests, which are Cabwaylingo, Calvin Price, Coopers Rock, Greenbrier, Kanawha, Kumbrabow, Panther, and Seneca; in the following state wildlife management areas: Berwind Lake, Big Ditch Lake, Bluestone, Laurel Lake, Pleasant Creek, Plum Orchard Lake, and Teter Creek Lake; and in those state park areas where they are prohibited by posted signs: **Provided**, That any person, group or association sponsoring a private party at the restaurant at Chief Logan State Park or the multi-purpose log barn at Prickett's Fort State Park may provide beer, wine, liquor and all other alcoholic beverages for guests at the private party as long as the party is not open to the general public.

2.22. The Director of the Division of Natural Resources is authorized to issue special use permits and enter into written agreements with persons who demonstrate to the satisfaction of the Director that they have good cause to utilize a motor driven vehicle on the Greenbrier River Trail or the North Bend Rail Trail. The Director may also authorize persons with legitimate need to utilize motorized vehicles on the trails as authorized in subdivision 2.22.3.

River Trail or the North Bend Rail Trail. The Director may also authorize persons with legitimate need to utilize motorized vehicles on the trails as authorized in subdivision 2.22.3.

2.22.1. The Director may, upon application in writing and for good cause shown, issue a written special use permit authorizing limited use of motorized vehicles on either the North Bend Rail Trail or Greenbrier River Trail. A separate permit is required for each use. Each permit shall specify the limitation on access, including such things as the date, time not to exceed three days, place, method and distance the applicant will be allowed to have access to the trail. As part of the permit process, the Director shall enter into a written agreement to allow the use of motorized vehicles on the trails. The agreement shall specify the limitations of the use and require, in exchange for such use, that the persons allowed to use motorized vehicles on the trails shall maintain a specified area of the trail for a specified length of time. The terms of the maintenance portion of the agreement shall depend on the length nature of the use.

2.22.2. Good cause may be shown by (a) those persons in need of limited access to adjacent land that the applicant owns or leases for agriculture purposes and who have demonstrated no other reasonable means to gain entry to the adjacent land; (b) those persons who have a vested right of ingress to and egress from the trail and (c) those persons required by law to plug or reclaim oil or gas wells.

2.22.3. Persons with a legitimate need to use motorized vehicles on the trails are exempt from the permit requirements. A legitimate need is limited to (a) those persons who are authorized by the Director to use motorized vehicles in the management, construction, and maintenance and operation of the trails and facilities and (b) persons and equipment to fight forest fires and handle other emergencies.

2.23. State park and forest or other public land area foundations may apply for and be awarded 50% matching grants of up to \$7,500 per project as part of an "adopt a state park or forest program" for maintenance and improvement projects approved by the Chief of Parks and Recreation. To qualify, a chartered foundation must formally adopt the area for which it was created and for which it is working. A foundation may adopt a park, forest or recreation area with the approval of the Director of the Division of Natural Resources.

2.24. Any person may be evicted from a state park, state forest, or state wildlife management area for any breach of this rule, or for the breach of any other rule which is in effect governing their use. All rentals, charges and fees are forfeited upon an eviction.

2.25. With prior authorization of the Director of the Division of Natural Resources any individual or group may have free use of a picnic shelter for one day during each calendar year or have free use of a cabin for one week during each calendar year in exchange for donation of materials and labor for the construction of the cabin or picnic shelter. The design and construction of the cabin or picnic shelter must be in accordance with Division standards and specifications. A group is defined as a family, business, corporation or non-profit organization whose by-laws are registered with the Secretary of State. The group shall designate a contact person who is responsible for securing the picnic shelter or cabin reservation each year. The non-transferrable fee waiver expires when the amount of the donation equals the loss of revenue from the fee waiver or until the individual dies or the group ceases to exist. The Director shall determine the donation value by the cost of materials and labor donated and shall divide that

value by the standard rental fee charged at the time construction is completed to determine the expiration date of the fee waiver with the Director being the sole judge of the value of donated labor. Construction of cabins is restricted to state parks or state forests which already have cabins. Individuals or groups who are eligible for this fee waiver may make reservations for the use of a picnic shelter or cabin one week in advance of established reservation policies.

