WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENROLLED
Committee Substitute for
SENATE BILL NO. 189

(By Senator [signature], President)

PASSED March 12, 1987
In Effect 30 days from Passage
AN ACT to amend and reenact section fifteen, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to contracts for operation of commissaries, restaurants and other establishments; limiting contracts to ten years’ duration; renewal at option of the commissioner; limitation of contract by commissioner; contracts for development of revenue producing facilities within the state parks and recreational facilities; level of investment of contracts; term of investment contracts; reservation of option to purchase, purchase price determination; requiring that contracts for a term of ten years or longer shall be subject to public hearing, prescribing the location of such hearing and requiring notice thereof; and providing for certain findings to be made by the commissioner of commerce.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:
ARTICLE 1. DEPARTMENT OF COMMERCE.

§5B-1-15. Contracts for operation of commissaries, restaurants, recreational facilities and other establishments limited to ten years' duration; renewal at option of commissioner; termination of contract by the commissioner; contracts for development of revenue producing facilities within the state parks and recreational facilities; level of investment of contracts; term of investment contract; reservation of option to purchase; purchase price determination.

(a) When it is deemed necessary by the commissioner to enter into a contract with a person, firm or corporation for the operation of a commissary, restaurant, recreational facility or other such establishment within the state parks and public recreation system, such contract shall be for a duration not to exceed ten years, but a contract so made may provide for an option to renew at the commissioner's discretion for an additional term or terms not to exceed ten years at the time of renewal.

(b) When it is deemed necessary by the commissioner to enter into a contract with a person, firm or corporation for the development of revenue producing facilities within the state parks and public recreation system for a period of more than ten years, such contract shall be at least a one million dollar level of investment for such revenue producing facilities. The term of the investment contract may be up to twenty-five years of duration at the determination of the commissioner and based upon the amount of the investment and the achievement of the environmental, recreational and cultural goals of the state park or recreation areas system of this state.
investment at any time during the term of the contract upon reasonable notice to the investor. The option to purchase shall provide that the purchase price of the revenue producing facilities shall be determined by the average of three appraisals by three certified members of appraisal institutes.

(c) No contract of a term greater than ten years shall be entered into by the commissioner until a public hearing is held in the vicinity of the location of the proposed facility with at least two weeks notice of such hearing by Class I publication pursuant to section two, article three, chapter fifty-nine of this code. At such hearing the commissioner shall present in writing the following findings and supporting statements therefor:

(i) That the proposed development will not deprive users of the state park or recreational area of existing recreational facilities in any significant fashion;

(ii) That the proposed development will not have substantial negative impact on the environmental, scenic or cultural qualities of the said park or area; and

(iii) That the proposed development, considered as a whole, is of benefit to the recreational goals of the state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill is hereby approved this the 9th day of March, 1987.

Governor