WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 468

By Senators Hamilton, Maynard, Plymale, Taylor, Stuart, and Karnes

[Originating in the Committee on Outdoor Recreation; reported on February 27, 2023]

A BILL to amend and reenact §20-3-3a of the Code of West Virginia, 1931, as amended, relating to continuing the Cabwaylingo State Forest Trail System and developing the existing Hatfield-McCoy trail system solely for the purpose of providing access to state park and state forest recreational facilities.

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.

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

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

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

(d) ~~At the conclusion of the two-year pilot project, the Legislative Auditor shall review the pilot project and file a report with the Joint Committee on Government and Finance~~ The Director of the Division of Natural Resources shall have the authority to authorize the development and use of certain connector trails from existing private systems, including, without limitation, the Hatfield-McCoy systems, solely for the for the purpose of providing access to state park and state forest recreational facilities by ATV, ORV, and UTV trail system users.

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