§58-31-3. Enforcement of Rules Governing Public Use of State Parks, State Forests, and Recreation Areas in State Wildlife Management Areas under the Division of Natural Resources and Penalties.

3.1. Responsibility for enforcing the rules.

It is the duty and responsibility of Conservation Officers, Special Conservation Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state wildlife management areas to enforce all of the provisions of this rule.

3.2. Violation of rules and penalties.

Any person violating any of the provisions of this rule is guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.

73 ber, one thousand nine hundred ninety-five, relating to the
74 division of natural resources (prohibitions when hunting
75 and trapping, 58 CSR 47) are authorized.

76 (h) The legislative rules filed in the state register on
77 the thirty-first day of July, one thousand nine hundred
78 ninety-five, authorized under the authority of section
79 seven, article one, chapter twenty, of this code, modified
80 by the division of natural resources to meet the objections
81 of the legislative rule-making review committee and re-
82 filed in the state register on the twentieth day of Septem-
83 ber, one thousand nine hundred ninety-five, relating to the
84 division of natural resources (special waterfowl hunting,
85 58 CSR 58), are authorized.

86 (i) The legislative rules filed in the state register on the
87 thirty-first day of July, one thousand nine hundred
88 ninety-five, authorized under the authority of section
89 seventeen-a, article one, chapter five-b, of this code, modi-
90 fied by the division of natural resources to meet the objec-
91 tions of the legislative rule-making review committee and
92 refiled in the state register on the twenty-fifth day of Octo-
93 ber, one thousand nine hundred ninety-five, relating to the
94 division of natural resources (public use of West Virginia
95 state parks, state forests, and state wildlife management
96 areas under the division of natural resources, 58 CSR 31),
97 are authorized,

98 "with the following amendment:

99 On page 4 section 2.22 by striking out section 2.22 in
100 its entirety and inserting in lieu thereof the following:

101 2.22. The Director of the Division of Natural Re-
102 sources is authorized to issue special use permits and enter
103 into written agreements with persons who demonstrate to
104 the satisfaction of the Director that they have good cause
105 to utilize a motor driven vehicle on the Greenbrier River
106 Trail or the North Bend Rail Trail. The Director may also
107 authorize persons with legitimate need to utilize motorized
108 vehicles on the trails as authorized in subdivision 2.22.3.

109 2.22.1. The director may, upon application in writing
110 and for good cause shown, issue a written special use per-
111 mit authorizing limited use of motorized vehicles on either

112 the North Bend Rail Trail or Greenbrier River Trail. A
113 separate permit is required for each use. Each permit shall
114 specify the limitation on access, including such things as
115 the date, time not to exceed three days, place, method and
116 distance the applicant will be allowed to have access to the
117 trail. As part of the permit process, the Director shall enter
118 into a written agreement to allow the use of motorized
119 vehicles on the trails. The agreement shall specify the
120 limitations of the use and require, in exchange for such
121 use, that the persons allowed to use motorized vehicles on
122 the trails shall maintain a specified area of the trail for a
123 specified length of time. The terms of the maintenance
124 portion of the agreement shall depend on the length and
125 nature of the use.

126 2.22.2. Good cause may be shown by (a) those per-
127 sons in need of limited access to adjacent land that the
128 applicant owns or leases for agriculture purposes and who
129 have demonstrated no other reasonable means to gain
130 entry to the adjacent land; (b) those persons who have a
131 vested right of ingress to and egress from the trail and (c)
132 those persons required by law to plug or reclaim oil or gas
133 wells.

134 2.22.3. Persons with a legitimate need to use motor-
135 ized vehicles on the trails are exempt from the permit
136 requirements. A legitimate need is limited to (a) those
137 persons who are authorized by the Director to use motor-
138 ized vehicles in the management, construction, mainte-
139 nance and operation of the trails and facilities and (b)
140 persons and equipment to fight forest fires and handle
141 other emergencies."

