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2007 APR -4 PM 3: 54

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 611**

(BY SENATOR FANNING)

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[Passed March 9, 2007; in effect ninety days from passage.]

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## Senate Bill No. 611

(BY SENATOR FANNING)

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[Passed March 9, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §20-5-16 of the Code of West Virginia, 1931, as amended, relating to allowing the Director of the Division of Natural Resources to enter into long-term contracts with third parties to construct recreational facilities and cabins.

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

That §20-5-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### ARTICLE 5. PARKS AND RECREATION

**§20-5-16. Authority to enter into contracts with third parties**

**to construct recreational facilities and cabins;  
public comment.**

1 (a) Notwithstanding any other provision of this code  
2 to the contrary, in addition to all other powers and  
3 authority vested in the director, he or she is hereby  
4 authorized and empowered to:

5 (1) Enter into contracts with third parties for the  
6 financing, construction and operation of recreational,  
7 lodging and ancillary facilities at Chief Logan State  
8 Park, Beech Fork State Park, Tomlinson Run State  
9 Park, Stonewall Jackson Lake State Park, Lost River  
10 State Park and Canaan Valley Resort State Park. The  
11 contracts may allow and recognize both direct and  
12 subsidiary investment arrangements. The term of the  
13 contracts may not exceed a period of twenty-five years,  
14 at which time the full title to the recreational facilities  
15 shall vest in the state;

16 (2) Enter into contracts with third parties for the  
17 construction, but not the operation, of cabins at any  
18 state park or forest. Upon completion of the  
19 construction of the cabins, full title to the cabins shall  
20 immediately vest in the state and the cabins shall be  
21 operated by the parks and recreation section;

22 (3) Authorize the construction of at least five cabins  
23 by any single third party in state parks and state forests  
24 which do not offer such facilities on the effective date of  
25 this subsection; and

26 (4) Propose emergency and legislative rules, in  
27 accordance with the provisions of article three, chapter  
28 twenty-nine-a of this code, that set the conditions upon

29 which the director may enter into a contract with a  
30 single third party proposing to construct cabins.

31 (b) All contracts shall be presented to the Joint  
32 Committee on Government and Finance for review and  
33 comment prior to execution.

34 (c) A contract may provide for renewal for the purpose  
35 of permitting continued operation of the facilities at the  
36 option of the director for a term or terms not to exceed  
37 ten years.

38 (d) No extension or renewal beyond the original  
39 25-year term may be executed by the director absent the  
40 approval of the Joint Committee on Government and  
41 Finance.

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

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
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Speaker House of Delegates

The within is approved ..... this  
the 4<sup>th</sup> Day of April ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 4:20