

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

Introduced

### House Bill 4537

FISCAL  
NOTE

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[Introduced January 24, 2020; Referred to the  
Committee on Agriculture and Natural Resources  
then Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §20-1-22, relating to establishing a study conducted by the Division of Natural  
3 Resources to allow boats with motors larger than 10 horsepower to idle on the Upper Mud  
4 River Lake; requiring the Division of Natural Resources to create special permits for 100  
5 boaters; requiring the Division of Natural Resources to study the habitats of fish and  
6 surrounding wildlife; requiring reports to the Legislature; and establishing an effective date  
7 and termination date of the study.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

### **§20-1-22. Conduct a study of the Upper Mud River Lake.**

1 (a) Purpose – The Legislature finds that a study relating to boating requirements  
2 conducted on government-owned reservoirs may permit more citizens of this state to enjoy the  
3 state’s waterways.

4 (b) Study – (1) The Division of Natural Resources is directed to conduct a study on the  
5 Upper Mud River Lake in Lincoln County to observe the effects on fish and wildlife habitats and  
6 any other environmental factors considered relevant by the Division of Natural Resources.

7 (2) The Division of Natural Resources shall issue up to 100 special permits for boat  
8 operators seeking to operate a boat with a motor greater than 10 horsepower on the Upper Mud  
9 River Lake. The permit will require that a boat operator operating a boat with a motor greater than  
10 10 horsepower on the Upper Mud River Lake, operate the boat with the motor in idle. The Division  
11 of Natural Resources Special Boating Rule §56CSR26 shall remain in full force and effect for all  
12 boats not granted a special permit by the Division of Natural Resources pursuant to this section  
13 and for all other waterways with specific restrictions. The special permits shall expire at the end  
14 of this study on July 1, 2022.

15 (c) Reports to the Legislature. – (1) The Division of Natural Resources shall report its  
16 findings to the Parks, Recreation and Natural Resources Subcommittee at least annually during

17 the course of the study. The Division of Natural Resources shall include in its report the number  
18 of citations: (A) Given to boat operators with a special permit that violated the provisions of §20-  
19 1-22(b)(2) of this code; (B) the number of citations given to boaters without a special permit in  
20 violation of the Division of Natural Resources Special Boating Rule §56CSR26; and (C) the  
21 environmental effects of permitting large motors to operate on the Upper Mud River Lake.

22 (2) At the conclusion of the study, the Division of Natural Resources will present to the  
23 Parks, Recreation and Natural Resources Subcommittee a summary of its findings and its  
24 recommendations to amend, repeal, or retain the Division of Natural Resources Special Boating  
25 Rule §56CSR26 relating to restricting boats with a motor greater than 10 horsepower from  
26 operating on certain waterways.

27 (d) Effective date – This study will begin on July 1, 2020 and will end on July 1, 2022.

NOTE: The purpose of this bill is to direct the Division of Natural Resources to conduct a study relating to the environmental effects of permitting boats with motors larger than 10 horsepower to operate on the Upper Mud River Lake.

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