

4659

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



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LEGISLATIVE SERVICES DIVISION

HOUSE BILL No. 4659

(By Delegates J. Martin, Varner, Loe, Given, Nichols, Fantasia and Coerson)



Passed March 7, 1996

In Effect Ninety Days From Passage

ENROLLED

H. B. 4659

(BY DELEGATES J. MARTIN, VARNER, LOVE,
GIVEN, NICHOLS, FANTASIA AND EVERSON)

[Passed March 7, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact section nine, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two, article five, chapter twenty of said code, all relating to transferring responsibilities for the state's telemarketing initiative to the tourism commission.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section two, article five, chapter twenty of said code be amended and reenacted, all to read as follows:

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.

§5B-2-9. Powers and duties of tourism commission.

- 1 (a) The commission shall develop a comprehensive
- 2 tourism promotion and development strategy for West
- 3 Virginia. "Comprehensive tourism promotion and
- 4 development strategy" means a plan that outlines strategies
- 5 and activities designed to continue, diversify or expand the
- 6 tourism base of the state as a whole; create tourism jobs;
- 7 develop a highly skilled tourism work force; facilitate
- 8 business access to capital for tourism; advertise and market

9 the resources offered by the state with respect to tourism
10 promotion and development; facilitate cooperation among
11 local, regional and private tourism enterprises; improve
12 infrastructure on a state, regional and community level in
13 order to facilitate tourism development; improve the
14 tourism business climate generally; and leverage funding
15 from sources other than the state, including local, federal
16 and private sources.

17 (b) In developing its strategies, the commission shall
18 consider the following:

19 (1) Improvement and expansion of existing tourism
20 marketing and promotion activities;

21 (2) Promotion of cooperation among municipalities,
22 counties, and the West Virginia infrastructure and jobs
23 development council in funding physical infrastructure to
24 enhance the potential for tourism development.

25 (c) The tourism commission shall have the power and
26 duty:

27 (1) To acquire for the state in the name of the
28 commission by purchase, lease or agreement, or accept or
29 reject for the state, in the name of the commission, gifts,
30 donations, contributions, bequests or devises of money,
31 security or property, both real and personal, and any
32 interest in such property, to effectuate or support the
33 purposes of this article;

34 (2) To make recommendations to the governor and
35 the Legislature of any legislation deemed necessary to
36 facilitate the carrying out of any of the foregoing powers
37 and duties and to exercise any other power that may be
38 necessary or proper for the orderly conduct of the
39 business of the commission and the effective discharge of
40 the duties of the commission;

41 (3) To cooperate and assist in the production of
42 motion pictures and television and other communications;

43 (4) To purchase advertising time or space in or upon
44 any medium generally engaged or employed for said
45 purpose to advertise and market the resources of the state
46 or to inform the public at large or any specifically

47 targeted group or industry about the benefits of living in,
48 investing in, producing in, buying from, contracting with,
49 or in any other way related to, the state of West Virginia or
50 any business, industry, agency, institution or other entity
51 therein: *Provided*, That of any funds appropriated and
52 allocated for purposes of advertising and marketing
53 expenses for the promotion and development of tourism,
54 not less than twenty percent of the funds shall be
55 expended with the approval of the director of the division
56 of natural resources to advertise, promote and market state
57 parks, state forests, state recreation areas and wildlife
58 recreational resources;

59 (5) To promote and disseminate information related
60 to the attractions of the state through the operation of the
61 state's telemarketing initiative, which telemarketing
62 initiative shall include a centralized reservation and
63 information system for state parks and recreational
64 facilities; and

65 (6) To take such additional actions as may be
66 necessary to carry out the duties and programs described
67 in this article.

68 (d) The commission shall submit a report annually to
69 the council for community and economic development
70 about the development of the tourism industry in the state
71 and the necessary funding required by the state to
72 continue the development of the tourism industry.

