

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 468

By Senators Hamilton, Maynard, Plymale, Taylor,

Stuart, and Karnes

[Introduced January 25, 2023; referred
to the Committee on Outdoor Recreation]

1 A BILL to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to
 2 continuing the Cabwaylingo State Forest Trail System and prohibiting trail systems on
 3 other state park managed properties.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FORESTS AND WILDLIFE AREAS.

§20-3-3a. Cabwaylingo Pilot Project State Forest Trail System.

1 (a) The director in consultation with the forestry director ~~shall establish a two-year pilot~~
 2 ~~project permitting~~ may permit all-terrain vehicles (ATVs) and off-highway recreational vehicles
 3 (ORVs) to drive on roads and trails in Cabwaylingo State Forest, as designated and approved by
 4 the director. The director may establish special seasons and designate certain campgrounds and
 5 tent sites ~~for ATV and ORV users~~ in the forest.

6 (b) The director in consultation with the forestry director may establish a special permit for
 7 purchase by the ATV and ORV users for road and trail access, and may close any areas, or parts
 8 thereof, to public use. Should the director establish such a special permit, it shall be unlawful, at
 9 any time, to operate an ATV or ORV on any roads and trails in Cabwaylingo State Forest without
 10 the special permit.

11 (c) The provisions of §20-15-1 et seq. of this code apply to the division, participants,
 12 outfitters, and licensees of the Cabwaylingo ~~Pilot Project~~ State Forest Trail System, though ORVs
 13 may be permitted.

14 (d) ~~At the conclusion of the two-year pilot project, the Legislative Auditor shall review the~~
 15 ~~pilot project and file a report with the Joint Committee on Government and Finance~~ The Parks and
 16 Recreation Section of the Division of Natural Resources is prohibited from establishing any
 17 additional ATV or ORV trail systems within state parks, state forests, and state rail trails: *Provided,*
 18 That the Director of the Division of Natural Resources shall have the authority to authorize the
 19 development and use of connector trails from such systems to state parks and state forests for the
 20 purposes of providing access to state park and state forest recreational facilities by ATV and ORV

21 trail system users.

22 (e) The Director of the Division of Natural Resources shall have authority to promulgate
23 emergency legislative rules and legislative rules necessary to effectuate the provisions of this
24 section.

NOTE: The purpose of this bill is to continue the Cabwaylingo State Forest Trail System.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.