

FILED

2004 APR -6 P 2:23

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4450

(By Delegates Yeager, Stemple, Beach,
Poling, Crosier, Boggs and R. Thompson)



Passed March 11, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -6 P 2: 23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4450

(BY DELEGATES YEAGER, STEMPLE, BEACH,
POLING, CROSIER, BOGGS AND R. THOMPSON)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §20-5-2 of the code of West Virginia, 1931, as amended, relating to permitting the sale of timber severed in a state park incidental to construction activities; use of gross proceeds derived from timber sales; and making technical corrections.

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.

1 (a) The director of the division of natural resources is
2 responsible for the execution and administration of the provi-
3 sions in this article as an integral part of the parks and recre-
4 ation program of the state and shall organize and staff the
5 section of parks and recreation for the orderly, efficient and
6 economical accomplishment of these ends. The authority
7 granted in the year one thousand nine hundred ninety-four to
8 the director of the division of natural resources to employ up to
9 six additional unclassified personnel to carry out the parks
10 functions of the division of natural resources is continued.

11 (b) The director of the division of natural resources shall:

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

16 (2) Acquire property for the state in the name of the
17 division of natural resources by purchase, lease or agreement;
18 retain, employ and contract with legal advisors and consultants;
19 or accept or reject for the state, in the name of the division,
20 gifts, donations, contributions, bequests or devises of money,
21 security or property, both real and personal, and any interest in
22 the property, including lands and waters, for state park or
23 recreational areas for the purpose of providing public recre-
24 ation: *Provided*, That the provisions of section twenty, article
25 one of this chapter are specifically made applicable to any
26 acquisitions of land: *Provided, however*, That any sale, ex-
27 change or transfer of property for the purposes of completing
28 land acquisitions or providing improved recreational opportuni-
29 ties to the citizens of the state is subject to the procedures of
30 article one-a of this chapter: *Provided further*, That no sale of
31 any park or recreational area property, including lands and
32 waters, used for purposes of providing public recreation on the

33 effective date of this article and no privatization of any park
34 may occur without statutory authority;

35 (3) Approve and direct the use of all revenue derived from
36 the operation of the state parks and public recreation system for
37 the operation, maintenance and improvement of the system,
38 individual projects of the system or for the retirement of park
39 development revenue bonds;

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

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

47 (B) Funds authorized for expenditure from the tourism
48 promotion fund for purposes of direct advertising, pursuant to
49 section twelve, article two, chapter five-b of this code and
50 section ten, article twenty-two-a, chapter twenty-nine of this
51 code;

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

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

58 (7) The director may sell timber that has been severed in a
59 state park incidental to the construction of park facilities or
60 related infrastructure where the construction is authorized by
61 the Legislature in accordance with section twenty, article one
62 of this chapter, and the sale of the timber is otherwise in the

63 best interest of park development, without regard to proceeds
64 derived from the sale of timber. The gross proceeds derived
65 from the sale of timber shall be deposited into the operating
66 budget of the park from which the timber was harvested;

67 (8) Propose rules for legislative approval in accordance
68 with the provisions of article three, chapter twenty-nine-a of
69 this code to control the uses of parks: *Provided*, That the
70 director may not permit public hunting, the exploitation of
71 minerals or the harvesting of timber for commercial purposes
72 in any state park;

73 (9) Exempt designated state parks from the requirement that
74 all payments must be deposited in a bank within twenty-four
75 hours for amounts less than two hundred fifty dollars notwith-
76 standing any other provision of this code to the contrary;

77 (10) Waive the use fee normally charged to an individual or
78 group for one day's use of a picnic shelter or one week's use of
79 a cabin in a state recreation area when the individual or group
80 donates the materials and labor for the construction of the
81 picnic shelter or cabin: *Provided*, That the individual or group
82 was authorized by the director to construct the picnic shelter or
83 cabin and that it was constructed in accordance with the
84 authorization granted and the standards and requirements of the
85 division pertaining to the construction. The individual or group
86 to whom the waiver is granted may use the picnic shelter for
87 one reserved day or the cabin for one reserved week during
88 each calendar year until the amount of the donation equals the
89 amount of the loss of revenue from the waiver or until the
90 individual dies or the group ceases to exist, whichever first
91 occurs. The waiver is not transferable. The director shall permit
92 free use of picnic shelters or cabins to individuals or groups
93 who have contributed materials and labor for construction of
94 picnic shelters or cabins prior to the effective date of this
95 section. The director shall propose a legislative rule for

96 promulgation in accordance with the provisions of article three,
97 chapter twenty-nine-a of this code governing the free use of
98 picnic shelters or cabins provided for in this section, the
99 eligibility for free use, the determination of the value of the
100 donations of labor and materials, the appropriate definitions of
101 a group and the maximum time limit for the use;

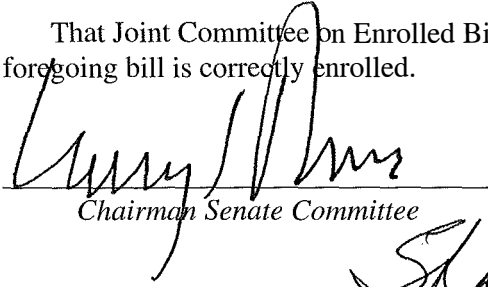
102 (11) Provide within the parks a market for West Virginia
103 arts, crafts and products, which shall permit gift shops within
104 the parks to offer for sale items purchased on the open market
105 from local artists, artisans, craftsmen and suppliers and local or
106 regional crafts cooperatives;

107 (12) Provide that reservations for reservable campsites may
108 be made, upon two days advance notice, for any date for which
109 space is available within a state park or recreational area
110 managed by the parks and recreation section;

111 (13) Provide that reservations for all state parks and
112 recreational areas managed by the parks and recreation section
113 of the division may be made by use of a valid credit card; and

114 (14) Develop a plan to establish a centralized computer
115 reservation system for all state parks and recreational areas
116 managed by the parks and recreation section and to implement
117 the plan as funds become available.

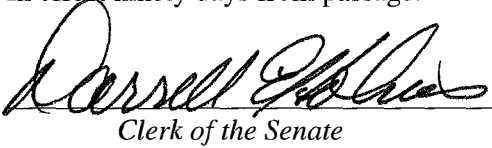
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

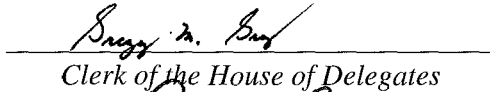

Chairman Senate Committee

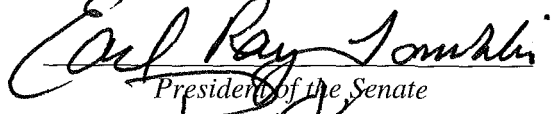

Chairman House Committee

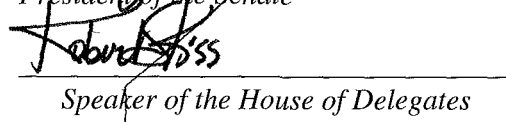
Originating in the House.

In effect ninety days from passage.

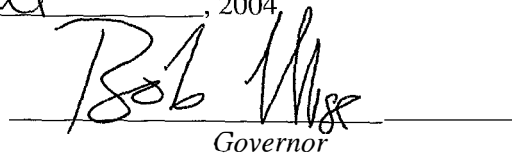

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 10th
day of April, 2004.


Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04
TIME 10:15 AM