WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1999

ENROLLED
Com. Sub. for Com. Sub. for
SENATE BILL NO. ___350___

(By Senator BITUMAR)

PASSED March 11, 1999
In Effect NINETY DAYS FROM PASSAGE
ENROLLED

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR 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 construct new or to expand existing state recreational facilities is becoming more costly. Also, the Legislature finds that the construction of new or the expansion of existing state recreational facilities is becoming more costly. After such facilities are constructed, they must be maintained indefinitely and, in many instances, personnel must be employed to operate the facilities. This necessitates and places a continuing burden on state revenues. Furthermore, these costs are also increasing continually. The Legislature hereby declares that there is an ultimate limit to how many recreational facilities this state, with its size, population and financial resources, can or should support. Further, the Legislature hereby declares that it must establish, provide for and maintain limits on state recreational facilities. The Legislature hereby declares that the purpose of this section is to establish, provide for and maintain limits on state recreational facilities.

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

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

4 (2) Construct, or authorize the construction of, any new facility or building in any state park, forest, public hunting and fishing area or other recreational facility.

5 Nothing in this section shall prohibit the director from expending any appropriations, made at any time, which are designated to complete land acquisitions for state parks, forests, public hunting and fishing areas or other recreational areas, which are in existence on the first day of July, one thousand nine hundred seventy-seven. Nothing in this section shall prohibit the director from expend-
ing any appropriation made at any time which is designated to complete the construction of facilities and buildings, including electric, water and sewage systems for state parks, forests, public hunting and fishing areas or other recreational areas, which are in existence on the first day of July, one thousand nine hundred seventy-seven.

(b) The Legislature further finds that certain acquisitions and constructions, either due to the relatively minimal size of the project, due to the need for a timely decision to assure receipt to the state of the benefits of gratuitous transfers from public and nonpublic entities supportive of recreational facilities in the control of the division, or due to the existence of the high opportunity costs inherent in certain policy decisions, must necessarily be handled in a timely manner. Many of such acquisitions or constructions actually serve to lessen the total cost to the state for the maintenance and management of existing recreational facilities. The Legislature, therefore, hereby declares that the concepts of reasonableness and materiality require the following exceptions to the general requirement contained in subsection (a) of this section for legislative approval of acquisitions and constructions:

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

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

In any construction permitted by this subsection, the director must require that any new building, which includes a roof, designed, constructed and maintained with public funds of the state, a county or a municipality shall have a roof of sufficient slope so that water will not accumulate into a pool on any area of the roof, in accordance with the current state building code as it relates to 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

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/49
Time 10:10 am