

Senate Bill No. 90

(By Senators Laird, Snyder, D. Hall, Unger, Facemire and Romano)

[Introduced January 14, 2015; referred to the Committee on Natural Resources; and then to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §20-5-2 of the Code of West Virginia, 1931, as amended, relating to
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 parks and recreation for the orderly, efficient
and economical accomplishment of these ends. The authority granted in the year 1994 to the

1 Director of the Division of Natural Resources to employ up to six additional unclassified personnel
2 to carry out the parks' functions of the Division of Natural Resources is continued.

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

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

7 (2) Acquire property for the state in the name of the Division of Natural Resources by
8 purchase, lease or agreement; retain, employ and contract with legal advisors and consultants; or
9 accept or reject for the state, in the name of the division, gifts, donations, contributions, bequests or
10 devises of money, security or property, both real and personal, and any interest in the property,
11 including lands and waters, for state park or recreational areas for the purpose of providing public
12 recreation: *Provided*, That the provisions of section twenty, article one of this chapter are
13 specifically made applicable to any acquisitions of land: *Provided, however*, That any sale, exchange
14 or transfer of property for the purposes of completing land acquisitions or providing improved
15 recreational opportunities to the citizens of the state is subject to the procedures of article one-a of
16 this chapter: *Provided further*, That no sale of any park or recreational area property, including lands
17 and waters, used for purposes of providing public recreation on the effective date of this article and
18 no privatization of any park may occur without statutory authority;

19 (3) Approve and direct the use of all revenue derived from the operation of the state parks
20 and public recreation system for the operation, maintenance and improvement of the system,
21 individual projects of the system or for the retirement of park development revenue bonds:

1 *Provided*, That all revenues derived from the operation of the state parks and public recreation
2 system shall be invested by the Treasurer and all proceeds from investment earnings shall accrue for
3 the exclusive use for the operation, maintenance, and improvement of the system, individual projects
4 of the system or for the retirement of park development revenue bonds;

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

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

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

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

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

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

1 operating budget of the park from which the timber was harvested;

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

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

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

1 in accordance with the provisions of article three, chapter twenty-nine-a of this code governing the
2 free use of picnic shelters or cabins provided in this section, the eligibility for free use, the
3 determination of the value of the donations of labor and materials, the appropriate definitions of a
4 group and the maximum time limit for the use;

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

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

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

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

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

18 ~~(15)~~ (16) Notwithstanding the provisions of section fifty-eight, article two of this chapter, the
19 Natural Resources Commission is authorized to promulgate rules in accordance with the provisions
20 of article three, chapter twenty-nine-a of this code to permit and regulate the hunting of white-tail
21 deer in any state park as deemed appropriate by the director to protect the ecological integrity of the

1 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.