

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1990

ENROLLED

SENATE BILL NO. 563

(By Senator *Parson*)

PASSED *March 7,* 1990

In Effect *90 days from* Passage

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Senate Bill No. 563
(BY SENATOR PARKER)

[Passed March 7, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the department of commerce, labor and environmental resources and incorporating Moncove Lake public hunting and fishing area as a state park to be named Moncove Lake State Park.

Be it enacted by the Legislature of West Virginia:

That section thirteen, 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-1-13. Division of parks and recreation; purpose; powers and duties generally.

- 1 The division of parks and recreation has within its
- 2 jurisdiction and supervision:
- 3 (a) All state parks and state recreation areas, includ-
- 4 ing all lodges, cabins, swimming pools, motorboating
- 5 and all other recreational facilities therein, except the
- 6 roads therein which, by reason of section one, article
- 7 four, chapter seventeen of this code, are transferred to

8 the state road system and to the responsibility of the
9 commissioner of highways with respect to the con-
10 struction, reconstruction and maintenance of the roads
11 or any future roads for public usage on publicly owned
12 lands in future state parks, state forests and public
13 hunting and fishing areas;

14 (b) The authority and responsibility to do the
15 necessary cutting and planting of vegetation along
16 road rights-of-way in state parks and recreational
17 areas;

18 (c) The administration of all laws and rules relating
19 to the establishment, development, protection, use and
20 enjoyment of all state parks and state recreational
21 facilities consistent with the provisions of this article;

22 (d) The Berkeley Springs sanitarium in Morgan
23 County shall be continued as a state recreational
24 facility under the jurisdiction and supervision of the
25 department of commerce, labor and environmental
26 resources and shall be managed, directed and con-
27 trolled as prescribed here in this article and in article
28 one, chapter twenty of this code.

29 The commissioner has all of the powers and author-
30 ity and shall perform all of the functions and duties
31 with regard to Berkeley Springs sanitarium as are
32 necessary to carry out the provisions of this article;

33 (e) The Washington Carver camp in Fayette County
34 subject to the jurisdiction and authority of the depart-
35 ment of culture and history as provided under section
36 thirteen, article one, chapter twenty-nine of this code
37 shall be managed by the commissioner as a state
38 recreational facility and a component of the state park
39 system;

40 (f) The improved recreational area of Camp Creek
41 State Forest in Mercer County, as delineated according
42 to section three, article one-a, chapter nineteen of this
43 code, is hereby renamed as the Camp Creek State
44 Park and under that name shall be managed as a state
45 recreational facility;

46 (g) The improved recreational area of Moncove Lake

47 public hunting and fishing area, consisting of all
48 improved recreational facilities, including all land
49 between the lake and private property beginning at
50 the main entrance on secondary route eight to the first
51 stream on the southwest side of the improved recrea-
52 tional area, approximately two hundred feet southwest
53 of the private property corner where it meets the
54 Roxalia Springs trail, thence northwest to a stream
55 and along this stream northward to and across the
56 Diamond Hollow trail to the area boundary, thence
57 continuing around area boundary to the lake shore,
58 thence following the lake shore around the shoreline
59 to meet the line drawn from the main entrance where
60 the boundary begins. This area is hereby renamed as
61 the Moncove Lake State Park and under that name
62 shall be managed as a state recreational facility:
63 *Provided*, That the boundary, as herein described,
64 shall be plainly marked within ninety days of the
65 effective date of this act; and

66 (h) The secretary of the department of commerce,
67 labor and environmental resources shall be primarily
68 responsible for the execution and administration of the
69 provisions herein as an integral part of the parks and
70 recreation program of the state and shall organize and
71 staff the department for the orderly, efficient and
72 economical accomplishment of these ends.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Fredesick L. Parker
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Samuel E. Holman
.....
Clerk of the Senate

Donald L. Kapp
.....
Clerk of the House of Delegates

Will Bennett
.....
President of the Senate

Paul C. Canine
.....
Speaker House of Delegates

The within is approved this the *17th*
day of *March* 1990.

W. Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/12/90

Time 10:35am

SECRETARY OF STATE