WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

ENROLLED

SENATE BILL NO. 101

(By Senator Ditmar, et al.)

PASSED February 21, 1994

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 101
(By Senators Dittmar, Anderson, Sharpe and Withers)

[Passed February 21, 1994; 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, permitting the commissioner of the division of tourism and parks to exempt designated state parks from twenty-four hour deposit requirements for certain bank deposits.

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. DIVISION OF TOURISM AND PARKS.

§5B-1-13. Division of parks and recreation; purpose; powers and duties generally.

1 It shall be the duty of the section of parks and recreation to have within its jurisdiction and supervision:

4 (a) All state parks and state recreation areas, including all lodges, cabins, swimming pools, motorboating and all other recreational facilities therein, except the roads therein which, by reason of section one, article four, chapter seventeen of this code, are transferred to
the state road system and to the responsibility of the commissioner of highways with respect to the construction, reconstruction and maintenance of the roads or any future roads for public usage on publicly owned lands in future state parks, state forests and public hunting and fishing areas;

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

(c) The administration of all laws and regulations relating to the establishment, development, protection, use and enjoyment of all state parks and state recreational facilities consistent with the provisions of this article: 

Provided, That nothing herein shall be construed to assign to the section of parks and recreation of the division of tourism and parks the law-enforcement duties set forth in article seven, chapter twenty of this code, which duties shall remain the responsibility of the division of natural resources;

(d) The Berkeley Springs sanitarium in Morgan county shall be continued as a state recreational facility under the jurisdiction and supervision of the division of tourism and parks and shall be managed, directed and controlled as prescribed in this article and in article one, chapter twenty of this code.

The commissioner shall have and is hereby granted all of the powers and authority and shall perform all of the functions and duties with regard to Berkeley Springs sanitarium that were previously vested in and performed by the director of the division of natural resources, who shall no longer have such power and authority and whose power and authority with regard to Berkeley Springs sanitarium is hereby abolished;

(e) The Washington Carver camp in Fayette county is hereby transferred from the division of natural resources to the commissioner who shall have the jurisdiction and supervision of the camp subject to the jurisdiction and authority of the division of culture and history as provided under section thirteen, article
one, chapter twenty-nine of this code. The commis-
50 sioner shall manage the Washington Carver camp as a
51 state recreational facility and a component of the state
52 park system;
53
(f) The improved recreational area of Camp Creek
54 state forest in Mercer county, as delineated according
55 to section three, article one-a, chapter nineteen of this
56 code, is hereby renamed as the Camp Creek state park
57 and under that name shall be managed as a state
58 recreational facility;
59
(g) The improved recreational area of Moncove lake
60 public hunting and fishing area, consisting of all
61 improved recreational facilities, including all land
62 between the lake and private property beginning at
63 the main entrance on secondary route eight to the first
64 stream on the southwest side of the improved recrea-
65 tional area, approximately two hundred feet southwest
66 of the private property corner where it meets the
67 Roxalia Springs trail, thence northwest to a stream
68 and along this stream northward to and across the
69 Diamond Hollow trail to the area boundary, thence
70 continuing around area boundary to the lake shore,
71 thence following the lake shore around the shoreline
72 to meet the line drawn from the main entrance where
73 the boundary begins. This area is hereby renamed as
74 the Moncove lake state park and under that name
75 shall be managed as a state recreational facility:
76 Provided, That the boundary, as herein described,
77 shall be plainly marked within ninety days of the
78 effective date of this article;
79
(h) The commissioner of the division of tourism and
80 parks shall be primarily responsible for the execution
81 and administration of the provisions herein as an
82 integral part of the parks and recreation program of
83 the state and shall organize and staff his section for
84 the orderly, efficient and economical accomplishment
85 of these ends; and
86
(i) Notwithstanding any provision of this code to the
87 contrary, the commissioner may exempt designated
88 state parks for amounts less than two hundred fifty
dollars from the requirement that all payments must be deposited in a bank within twenty-four hours.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee
Ernest C. Moore
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 is approved this the 28th day of February, 1994.

Governor