142 (j) The legislative rules filed in the state register on the
143 thirty-first day of July, one thousand nine hundred
144 ninety-five, authorized under the authority of section
145 seven, article one, chapter twenty, of this code, modified
146 by the division of natural resources to meet the objections
147 of the legislative rule-making review committee and re-
148 filed in the state register on the twenty-fifth day of Octo-
149 ber, one thousand nine hundred ninety-five, relating to the
150 division of natural resources (rules governing public use
151 of campgrounds in West Virginia state parks, state forests

SENATE BILL NO. 210

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

Natural Resources;
Finance;
Judiciary

58-31

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9
10 A BILL to amend and reenact section two, article ten,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to the public
15 use of West Virginia state parks, state forests and
16 state wildlife management areas under the division of
17 natural resources.

18 Be it enacted by the Legislature of West Virginia:

19 That section two, article ten, chapter sixty-four of
20 the code of West Virginia, one thousand nine hundred
21 thirty-one, as amended, be amended and reenacted, to read
22 as follows:

23 ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO
24 PROMULGATE LEGISLATIVE RULES.

1 §64-10-2. Division of natural resources.

2 (a) The legislative rules filed in the state register
3 on the fourteenth day of July, one thousand nine hundred
4 ninety-four, authorized under the authority of section
5 five-a, article eleven, chapter twenty, of this code,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee
8 and refiled in the state register on the eighth day of
9 September, one thousand nine hundred ninety-four, relating
10 to the division of natural resources (recycling assistance
11 fund grant program, 58 CSR ~~43~~ 5), are authorized.

12 (b) The legislative rules filed in the state register
13 on the twelfth day of August, one thousand nine hundred
14 ninety-four, authorized under the authority of section
15 seven, article one, chapter twenty, of this code, modified
16 by the division of natural resources to meet the objections
17 of the legislative rule-making review committee and refiled
18 in the state register on the fourteenth day of October, one
19 thousand nine hundred ninety-four, relating to the division
20 of natural resources (West Virginia wildlife management
21 areas, 58 CSR 6 43), are authorized with the following
22 amendments:

23 On page four, section 6.4.3, before the word "No" by
24 inserting "Except for persons who are under sixteen years

1 of age and who have a valid West Virginia hunting
2 license,";

3 And,

4 On page four, section 6.4.3, by deleting the capital
5 letter "N" and substituting in lieu thereof the lower case
6 "n."

7 (c) The legislative rules filed in the state register
8 on the twelfth day of August, one thousand nine hundred
9 ninety-four, authorized under the authority of section
10 seven, article one, chapter twenty, of this code, modified
11 by the division of natural resources to meet the objections
12 of the legislative rule-making review committee and refiled
13 in the state register on the fourteenth day of October, one
14 thousand nine hundred ninety-four, relating to the division
15 of natural resources (special bear hunting regulations, 58
16 CSR ~~48~~ 48), are authorized.

17 (d) The legislative rules filed in the state register
18 on the twelfth day of August, one thousand nine hundred
19 ninety-four, authorized under the authority of section
20 seven, article one, chapter twenty, of this code, modified
21 by the division of natural resources to meet the objections
22 of the legislative rule-making review committee and refiled
23 in the state register on the fourteenth day of October, one
24 thousand nine hundred ninety-four, relating to the division

1 of natural resources (wild boar hunting regulations, 58 CSR
2 ~~46~~ 52), are authorized.

3 (e) The legislative rules filed in the state register
4 on the fifteenth day of August, one thousand nine hundred
5 ninety-four, authorized under the authority of section
6 seven, article one, chapter twenty, of this code, modified
7 by the division of natural resources to meet the objections
8 of the legislative rule-making review committee and refiled
9 in the state register on the fourteenth day of October, one
10 thousand nine hundred ninety-four, relating to the division
11 of natural resources (special fishing rule, 58 CSR ~~24~~ 61),
12 are authorized with the following amendment:

13 On page four, section 58-21-5, paragraph 5.1.1, by
14 deleting the numeral "15" and inserting in lieu thereof the
15 numeral "13".

