ENROLLED
Committee Substitute for
SENATE BILL NO. 521

(By Senator Bowman, et al)

PASSED March 8, 2006

In Effect 90 days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 521

(SENATORS BOWMAN, PREZIOSO, DEMPSEY AND LOVE, original sponsors)

[Passed March 8, 2006; 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 the state parks and recreation system; providing that interest on investment of parks' operational revenue is to be used exclusively for the benefit of the state parks and public recreation system; allowing certain designated parks to raise the minimum bank deposit from two hundred fifty dollars to five hundred dollars; and providing the Natural Resources Commission authority to promulgate rules to permit and regulate the hunting of white-tailed deer in state parks.

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.

1 (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.

2 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.

3 (b) The Director of the Division of Natural Resources shall:

4 (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;

5 (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: Provided, That all revenues derived from the operation of the state parks and public recreation system shall be invested by the Treasurer and all proceeds from investment earnings shall accrue for the exclusive use 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 recre-
at national 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, except as otherwise provided in this section, 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 five hundred dollars notwithstanding any other provision of this code to the contrary: Provided, That such designated parks shall make a deposit in any amount no less than every seven working days;

(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 individ-
uals 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 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 recre-
ational 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

(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; and
(15) Notwithstanding the provisions of section fifty-eight, article two of this chapter, the Natural Resources Commission is authorized to promulgate rules in accordance with the provisions of article three, chapter twenty-nine-a of this code to permit and regulate the hunting of white-tail deer in any state park as deemed appropriate by the director to protect the ecological integrity of the area.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated 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...is approved...this the 23rd
Day of...Mardi..., 2006.

Governor
PRESENTED TO THE GOVERNOR

MAR 17 2006

Time 11:05 AM