73 (e) The executive director of the West Virginia
74 development office shall assist the commission in the
75 performance of its powers and duties and the executive
76 director is hereby authorized in providing this assistance
77 to employ necessary personnel, contract with professional
78 or technical experts or consultants and to purchase or
79 contract for the necessary equipment or supplies.

80 (f) The commission shall promulgate legislative rules
81 pursuant to the provisions of chapter twenty-nine-a of this
82 code to carry out its purposes and programs, to include
83 generally the programs available, the procedure and
84 eligibility of applications relating to assistance under such
85 programs and the staff structure necessary to support such

86 programs, which structure shall include the qualifications
87 for a professional staff person qualified by reason of
88 exceptional training and experience in the field of
89 advertising to supervise the advertising and promotion
90 functions of the commission, and shall further include
91 provision for the management of West Virginia welcome
92 centers. The commission is further authorized to
93 promulgate procedural rules pursuant to said chapter to
94 include instructions and forms for applications relating to
95 assistance.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 5. PARKS AND RECREATION.

§20-5-2. Powers of the director with respect to the section of parks and recreation.

1 The director of the division of natural resources shall
2 be responsible for the execution and administration of the
3 provisions herein as an integral part of the parks and
4 recreation program of the state and shall organize and
5 staff the section of parks and recreation for the orderly,
6 efficient and economical accomplishment of these ends.
7 The authority granted in the year one thousand nine
8 hundred ninety-four to the director of the division of
9 natural resources to employ up to six additional
10 unclassified personnel to carry out the parks functions of
11 the division of natural resources is continued.

12 The director of the division of natural resources shall
13 further have the authority, power and duty to:

14 (a) Establish, manage and maintain the state's parks
15 and recreation system for the benefit of the people of this
16 state and do all things necessary and incidental to the
17 development and administration thereof;

18 (b) Acquire property for the state in the name of the
19 division of natural resources by purchase, lease or
20 agreement; retain, employ and contract with legal advisors
21 and consultants; or accept or reject for the state, in the
22 name of the division, gifts, donations, contributions,
23 bequests or devises of money, security or property, both
24 real and personal, and any interest in such property,

25 including lands and waters, for state park or recreational
26 areas for the purpose of providing public recreation:
27 *Provided*, That the provisions of section twenty, article one
28 of this chapter are specifically made applicable to any
29 acquisitions of land: *Provided, however*, That any sale,
30 exchange or transfer of property for the purposes of
31 completing land acquisitions or providing improved
32 recreational opportunities to the citizens of the state shall
33 be subject to the procedures of article one-a of this
34 chapter: *Provided further*, That no sale of any park or
35 recreational area property, including lands and waters,
36 used for purposes of providing public recreation on the
37 effective date of this article and no privatization of any
38 park may occur without statutory authority;

39 (c) Approve and direct the use of all revenue derived
40 from the operation of the state parks and public recreation
41 system for the operation, maintenance and improvement
42 of the system, individual projects of the system or for the
43 retirement of park development revenue bonds;

44 (d) Approve the use of no less than twenty percent of
45 the: (i) Funds appropriated for purposes of advertising
46 and marketing expenses related to the promotion and
47 development of tourism, pursuant to subsection (j), section
48 eighteen, article twenty-two, chapter twenty-nine of this
49 code; and (ii) funds authorized for expenditure from the
50 tourism promotion fund for purposes of direct advertising,
51 pursuant to section twelve, article two, chapter five-b of
52 this code and section ten, article twenty-two-a, chapter
53 twenty-nine of this code, to effectively promote and
54 market the state's parks, state forests, state recreation areas
55 and wildlife recreational resources;

56 (e) Issue park development revenue bonds as
57 provided in this article;

58 (f) Provide for the construction and operation of
59 cabins, lodges, resorts, restaurants and other developed
60 recreational service facilities, subject to the provisions of
61 section fifteen of this article and section twenty, article one
62 of this chapter;

