

**H. B. 4197**

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(By Delegates Eldridge, Wells, Craig, A. Evans,  
Hamilton, Paxton and White)

[Introduced January 16, 2014; referred to the  
Committee on Agriculture and Natural Resources then  
Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §20-5-2 of the Code of West Virginia,  
1931, as amended, relating to the development of corporate  
sponsorships for state parks and recreational areas managed by  
the Parks and Recreation Section.

*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.**

(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

1 parks and recreation for the orderly, efficient and economical  
2 accomplishment of these ends. The authority granted in the year  
3 1994 to the Director of the Division of Natural Resources to employ  
4 up to six additional unclassified personnel to carry out the parks'  
5 functions of the Division of Natural Resources is continued.

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

7 (1) Establish, manage and maintain the state's parks and  
8 recreation system for the benefit of the people of this state and  
9 do all things necessary and incidental to the development and  
10 administration of the state's parks and recreation system;

11 (2) Acquire property for the state in the name of the Division  
12 of Natural Resources by purchase, lease or agreement; retain,  
13 employ and contract with legal advisors and consultants; or accept  
14 or reject for the state, in the name of the division, gifts,  
15 donations, contributions, bequests or devises of money, security or  
16 property, both real and personal, and any interest in the property,  
17 including lands and waters, for state park or recreational areas  
18 for the purpose of providing public recreation: *Provided*, That the  
19 provisions of section twenty, article one of this chapter are  
20 specifically made applicable to any acquisitions of land:  
21 *Provided, however*, That any sale, exchange or transfer of property  
22 for the purposes of completing land acquisitions or providing  
23 improved recreational opportunities to the citizens of the state is

1 subject to the procedures of article one-a of this chapter:  
2 *Provided further,* That no sale of any park or recreational area  
3 property, including lands and waters, used for purposes of  
4 providing public recreation on the effective date of this article  
5 and no privatization of any park may occur without statutory  
6 authority;

7       (3) Approve and direct the use of all revenue derived from the  
8 operation of the state parks and public recreation system for the  
9 operation, maintenance and improvement of the system, individual  
10 projects of the system or for the retirement of park development  
11 revenue bonds: *Provided,* That all revenues derived from the  
12 operation of the state parks and public recreation system shall be  
13 invested by the Treasurer and all proceeds from investment earnings  
14 shall accrue for the exclusive use for the operation, maintenance,  
15 and improvement of the system, individual projects of the system or  
16 for the retirement of park development revenue bonds;

17       (4) Effectively promote and market the state's parks, state  
18 forests, state recreation areas and wildlife recreational resources  
19 by approving the use of no less than twenty percent of the:

20       (A) Funds appropriated for purposes of advertising and  
21 marketing expenses related to the promotion and development of  
22 tourism, pursuant to subsection (j), section eighteen, article  
23 twenty-two, chapter twenty-nine of this code; and

1 (B) Funds authorized for expenditure from the Tourism  
2 Promotion Fund for purposes of direct advertising, pursuant to  
3 section twelve, article two, chapter five-b of this code and  
4 section ten, article twenty-two-a, chapter twenty-nine of this  
5 code;

6 (5) Issue park development revenue bonds as provided in this  
7 article;

8 (6) Provide for the construction and operation of cabins,  
9 lodges, resorts, restaurants and other developed recreational  
10 service facilities, subject to the provisions of section fifteen of  
11 this article and section twenty, article one of this chapter;

12 (7) The director may sell timber that has been severed in a  
13 state park incidental to the construction of park facilities or  
14 related infrastructure where the construction is authorized by the  
15 Legislature in accordance with section twenty, article one of this  
16 chapter, and the sale of the timber is otherwise in the best  
17 interest of park development, without regard to proceeds derived  
18 from the sale of timber. The gross proceeds derived from the sale  
19 of timber shall be deposited into the operating budget of the park  
20 from which the timber was harvested;

21 (8) Propose rules for legislative approval in accordance with  
22 the provisions of article three, chapter twenty-nine-a of this code  
23 to control the uses of parks: *Provided*, That the director may not

1 permit public hunting, except as otherwise provided in this  
2 section, the exploitation of minerals or the harvesting of timber  
3 for commercial purposes in any state park;

4 (9) Exempt designated state parks from the requirement that  
5 all payments must be deposited in a bank within twenty-four hours  
6 for amounts less than \$500 notwithstanding any other provision of  
7 this code to the contrary: *Provided*, That such designated parks  
8 shall make a deposit in any amount no less than every seven working  
9 days;

10 (10) Waive the use fee normally charged to an individual or  
11 group for one day's use of a picnic shelter or one week's use of a  
12 cabin in a state recreation area when the individual or group  
13 donates the materials and labor for the construction of the picnic  
14 shelter or cabin: *Provided*, That the individual or group was  
15 authorized by the director to construct the picnic shelter or cabin  
16 and that it was constructed in accordance with the authorization  
17 granted and the standards and requirements of the division  
18 pertaining to the construction. The individual or group to whom  
19 the waiver is granted may use the picnic shelter for one reserved  
20 day or the cabin for one reserved week during each calendar year  
21 until the amount of the donation equals the amount of the loss of  
22 revenue from the waiver or until the individual dies or the group  
23 ceases to exist, whichever first occurs. The waiver is not

1 transferable. The director shall permit free use of picnic  
2 shelters or cabins to individuals or groups who have contributed  
3 materials and labor for construction of picnic shelters or cabins  
4 prior to the effective date of this section. The director shall  
5 propose a legislative rule for promulgation in accordance with the  
6 provisions of article three, chapter twenty-nine-a of this code  
7 governing the free use of picnic shelters or cabins provided in  
8 this section, the eligibility for free use, the determination of  
9 the value of the donations of labor and materials, the appropriate  
10 definitions of a group and the maximum time limit for the use;

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

16 (12) Provide that reservations for reservable campsites may be  
17 made, upon two days' advance notice, for any date for which space  
18 is available within a state park or recreational area managed by  
19 the Parks and Recreation Section;

20 (13) Provide that reservations for ~~all~~ state parks and  
21 recreational areas managed by the Parks and Recreation Section of  
22 the division may be made by use of a valid credit card;

23 (14) Develop a plan to establish a centralized computer

1 reservation system for all state parks and recreational areas  
2 managed by the Parks and Recreation Section and to implement the  
3 plan as funds become available; ~~and~~

4 (15) Pursue the development of corporate sponsorships for  
5 state parks and recreational areas managed by the Parks and  
6 Recreation Section; and

7 ~~(15)~~ (16) Notwithstanding the provisions of section fifty-  
8 eight, article two of this chapter, the Natural Resources  
9 Commission is authorized to promulgate rules in accordance with the  
10 provisions of article three, chapter twenty-nine-a of this code to  
11 permit and regulate the hunting of white-tail deer in any state  
12 park as deemed appropriate by the director to protect the  
13 ecological integrity of the area.

NOTE: The purpose of this bill is to promote the development of corporate sponsorships for state parks and recreational areas managed by the Parks and Recreation Section.

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

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the Parks, Recreation and Natural Resources Subcommittee.