

Senate Bill No. 352

(By Senators Laird, Barnes, Edgell, Facemire, Prezioso, Snyder,
Unger, Stollings, Sypolt, Cann, D. Hall, Plymale, Tucker and
Blair)

[Introduced January 15, 2014; referred to the Committee on
Natural Resources; and then to the Committee on Finance.]

**Interim
Bill**

**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

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

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

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

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

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

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

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

21 (A) Funds appropriated for purposes of advertising and
22 marketing expenses related to the promotion and development of
23 tourism, pursuant to subsection (j), section eighteen, article

1 twenty-two, chapter twenty-nine of this code; and

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

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

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

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

22 (8) Propose rules for legislative approval in accordance with
23 the provisions of article three, chapter twenty-nine-a of this code

1 to control the uses of parks: *Provided*, That the director may not
2 permit public hunting, except as otherwise provided in this
3 section, the exploitation of minerals or the harvesting of timber
4 for commercial purposes in any state park;

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

11 (10) Waive the use fee normally charged to an individual or
12 group for one day's use of a picnic shelter or one week's use of a
13 cabin in a state recreation area when the individual or group
14 donates the materials and labor for the construction of the picnic
15 shelter or cabin: *Provided*, That the individual or group was
16 authorized by the director to construct the picnic shelter or cabin
17 and that it was constructed in accordance with the authorization
18 granted and the standards and requirements of the division
19 pertaining to the construction. The individual or group to whom
20 the waiver is granted may use the picnic shelter for one reserved
21 day or the cabin for one reserved week during each calendar year
22 until the amount of the donation equals the amount of the loss of
23 revenue from the waiver or until the individual dies or the group

1 ceases to exist, whichever first occurs. The waiver is not
2 transferable. The director shall permit free use of picnic
3 shelters or cabins to individuals or groups who have contributed
4 materials and labor for construction of picnic shelters or cabins
5 prior to the effective date of this section. The director shall
6 propose a legislative rule for promulgation in accordance with the
7 provisions of article three, chapter twenty-nine-a of this code
8 governing the free use of picnic shelters or cabins provided in
9 this section, the eligibility for free use, the determination of
10 the value of the donations of labor and materials, the appropriate
11 definitions of a group and the maximum time limit for the use;

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

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

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

1 (14) Develop a plan to establish a centralized computer
2 reservation system for all state parks and recreational areas
3 managed by the Parks and Recreation Section and to implement the
4 plan as funds become available; ~~and~~

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

8 ~~(15)~~ (16) Notwithstanding the provisions of section fifty-
9 eight, article two of this chapter, the Natural Resources
10 Commission is authorized to promulgate rules in accordance with the
11 provisions of article three, chapter twenty-nine-a of this code to
12 permit and regulate the hunting of white-tail deer in any state
13 park as deemed appropriate by the director to protect the
14 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.