

SB 356

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REGULAR SESSION, 1999



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SENATE BILL NO. 356

(By Senator DITTMAR)



PASSED MARCH 11, 1999

In Effect NINETY DAYS FROM Passage

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WEST VIRGINIA

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Senate Bill No. 356

(SENATOR DITTMAR, *original sponsor*)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty, article one, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the division of natural resources; organization and administration; legislative findings; empowering the director to authorize the construction and acquisition of buildings in certain circumstances; and requiring that new structures have sloped roofs.

Be it enacted by the Legislature of West Virginia:

That section twenty, article one, 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 1. ORGANIZATION AND ADMINISTRATION.

§20-1-20. Limitations on acquisition of land for state recreational facilities; limitations on construction of state recreational facilities; legislative findings and purpose; exceptions to limitations.

1 (a) The Legislature finds that the acquisition of land to
2 construct new or to expand existing state recreational
3 facilities is becoming more costly. Also, the Legislature
4 finds that the construction of new or the expansion of
5 existing state recreational facilities is becoming more
6 costly. After such facilities are constructed, they must be
7 maintained indefinitely and, in many instances, personnel
8 must be employed to operate the facilities. This necessi-
9 tates and places a continuing burden on state revenues.
10 Furthermore, these costs are also increasing continually.
11 The Legislature hereby declares that there is an ultimate
12 limit to how many recreational facilities this state, with its
13 size, population and financial resources, can or should
14 support. Further, the Legislature hereby declares that it
15 must establish, provide for and maintain limits on state
16 recreational facilities. The Legislature hereby declares that
17 the purpose of this section is to establish, provide for and
18 maintain limits on state recreational facilities.

19 After the first day of July, one thousand nine hundred
20 seventy-seven, neither the director, nor any other officer,
21 or employee, or agent of the division of natural resources
22 may, without the express authorization of the Legislature:

23 (1) Acquire, or authorize the acquisition of, land for any
24 new state park, forest, public fishing and hunting area or
25 other recreational facility; or

26 (2) Construct, or authorize the construction of, any new
27 facility or building in any state park, forest, public hunt-
28 ing and fishing area or other recreational facility.

29 Nothing in this section shall prohibit the director from
30 expending any appropriations, made at any time, which
31 are designated to complete land acquisitions for state
32 parks, forests, public hunting and fishing areas or other
33 recreational areas, which are in existence on the first day
34 of July, one thousand nine hundred seventy-seven. Noth-
35 ing in this section shall prohibit the director from expend-

36 ing any appropriation made at any time which is desig-
37 nated to complete the construction of facilities and
38 buildings, including electric, water and sewage systems for
39 state parks, forests, public hunting and fishing areas or
40 other recreational areas, which are in existence on the first
41 day of July, one thousand nine hundred seventy-seven.

42 (b) The Legislature further finds that certain acquisi-
43 tions and constructions, either due to the relatively
44 minimal size of the project, due to the need for a timely
45 decision to assure receipt to the state of the benefits of
46 gratuitous transfers from public and nonpublic entities
47 supportive of recreational facilities in the control of the
48 division, or due to the existence of the high opportunity
49 costs inherent in certain policy decisions, must necessarily
50 be handled in a timely manner. Many of such acquisitions
51 or constructions actually serve to lessen the total cost to
52 the state for the maintenance and management of existing
53 recreational facilities. The Legislature, therefore, hereby
54 declares that the concepts of reasonableness and material-
55 ity require the following exceptions to the general require-
56 ment contained in subsection (a) of this section for legisla-
57 tive approval of acquisitions and constructions:

58 (1) The director may authorize the construction of any
59 new facility or building which is constructed with donated
60 funds or materials and labor in an existing state park,
61 state forest, wildlife management area or other recre-
62 ational facility; and

63 (2) The director may construct or authorize the construc-
64 tion of any new facility or building when the total cost of
65 materials does not exceed twenty-five thousand dollars by
66 regular full-time employees of the division.

67 In any construction permitted by this subsection, the
68 director must require that any new building, which
69 includes a roof, designed, constructed and maintained with
70 public funds of the state, a county or a municipality shall
71 have a roof of sufficient slope so that water will not
72 accumulate into a pool on any area of the roof, in accor-
73 dance with the current state building code as it relates to
74 roofs and roof structures.

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


.....
Chairman Senate Committee


.....
Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.


.....
Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


.....
Speaker House of Delegates

The within..... *approved* this the *25th*
March
Day of , 1999


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:10 am