

SB# 101

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 101

(By Senator Dittmar, et al)



PASSED February 21, 1994

In Effect 90 days from Passage

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E N R O L L E D

Senate Bill No. 101

(BY SENATORS DITTMAR, ANDERSON, SHARPE AND WITHERS)

[Passed February 21, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, permitting the commissioner of the division of tourism and parks to exempt designated state parks from twenty-four hour deposit requirements for certain bank deposits.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. DIVISION OF TOURISM AND PARKS.

§5B-1-13. Division of parks and recreation; purpose; powers and duties generally.

- 1 It shall be the duty of the section of parks and
- 2 recreation to have within its jurisdiction and
- 3 supervision:
- 4 (a) All state parks and state recreation areas, includ-
- 5 ing all lodges, cabins, swimming pools, motorboating
- 6 and all other recreational facilities therein, except the
- 7 roads therein which, by reason of section one, article
- 8 four, chapter seventeen of this code, are transferred to

9 the state road system and to the responsibility of the
10 commissioner of highways with respect to the con-
11 struction, reconstruction and maintenance of the roads
12 or any future roads for public usage on publicly owned
13 lands in future state parks, state forests and public
14 hunting and fishing areas;

15 (b) The authority and responsibility to do the
16 necessary cutting and planting of vegetation along
17 road rights-of-way in state parks and recreational
18 areas;

19 (c) The administration of all laws and regulations
20 relating to the establishment, development, protection,
21 use and enjoyment of all state parks and state recrea-
22 tional facilities consistent with the provisions of this
23 article: *Provided*, That nothing herein shall be con-
24 strued to assign to the section of parks and recreation
25 of the division of tourism and parks the law-enforce-
26 ment duties set forth in article seven, chapter twenty
27 of this code, which duties shall remain the responsibil-
28 ity of the division of natural resources;

29 (d) The Berkeley Springs sanitarium in Morgan
30 county shall be continued as a state recreational
31 facility under the jurisdiction and supervision of the
32 division of tourism and parks and shall be managed,
33 directed and controlled as prescribed in this article
34 and in article one, chapter twenty of this code.

35 The commissioner shall have and is hereby granted
36 all of the powers and authority and shall perform all
37 of the functions and duties with regard to Berkeley
38 Springs sanitarium that were previously vested in and
39 performed by the director of the division of natural
40 resources, who shall no longer have such power and
41 authority and whose power and authority with regard
42 to Berkeley Springs sanitarium is hereby abolished;

43 (e) The Washington Carver camp in Fayette county
44 is hereby transferred from the division of natural
45 resources to the commissioner who shall have the
46 jurisdiction and supervision of the camp subject to the
47 jurisdiction and authority of the division of culture
48 and history as provided under section thirteen, article

49 one, chapter twenty-nine of this code. The commis-
50 sioner shall manage the Washington Carver camp as a
51 state recreational facility and a component of the state
52 park system;

53 (f) The improved recreational area of Camp Creek
54 state forest in Mercer county, as delineated according
55 to section three, article one-a, chapter nineteen of this
56 code, is hereby renamed as the Camp Creek state park
57 and under that name shall be managed as a state
58 recreational facility;

59 (g) The improved recreational area of Moncove lake
60 public hunting and fishing area, consisting of all
61 improved recreational facilities, including all land
62 between the lake and private property beginning at
63 the main entrance on secondary route eight to the first
64 stream on the southwest side of the improved recrea-
65 tional area, approximately two hundred feet southwest
66 of the private property corner where it meets the
67 Roxalia Springs trail, thence northwest to a stream
68 and along this stream northward to and across the
69 Diamond Hollow trail to the area boundary, thence
70 continuing around area boundary to the lake shore,
71 thence following the lake shore around the shoreline
72 to meet the line drawn from the main entrance where
73 the boundary begins. This area is hereby renamed as
74 the Moncove lake state park and under that name
75 shall be managed as a state recreational facility:
76 *Provided*, That the boundary, as herein described,
77 shall be plainly marked within ninety days of the
78 effective date of this article;

79 (h) The commissioner of the division of tourism and
80 parks shall be primarily responsible for the execution
81 and administration of the provisions herein as an
82 integral part of the parks and recreation program of
83 the state and shall organize and staff his section for
84 the orderly, efficient and economical accomplishment
85 of these ends; and

86 (i) Notwithstanding any provision of this code to the
87 contrary, the commissioner may exempt designated
88 state parks for amounts less than two hundred fifty

89 dollars from the requirement that all payments must
90 be deposited in a bank within twenty-four hours.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten signature]

Chairman Senate Committee

[Handwritten signature: Ernest C. Moore]

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten signature: Russell E. Thomas]
Clerk of the Senate

[Handwritten signature]
Clerk of the House of Delegates

[Handwritten signature]
President of the Senate

[Handwritten signature]
Speaker House of Delegates

The within *is approved* this the *28th* day of *February*, 1994.

[Handwritten signature: Gaston Caperton]
Governor

PRESENTED TO THE

GOVERNOR

Date 2/25/94

Time 3:11 pm