16 (f) The legislative rules filed in the state register
17 on the ~~second~~ thirty-first day of ~~December~~ July, one
18 thousand nine hundred ninety-four ninety-five, authorized
19 under the authority of section seven, article one, chapter
20 twenty, of this code, modified by the division of natural
21 resources to meet the objections of the legislative
22 rule-making review committee and refiled in the state
23 register on the ~~sixteenth~~ twenty-fifth day of ~~December~~
24 October, one thousand nine hundred ~~ninety-four~~ ninety-five,

1 relating to the division of natural resources (rules
2 governing public use of West Virginia state parks, state
3 forests and state wildlife management areas under the
4 division of natural resources, 58 CSR ~~58~~ 31), are
5 authorized. ~~with the following amendment:~~

6 ~~On page five, section 2.23, line four, before the word~~
7 ~~"chartered" by inserting the word "A" and by deleting the~~
8 ~~letter "s" at the end of the word "foundations".~~

9 (g) The legislative rules filed in the state register
10 on the twelfth day of August, one thousand nine hundred
11 ninety-four, authorized under the authority of section
12 seven, article one, chapter twenty, of this code, modified
13 by the division of natural resources to meet the objections
14 of the legislative rule-making review committee and refiled
15 in the state register on the fourteenth day of October, one
16 thousand nine hundred ninety-four, relating to the division
17 of natural resources (prohibitions when hunting and
18 trapping, 58 CSR ~~47~~ 47) are authorized with the following
19 amendments:

20 On page two, by striking out section 3.5 and
21 renumbering the remaining sections;

22 In section 3.7, after the word "net" by inserting the
23 word "bait" and after the word "any" by inserting the word
24 "deer";

1 And,

2 By striking out subsection 3.7.1 and renumbering the
3 remaining sections.

4

5 NOTE: The purpose of this bill is to authorize the
6 Division of Natural Resources to promulgate legislative
7 rules relating to the public use of West Virginia state
8 parks, state forests and state wildlife management areas
9 under the Division of Natural Resources.

10

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

1824

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H. B. 4281

(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)

(Introduced January 29, 1996 ; referred to the
Committee on the Judiciary)

58-31

10 A BILL to amend and reenact section two, article ten,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to the public
15 use of West Virginia state parks, state forests and
16 state wildlife management areas under the division of
17 natural resources.

18 Be it enacted by the Legislature of West Virginia:

19 That section two, article ten, chapter sixty-four of
20 the code of West Virginia, one thousand nine hundred
21 thirty-one, as amended, be amended and reenacted, to read
22 as follows:

23 **ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO**
24 **PROMULGATE LEGISLATIVE RULES.**

4281

1 §64-10-2. Division of natural resources.

2 (a) The legislative rules filed in the state register
3 on the fourteenth day of July, one thousand nine hundred
4 ninety-four, authorized under the authority of section
5 five-a, article eleven, chapter twenty, of this code,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee
8 and refiled in the state register on the eighth day of
9 September, one thousand nine hundred ninety-four, relating
10 to the division of natural resources (recycling assistance
11 fund grant program, 58 CSR 43 5), are authorized.

12 (b) The legislative rules filed in the state register
13 on the twelfth day of August, one thousand nine hundred
14 ninety-four, authorized under the authority of section
15 seven, article one, chapter twenty, of this code, modified
16 by the division of natural resources to meet the objections
17 of the legislative rule-making review committee and refiled
18 in the state register on the fourteenth day of October, one
19 thousand nine hundred ninety-four, relating to the division
20 of natural resources (West Virginia wildlife management
21 areas, 58 CSR 6 43), are authorized with the following
22 amendments:

23 On page four, section 6.4.3, before the word "No" by
24 inserting "Except for persons who are under sixteen years

1 of age and who have a valid West Virginia hunting
2 license,";

3 And,

4 On page four, section 6.4.3, by deleting the capital
5 letter "N" and substituting in lieu thereof the lower case
6 "n."

