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FILED

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WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006

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**ENROLLED**

SENATE BILL NO. 556

(By Senator Helmick, et al)

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PASSED March 10, 2006

In Effect from Passage

FILED

2006 APR -5 P 3: 10

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

## Senate Bill No. 556

(BY SENATORS HELMICK, SHARPE, CHAFIN, PREZIOSO, PLYMALE,  
EDGELL, LOVE, BAILEY, BOWMAN, MCCABE, UNGER, MINEAR,  
BOLEY, FACEMYER, YODER, GUILLS AND SPROUSE)

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[Passed March 10, 2006; in effect from passage.]

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AN ACT to amend and reenact §20-5-15 of the Code of West Virginia, 1931, as amended, relating to operational contracts within the state parks and public recreational system; removing the requirement of prior legislative approval and authorization; and requiring legislative notice and public hearings for certain contracts.

*Be it enacted by the Legislature of West Virginia:*

That §20-5-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### ARTICLE 5. PARKS AND RECREATION.

**§20-5-15. Authority to enter into certain operational contracts; terms and conditions; necessity for legislative notice and public hearing before certain facilities are placed under contract.**

1 (a) The director may enter into a contract with a person,  
2 firm, corporation, foundation or public agency for the  
3 operation of a commissary, restaurant, recreational facility  
4 or other establishment within the state parks and public  
5 recreational system, for a duration not to exceed ten years,  
6 but the contract may provide for an option to renew at the  
7 director's discretion for an additional term or terms not to  
8 exceed ten years at the time of renewal. Prior to initiating  
9 of a contract for the operation of a state park lodge, cabin,  
10 campground, gift shop, golf facility, including pro shop  
11 operations, or ski facility, the director shall submit written  
12 notice of the specific location subject to the contract to the  
13 Legislature by letter to the Senate President and the  
14 Speaker of the House of Delegates.

15 (b) Prior to initiating a contract for a previously state-  
16 operated state park lodge, cabin, campground, gift shop,  
17 golf facility, including pro shop operations, or ski facility,  
18 the director shall conduct a public hearing to be held at a  
19 reasonable time and place within the county in which the  
20 facility is located. Notice of the time, place and purpose of  
21 the public hearing shall be provided as a Class II legal  
22 advertisement in accordance with the provisions of section  
23 two, article three, chapter fifty-nine of this code which  
24 notice shall be given at least for the first publication  
25 twenty days in advance of said hearing.

26 (c) Any contract entered into by the director shall  
27 provide an obligation upon the part of the operator that he  
28 or she maintain a level of performance satisfactory to the  
29 director and shall further provide that any contract may  
30 be terminated by the director in the event he or she  
31 determines that the performance is unsatisfactory and has  
32 given the operator reasonable notice of the termination.

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

*Candy White*  
.....  
Chairman Senate Committee

*W. Brown*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Carroll Phillips*  
.....  
Clerk of the Senate

*Bruce W. Sisk*  
.....  
Clerk of the House of Delegates

*Carl Byrnes*  
.....  
President of the Senate

*Robert L. ...*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *14<sup>th</sup>* .....  
Day of *April* ....., 2006.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 27 2006

Time 9:15hr