63 (g) Promulgate rules to control uses of the parks,

64 subject to the provisions of chapter twenty-nine-a of this
65 code: *Provided*, That the director shall not permit public
66 hunting, the exploitation of minerals or the harvesting of
67 timber for commercial purposes in any state park;

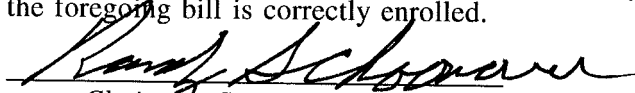
68 (h) Notwithstanding any provision of this code to the
69 contrary, the director may, for amounts less than two
70 hundred fifty dollars, exempt designated state parks from
71 the requirement that all payments must be deposited in a
72 bank within twenty-four hours;

73 (i) The director of the division of natural resources
74 shall waive the use fee normally charged to an individual
75 or group for one day's use of a picnic shelter or one
76 week's use of a cabin in a state recreation area when the
77 individual or group donates the materials and labor for the
78 construction of the picnic shelter or cabin: *Provided*, That
79 the individual or group was authorized by the director to
80 construct the picnic shelter or cabin and that it was
81 constructed in accordance with the authorization granted
82 and the standards and requirements of the division
83 pertaining to such construction. The individual or group
84 to whom the waiver is granted may use the picnic shelter
85 for one reserved day or the cabin for one reserved week
86 during each calendar year until the amount of the
87 donation equals the amount of the loss of revenue from
88 the waiver or until the individual dies or the group ceases
89 to exist, whichever first occurs. The waiver is not
90 transferable. The director shall permit free use of picnic
91 shelters or cabins to individuals or groups who have
92 contributed materials and labor for construction of picnic
93 shelters or cabins prior to the effective date of this section.
94 The director shall promulgate a legislative rule in
95 accordance with the provisions of chapter twenty-nine-a of
96 this code governing the free use of picnic shelters or
97 cabins provided for in this section, the eligibility for free
98 use, determining the value of the donations of labor and
99 materials, the appropriate definitions of a group and the
100 maximum time limit for such use; and

101 (j) Provide within the parks a market for West Virginia
102 arts, crafts and products, which shall permit gift shops
103 within the parks to offer for sale items purchased on the

104 open market from local artists, artisans, craftsmen and
105 suppliers and local or regional crafts cooperatives.

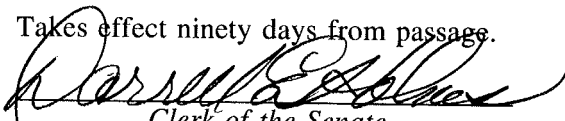
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

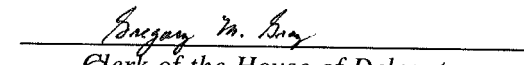

Chairman Senate Committee

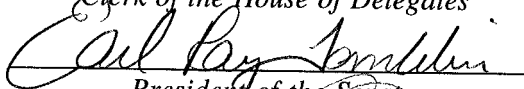

Chairman House Committee

Originating in the House.

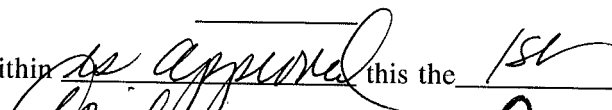
Takes effect ninety days from passage.

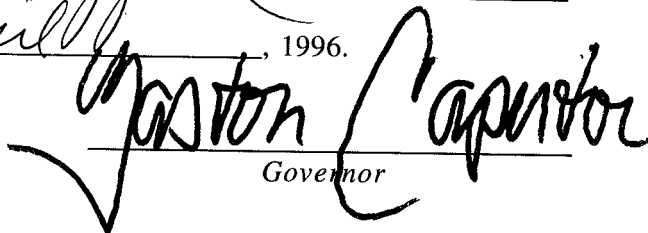

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within  this the 1st
day of April, 1996.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/96

Time 10:05 am