

5100

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

ENROLLED

SENATE BILL NO. 13

(By Senator Nittmar, et al)

PASSED February 15, 1995  
In Effect from Passage

OFFICE OF THE CLERK  
WEST VIRGINIA LEGISLATURE

FEB 20 10 42 AM '95

FILED

FILED

FEB 20 10 42 AM '95

OFFICE OF THE CLERK  
SECRETARY OF STATE

**ENROLLED**  
**Senate Bill No. 13**

(By SENATORS DITTMAR, ANDERSON AND WHITLOW)

[Passed February 13, 1995; in effect from passage.]

AN ACT to amend article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section seventeen-a, relating to the division of natural resources; mandating the director to waive the fee for use of picnic shelters or cabins in a state recreation area for an individual or group donating materials and labor for the construction of a shelter or cabin; limiting the waiver so that it does not exceed the value of materials and labor donated; providing that this waiver shall be both prospective and retroactive; and requiring the director to promulgate a legislative rule.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section seventeen-a, to read as follows:

**ARTICLE 1. DIVISION OF PARKS AND RECREATION.****§5B-1-17a. Free use of picnic shelters and cabins in state recreation areas.**

1 The director of the division of natural resources shall  
2 waive the use fee normally charged to an individual or  
3 group for one day's use of a picnic shelter or one week's  
4 use of a cabin in a state recreation area when the  
5 individual or group donates the materials and labor for  
6 the construction of such picnic shelter or cabin:  
7 *Provided*, That the individual or group was authorized  
8 by the director to construct the picnic shelter or cabin  
9 and that it was constructed in accordance with the  
10 authorization granted and the standards and  
11 requirements of the division pertaining to such  
12 construction.

13 The individual or group to whom the waiver is granted  
14 may use the picnic shelter for one reserved day or the  
15 cabin for one reserved week during each calendar year  
16 until the amount of the donation equals the amount of  
17 the loss of revenue from the waiver or until the  
18 individual dies or the group ceases to exist, whichever  
19 first occurs. The waiver is not transferable. The director  
20 shall permit free use of picnic shelters or cabins to  
21 individuals or groups who have contributed materials  
22 and labor for construction of picnic shelters or cabins  
23 prior to the effective date of this section. The director  
24 shall promulgate a legislative rule in accordance with  
25 the provisions of chapter twenty-nine-a of this code  
26 governing the free use of picnic shelters or cabins  
27 provided for in this section, the eligibility for such free  
28 use, determining the value of the donations of labor and  
29 materials, the appropriate definitions of a group and the  
30 maximum time limit for such use.

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

*[Handwritten signature]*  
.....  
Chairman Senate Committee

*[Handwritten signature]*  
.....  
Ernest C. Moore  
Chairman House Committee

Originated in the Senate.

In effect from passage

*[Handwritten signature]*  
.....  
Clerk of the Senate

*[Handwritten signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten signature]*  
.....  
President of the Senate

*[Handwritten signature]*  
.....  
Speaker House of Delegates

The within *is appended* this the *17th* day of *February*, 1995.

*[Handwritten signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/14/95

Time 4:00 pm