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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 139

(By Senator *CRAIG, ET AL*)



PASSED APRIL 12, 1997

In Effect NINETY DAYS FROM Passage

SB 139

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SECRET
STATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 139

(SENATORS CRAIGO, DITTMAR, DEEM, SHARPE,
SCOTT, SCHOONOVER, BUCKALEW, BAILEY,
SNYDER AND DUGAN, *original sponsors*)

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article five, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the powers and duties of the director of the division of natural resources; allowing campsites to be reserved two days in advance when space is available; providing for credit card reservations at state parks and recreational areas; and requiring the director to develop a plan for a centralized computer reservation system and to implement the plan when funding becomes available.

Be it enacted by the Legislature of West Virginia:

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

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 is
2 responsible for the execution and administration of the
3 provisions in this article as an integral part of the parks
4 and 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 unclassi-
10 fied personnel to carry out the parks functions of the
11 division of natural resources is continued.

12 The director of the division of natural resources shall:

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

18 (b) Acquire property for the state in the name of the
19 division of natural resources by purchase, lease or agree-
20 ment; retain, employ and contract with legal advisors and
21 consultants; or accept or reject for the state, in the name
22 of the division, gifts, donations, contributions, bequests or
23 devises of money, security or property, both real and
24 personal, and any interest in the property, including lands
25 and waters, for state park or recreational areas for the
26 purpose of providing public recreation: *Provided*, That
27 the provisions of section twenty, article one of this chapter
28 are specifically made applicable to any acquisitions of
29 land: *Provided, however*, That any sale, exchange or
30 transfer of property for the purposes of completing land
31 acquisitions or providing improved recreational opportu-
32 nities to the citizens of the state is subject to the proce-
33 dures of article one-a of this chapter: *Provided further*,

34 That no sale of any park or recreational area property,
35 including lands and waters, used for purposes of providing
36 public recreation on the effective date of this article and
37 no privatization of any park may occur without statutory
38 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
55 areas and wildlife recreational resources;

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

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

63 (g) Propose rules to control uses of the parks, subject to
64 the provisions of chapter twenty-nine-a of this code:
65 *Provided*, That the director may not permit public hunt-
66 ing, the exploitation of minerals or the harvesting of
67 timber for commercial purposes in any state park;

68 (h) Exempt designated state parks from the requirement
69 that all payments must be deposited in a bank within
70 twenty-four hours for amounts less than two hundred fifty
71 dollars notwithstanding any other provision of this code

72 to the contrary;

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

100 (j) Provide within the parks a market for West Virginia
101 arts, crafts and products, which shall permit gift shops
102 within the parks to offer for sale items purchased on the
103 open market from local artists, artisans, craftsmen and
104 suppliers and local or regional crafts cooperatives;

105 (k) Provide that reservations for reservable campsites
106 may be made, upon two days advance notice, for any date
107 for which space is available within a state park or recre-
108 ational area managed by the parks and recreation section;

109 (l) Provide that reservations for all state parks and
110 recreational areas managed by the parks and recreation

111 section of the division may be made by use of a valid
112 credit card; and

113 (m) Develop a plan to establish a centralized computer
114 reservation system for all state parks and recreational
115 areas managed by the parks and recreation section and to
116 implement the plan as funds become available.

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

Rudy Schoonover
.....
Chairman Senate Committee

Nick Trentas
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Laurel Holmes
.....
Clerk of the Senate

Gregory M. Bray
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *28th*
day of *April*, 1997.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

4/22/97

Time

3:00pm