

SB 521

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FILED

2005 MAR 23 P 4: 27

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2006*



**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO. 521**

(By Senator Bowman, et al )



**PASSED March 8, 2006**

**In Effect 90 days from Passage**

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OFFICE WEST VIRGINIA  
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COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 521**

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

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[Passed March 8, 2006; in effect ninety days from passage.]

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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  
2 responsible for the execution and administration of the  
3 provisions in this article as an integral part of the parks  
4 and recreation program of the state and shall organize and  
5 staff the section of parks and recreation for the orderly,  
6 efficient and economical accomplishment of these ends.  
7 The authority granted in the year one thousand nine  
8 hundred ninety-four to the Director of the Division of  
9 Natural Resources to employ up to six additional unclassi-  
10 fied personnel to carry out the parks' functions of the  
11 Division of Natural Resources is continued.

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

14 (1) Establish, manage and maintain the state's parks and  
15 recreation system for the benefit of the people of this state  
16 and do all things necessary and incidental to the develop-  
17 ment and administration of the state's parks and recre-  
18 ation system;

19 (2) Acquire property for the state in the name of the  
20 Division of Natural Resources by purchase, lease or  
21 agreement; retain, employ and contract with legal advisors  
22 and consultants; or accept or reject for the state, in the  
23 name of the division, gifts, donations, contributions,  
24 bequests or devises of money, security or property, both  
25 real and personal, and any interest in the property,  
26 including lands and waters, for state park or recreational  
27 areas for the purpose of providing public recreation:  
28 *Provided*, That the provisions of section twenty, article one  
29 of this chapter are specifically made applicable to any  
30 acquisitions of land: *Provided, however*, That any sale,  
31 exchange or transfer of property for the purposes of  
32 completing land acquisitions or providing improved  
33 recreational opportunities to the citizens of the state is  
34 subject to the procedures of article one-a of this chapter:

35 *Provided further*, That no sale of any park or recreational  
36 area property, including lands and waters, used for  
37 purposes of providing public recreation on the effective  
38 date of this article and no privatization of any park may  
39 occur without statutory authority;

40 (3) Approve and direct the use of all revenue derived  
41 from the operation of the state parks and public recreation  
42 system for the operation, maintenance and improvement  
43 of the system, individual projects of the system or for the  
44 retirement of park development revenue bonds: *Provided*,  
45 That all revenues derived from the operation of the state  
46 parks and public recreation system shall be invested by the  
47 Treasurer and all proceeds from investment earnings shall  
48 accrue for the exclusive use for the operation, mainte-  
49 nance, and improvement of the system, individual projects  
50 of the system or for the retirement of park development  
51 revenue bonds;

52 (4) Effectively promote and market the state's parks,  
53 state forests, state recreation areas and wildlife recre-  
54 ational resources by approving the use of no less than  
55 twenty percent of the:

56 (A) Funds appropriated for purposes of advertising and  
57 marketing expenses related to the promotion and develop-  
58 ment of tourism, pursuant to subsection (j), section eigh-  
59 teen, article twenty-two, chapter twenty-nine of this code;  
60 and

61 (B) Funds authorized for expenditure from the Tourism  
62 Promotion Fund for purposes of direct advertising,  
63 pursuant to section twelve, article two, chapter five-b of  
64 this code and section ten, article twenty-two-a, chapter  
65 twenty-nine of this code;

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

68 (6) Provide for the construction and operation of cabins,  
69 lodges, resorts, restaurants and other developed recre-

70 ational service facilities, subject to the provisions of  
71 section fifteen of this article and section twenty, article  
72 one of this chapter;

73 (7) The director may sell timber that has been severed in  
74 a state park incidental to the construction of park facilities  
75 or related infrastructure where the construction is autho-  
76 rized by the Legislature in accordance with section twenty,  
77 article one of this chapter, and the sale of the timber is  
78 otherwise in the best interest of park development, with-  
79 out regard to proceeds derived from the sale of timber.  
80 The gross proceeds derived from the sale of timber shall be  
81 deposited into the operating budget of the park from  
82 which the timber was harvested;

83 (8) Propose rules for legislative approval in accordance  
84 with the provisions of article three, chapter twenty-nine-a  
85 of this code to control the uses of parks: *Provided*, That  
86 the director may not permit public hunting, except as  
87 otherwise provided in this section, the exploitation of  
88 minerals or the harvesting of timber for commercial  
89 purposes in any state park;

90 (9) Exempt designated state parks from the requirement  
91 that all payments must be deposited in a bank within  
92 twenty-four hours for amounts less than five hundred  
93 dollars notwithstanding any other provision of this code to  
94 the contrary: *Provided*, That such designated parks shall  
95 make a deposit in any amount no less than every seven  
96 working days;

97 (10) Waive the use fee normally charged to an individual  
98 or group for one day's use of a picnic shelter or one week's  
99 use of a cabin in a state recreation area when the individ-  
100 ual or group donates the materials and labor for the  
101 construction of the picnic shelter or cabin: *Provided*, That  
102 the individual or group was authorized by the director to  
103 construct the picnic shelter or cabin and that it was  
104 constructed in accordance with the authorization granted  
105 and the standards and requirements of the division

106 pertaining to the construction. The individual or group to  
107 whom the waiver is granted may use the picnic shelter for  
108 one reserved day or the cabin for one reserved week during  
109 each calendar year until the amount of the donation equals  
110 the amount of the loss of revenue from the waiver or until  
111 the individual dies or the group ceases to exist, whichever  
112 first occurs. The waiver is not transferable. The director  
113 shall permit free use of picnic shelters or cabins to individ-  
114 uals or groups who have contributed materials and labor  
115 for construction of picnic shelters or cabins prior to the  
116 effective date of this section. The director shall propose a  
117 legislative rule for promulgation in accordance with the  
118 provisions of article three, chapter twenty-nine-a of this  
119 code governing the free use of picnic shelters or cabins  
120 provided in this section, the eligibility for free use, the  
121 determination of the value of the donations of labor and  
122 materials, the appropriate definitions of a group and the  
123 maximum time limit for the use;

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

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

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

137 (14) Develop a plan to establish a centralized computer  
138 reservation system for all state parks and recreational  
139 areas managed by the parks and recreation section and to  
140 implement the plan as funds become available; and

141 (15) Notwithstanding the provisions of section fifty-  
142 eight, article two of this chapter, the Natural Resources  
143 Commission is authorized to promulgate rules in accor-  
144 dance with the provisions of article three, chapter twenty-  
145 nine-a of this code to permit and regulate the hunting of  
146 white-tail deer in any state park as deemed appropriate by  
147 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.

*Chancy White*  
.....  
Chairman Senate Committee

*R. Brun*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell E. Johnson*  
.....  
Clerk of the Senate

*Bruce D. Seal*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*Tommy D. Sawyer*  
.....  
Speaker House of Delegates

The within *is approved* this the *13th*  
Day of *March* ....., 2006.

*Paul Hancock III*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

MAR 17 2006

Time 11:05 AM