7 (c) The legislative rules filed in the state register
8 on the twelfth day of August, one thousand nine hundred
9 ninety-four, authorized under the authority of section
10 seven, article one, chapter twenty, of this code, modified
11 by the division of natural resources to meet the objections
12 of the legislative rule-making review committee and refiled
13 in the state register on the fourteenth day of October, one
14 thousand nine hundred ninety-four, relating to the division
15 of natural resources (special bear hunting regulations, 58
16 CSR ~~48~~ 48), are authorized.

17 (d) The legislative rules filed in the state register
18 on the twelfth day of August, one thousand nine hundred
19 ninety-four, authorized under the authority of section
20 seven, article one, chapter twenty, of this code, modified
21 by the division of natural resources to meet the objections
22 of the legislative rule-making review committee and refiled
23 in the state register on the fourteenth day of October, one
24 thousand nine hundred ninety-four, relating to the division

1 of natural resources (wild boar hunting regulations, 58 CSR
2 ~~416~~ 52), are authorized.

3 (e) The legislative rules filed in the state register
4 on the fifteenth day of August, one thousand nine hundred
5 ninety-four, authorized under the authority of section
6 seven, article one, chapter twenty, of this code, modified
7 by the division of natural resources to meet the objections
8 of the legislative rule-making review committee and refiled
9 in the state register on the fourteenth day of October, one
10 thousand nine hundred ninety-four, relating to the division
11 of natural resources (special fishing rule, 58 CSR ~~24~~ 61),
12 are authorized with the following amendment:

13 On page four, section 58-21-5, paragraph 5.1.1, by
14 deleting the numeral "15" and inserting in lieu thereof the
15 numeral "13".

16 (f) The legislative rules filed in the state register
17 on the ~~second~~ thirty-first day of ~~December~~ July, one
18 thousand nine hundred ninety-four ninety-five, authorized
19 under the authority of section seven, article one, chapter
20 twenty, of this code, modified by the division of natural
21 resources to meet the objections of the legislative
22 rule-making review committee and refiled in the state
23 register on the ~~sixteenth~~ twenty-fifth day of ~~December~~
24 October, one thousand nine hundred ~~ninety-four~~ ninety-five,

1 relating to the division of natural resources (rules
2 governing public use of West Virginia state parks, state
3 forests and state wildlife management areas under the
4 division of natural resources, 58 CSR 58 31), are
5 authorized. ~~with the following amendment:~~

6 ~~On page five, section 2.23, line four, before the word~~
7 ~~"chartered" by inserting the word "A" and by deleting the~~
8 ~~letter "s" at the end of the word "foundations".~~

9 (g) The legislative rules filed in the state register
10 on the twelfth day of August, one thousand nine hundred
11 ninety-four, authorized under the authority of section
12 seven, article one, chapter twenty, of this code, modified
13 by the division of natural resources to meet the objections
14 of the legislative rule-making review committee and refiled
15 in the state register on the fourteenth day of October, one
16 thousand nine hundred ninety-four, relating to the division
17 of natural resources (prohibitions when hunting and
18 trapping, 58 CSR 47) are authorized with the following
19 amendments:

20 On page two, by striking out section 3.5 and
21 renumbering the remaining sections;

22 In section 3.7, after the word "net" by inserting the
23 word "bait" and after the word "any" by inserting the word
24 "deer";

1 And,

2 By striking out subsection 3.7.1 and renumbering the
3 remaining sections.

4

5 NOTE: The purpose of this bill is to authorize the
6 Division of Natural Resources to promulgate legislative
7 rules relating to the public use of West Virginia state
8 parks, state forests and state wildlife management areas
9 under the Division of Natural Resources.

10

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



FILED

WILLIAM H. HARRINGTON
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KEN HECHLER,
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JUL 2 9 59 AM '96 JUDY COOPER
Director, Administrative Law

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OFFICE OF WEST VIRGINIA SUPERVISOR, CORPORATIONS
PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer help we can get)

PARKS AND RECREATION
1996 JUN 26 AM 9:18

TO: CORDIE HUDKINS

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 24, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 31 TITLE: 58 NATURAL RESOURCES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

X SIGNED: Cordie Hudkins

TITLE OF PERSON SIGNING: Chief of Parks

DATE: 6/26/96

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.