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## **WEST VIRGINIA LEGISLATURE**

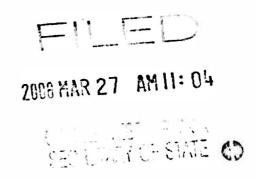
SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2008

# **ENROLLED**

Senate Bill No. 775

(By Senators Fanning, Barnes, Bowman, Deem, Facemyer, Green, McKenzie, Prezioso, Unger and White)

[Passed March 5, 2008; in effect ninety days from passage.]



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[Passed March 5, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §20-1-19; and to amend and reenact §20-1-20 of said code, all relating to the state parks and state forests of West Virginia; designating the state parks and state forests; requiring statutory approval to close, change the name or change the designated use of a state park or state forest; and clarifying limitations on acquiring land or constructing new buildings on a state park or state forest.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §20-1-19; and that §20-1-20 of said code be amended and reenacted, all to read as follows:

#### ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

### §20-1-19. West Virginia state parks and state forests.

- 1 (a) The state parks of West Virginia are:
- 2 (1) Audra; (2) Babcock; (3) Beartown; (4) Beech Fork;
- 3 (5) Berkeley Springs; (6) Blackwater Falls; (7)
- 4 Blennerhassett Island Historical; (8) Bluestone; (9)
- 5 Cacapon Resort; (10) Camp Creek; (11) Canaan Valley
- 6 Resort; (12) Carnifex Ferry Battlefield; (13) Cass Scenic
- Railroad; (14) Cathedral; (15) Cedar Creek; (16) Chief
- 8 Logan; (17) Droop Mountain Battlefield; (18) Fairfax
- 9 Stone Historical Monument; (19) Hawks Nest; (20)
- 10 Holly River; (21) Little Beaver; (22) Lost River; (23)
- 11 Moncove Lake; (24) North Bend; (25) Pinnacle Rock;
- 12 (26) Pipestem Resort; (27) Prickett's Fort; (28) Stonewall
- 13 Resort; (29) Tomlinson Run; (30) Tu-Endie-Wei (Point
- 14 Pleasant Battle Monument); (31) Twin Falls Resort; (32)
- 15 Tygart Lake; (33) Valley Falls; (34) Watoga; and (35)
- 16 Watters Smith Memorial.
- 17 (b) The state forests of West Virginia are:
- 18 (1) Cabwaylingo; (2) Calvin Price; (3) Camp Creek; (4)
- 19 Coopers Rock; (5) Greenbrier; (6) Kanawha; (7)
- 20 Kumbrabow; (8) Panther Forest/WMA, consisting of
- 21 approximately twenty-six acres containing park
- 22 facilities; and (9) Seneca.
- 23 (c) Neither the director nor any officer, employee or

- 24 agent of the Division of Natural Resources may close,
- 25 change the name or the designated use of a state park
- or state forest without statutory authorization.

## §20-1-20. Limitations on state parks and state forests; exceptions.

- 1 (a)(1) The Legislature finds that the acquisition of
- land to construct new or expand existing state parks
- 3 and state forests is costly. After these areas are
- 4 constructed, they must be maintained and personnel
- 5 must be employed to operate the facilities. These costs
- 6 continue to increase and place a burden on state
- 7 revenues.
- 8 (2) The Legislature declares that there is an ultimate
- 9 limit to how many state parks and state forests, based
- 10 upon its size, population and financial resources, the
- 11 State of West Virginia can support. Further, the
- 12 Legislature hereby declares that it is within its
- authority to establish, provide for and maintain limits
- on state parks and state forests.
- 15 (b) Without written notice to the Joint Committee on
- 16 Government and Finance, neither the director nor an
- officer, employee or agent of the Division of Natural
- 18 Resources may:
- 19 (1) Acquire, or authorize the acquisition of, land for
- any new state park or state forest; or
- 21 (2) Construct, or authorize the construction of, any
- 22 new facility or building in any state park or state forest.
- 23 (c) Notice to the Joint Committee on Government and

- 24 Finance is not required for the following acquisitions
- 25 and construction projects:
- 26 (1) The director may authorize the construction of any
- 27 new facility or building that is constructed with
- donated funds, materials and labor in an existing state
- 29 park or state forest; and
- 30 (2) The director may construct or authorize the
- 31 construction of any new facility or building built by
- 32 state employees when the total cost of materials does
- 33 not exceed twenty-five thousand dollars.
- 34 (d) Nothing in this section shall prohibit the director
- 35 from expending any appropriations that are designated
- 36 to complete land acquisitions or the construction of
- 37 facilities and buildings, including electric, water and
- 38 sewage systems for state parks and state forests.
- 39 (e) The director shall require that any new building
- 40 has a roof of sufficient slope in accordance with the
- 41 current state building code.

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

Chairman Sengle Committee  Chairman House Committee
Originated in the Senate.
In effect ninety days from passage.  Clerk of the Senate
Clerk of the House of Delegates  Office Senate  President of the Senate
Speaker House of Delegates
The within US application this the 2.7. Day of the Start 1. Day of

PRESENTED TO THE GOVERNOR

MAR 1 7 2008

Time 11:15am