WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2004

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4450

(By Delegates Yeager, Stemple, Beach, Poling, Crosier, Boggs and R. Thompson)

Passed March 11, 2004
In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4450

(BY DELEGATES YEAGER, STEMPEL, BEACH,
POLING, CROSIER, BOGGS AND R. THOMPSON)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §20-5-2 of the code of West Virginia,
1931, as amended, relating to permitting the sale of timber
severed in a state park incidental to construction activities; use of
gross proceeds derived from timber sales; and making technical
corrections.

Be it enacted by the Legislature of West Virginia:

That §20-5-2 of the code of West Virginia, 1931, 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.
(a) The director of the division of natural resources is responsible for the execution and administration of the provisions in this article as an integral part of the parks and recreation program of the state and shall organize and staff the section of parks and recreation for the orderly, efficient and economical accomplishment of these ends. The authority granted in the year one thousand nine hundred ninety-four to the director of the division of natural resources to employ up to six additional unclassified personnel to carry out the parks functions of the division of natural resources is continued.

(b) The director of the division of natural resources shall:

1. Establish, manage and maintain the state’s parks and recreation system for the benefit of the people of this state and do all things necessary and incidental to the development and administration of the state’s parks and recreation system;

2. Acquire property for the state in the name of the division of natural resources by purchase, lease or agreement; retain, employ and contract with legal advisors and consultants; or accept or reject for the state, in the name of the division, gifts, donations, contributions, bequests or devises of money, security or property, both real and personal, and any interest in the property, including lands and waters, for state park or recreational areas for the purpose of providing public recreation: Provided, That the provisions of section twenty, article one of this chapter are specifically made applicable to any acquisitions of land: Provided, however, That any sale, exchange or transfer of property for the purposes of completing land acquisitions or providing improved recreational opportunities to the citizens of the state is subject to the procedures of article one-a of this chapter: Provided further, That no sale of any park or recreational area property, including lands and waters, used for purposes of providing public recreation on the
effective date of this article and no privatization of any park
may occur without statutory authority;

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

(4) Effectively promote and market the state’s parks, state
forests, state recreation areas and wildlife recreational resources
by approving the use of no less than twenty percent of the:

(A) Funds appropriated for purposes of advertising and
marketing expenses related to the promotion and development
of tourism, pursuant to subsection (j), section eighteen, article
twenty-two, chapter twenty-nine of this code; and

(B) Funds authorized for expenditure from the tourism
promotion fund for purposes of direct advertising, pursuant to
section twelve, article two, chapter five-b of this code and
section ten, article twenty-two-a, chapter twenty-nine of this
code;

(5) Issue park development revenue bonds as provided in
this article;

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

(7) The director may sell timber that has been severed in a
state park incidental to the construction of park facilities or
related infrastructure where the construction is authorized by
the Legislature in accordance with section twenty, article one
of this chapter, and the sale of the timber is otherwise in the
best interest of park development, without regard to proceeds derived from the sale of timber. The gross proceeds derived from the sale of timber shall be deposited into the operating budget of the park from which the timber was harvested;

(8) Propose rules for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a of this code to control the uses of parks: Provided, That the director may not permit public hunting, the exploitation of minerals or the harvesting of timber for commercial purposes in any state park;

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

(10) Waive the use fee normally charged to an individual or group for one day’s use of a picnic shelter or one week’s use of a cabin in a state recreation area when the individual or group donates the materials and labor for the construction of the picnic shelter or cabin: Provided, That the individual or group was authorized by the director to construct the picnic shelter or cabin and that it was constructed in accordance with the authorization granted and the standards and requirements of the division pertaining to the construction. The individual or group to whom the waiver is granted may use the picnic shelter for one reserved day or the cabin for one reserved week during each calendar year until the amount of the donation equals the amount of the loss of revenue from the waiver or until the individual dies or the group ceases to exist, whichever first occurs. The waiver is not transferable. The director shall permit free use of picnic shelters or cabins to individuals or groups who have contributed materials and labor for construction of picnic shelters or cabins prior to the effective date of this section. The director shall propose a legislative rule for
promulgation in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the free use of picnic shelters or cabins provided for in this section, the eligibility for free use, the determination of the value of the donations of labor and materials, the appropriate definitions of a group and the maximum time limit for the use;

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

(12) Provide that reservations for reservable campsites may be made, upon two days advance notice, for any date for which space is available within a state park or recreational area managed by the parks and recreation section;

(13) Provide that reservations for all state parks and recreational areas managed by the parks and recreation section of the division may be made by use of a valid credit card; and

(14) Develop a plan to establish a centralized computer reservation system for all state parks and recreational areas managed by the parks and recreation section and to implement the plan as funds become available.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 is approved this the ___ day of April, 2004

Governor