

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Introduced**

## **Senate Bill 345**

BY SENATOR HALL

[Introduced January 20, 2016;

Referred to the Committee on Finance.]



1 A BILL to repeal §5A-4-5 of the Code of West Virginia, 1931, as amended; and to amend said  
2 code by adding thereto a new section, designated §5A-10-3a, all relating to parking on  
3 state-owned or leased property; creating parking fees fund; authorizing Real Estate  
4 Division to collect parking fees; providing rule-making authority; and continuing Parking  
5 Garage Fund.

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

1 That §5A-4-5 of the Code of West Virginia, 1931, as amended, be repealed; and that said  
2 code be amended by adding thereto a new section, designated §5A-10-3a, all to read as follows:

**ARTICLE 10. REAL ESTATE DIVISION.**

**§5A-10-3a. Regulation of parking on state-owned or leased property in Charleston;  
creation of fund.**

1 (a) The Real Estate Division may regulate the parking of motor vehicles in accordance  
2 with the provisions of this section with regard to the following state-owned property in the city of  
3 Charleston, Kanawha County:

4 (1) The east side of Greenbrier Street between Kanawha Boulevard and Washington  
5 Street, East;

6 (2) The west side of California Avenue between Kanawha Boulevard and Washington  
7 Street, East;

8 (3) The state-owned or leased grounds upon which state office buildings number one  
9 through twenty and the Laidley Field Complex are located; and

10 (4) Any other property now or hereafter owned or leased by the state or any of its agencies  
11 and used for parking purposes in conjunction with the State Capitol or any state office buildings.

12 (b) The Real Estate Division is authorized to collect fees for parking pursuant to subsection  
13 (a) of this section. The fees shall be deposited into a special revenue fund to be known as the  
14 Parking Lots Operating Fund within the State Treasury. Expenditures from the fund are authorized  
15 from collections. The fund may only be used in a manner consistent with this article and in

16 accordance with the provisions of article three, chapter twelve and article two, chapter eleven-b  
17 of this code. Any balance remaining in the Special Revenue Fund at the end of any fiscal year  
18 does not revert to the General Revenue Fund, but remains in the Special Revenue Fund. All costs  
19 and expenses incurred pursuant to this section, including administrative, shall be paid from those  
20 funds.

21 (c) The secretary shall propose legislative rules pursuant to article three, chapter twenty-  
22 nine-a of this code relating to parking and to allocate parking spaces to public officers and  
23 employees of the state upon all of the property set forth in subsection (a) of this section: *Provided,*  
24 That notwithstanding this or any other provision of law to the contrary, during sessions of the  
25 Legislature, including regular, extended, extraordinary and interim sessions, and any other times  
26 designated by the Speaker of the House of Delegates and the President of the Senate, parking  
27 on the east side of Greenbrier Street between Kanawha Boulevard and Washington Street, East,  
28 in the Culture Center parking lot, on the north side of Kanawha Boulevard between Greenbrier  
29 Street and California Avenue, on the west side of California Avenue between Kanawha Boulevard  
30 and Washington Street, East, in the parking lot on the east side of California Avenue across from  
31 the loading dock entrance and any other areas designated by a joint policy of the Speaker of the  
32 House of Delegates and the President of the Senate shall be managed and controlled by the  
33 Legislature. Any person parking any vehicle contrary to this section or the rules promulgated  
34 under authority of this subsection is subject to a fine as established by rule of the secretary. In  
35 addition, a designee of the secretary or the Legislature, as the case may be, may cause the  
36 removal, immobilization or other remedy considered necessary, at owner expense, of any vehicle  
37 that is parked in violation of the rules or the joint policy between the Speaker of the House of  
38 Delegates and the President of the Senate. Magistrates in Kanawha County have jurisdiction over  
39 all the offenses under this section.

40 (d) The secretary, the Speaker of the House of Delegates and the President of the Senate  
41 may employ persons as may be necessary to enforce the parking rules as provided for under the  
42 provisions of this section.

43           (e) The Parking Garage Fund is continued in the Department of Administration as a special  
44 fund consisting of funds that are appropriated and funds from other sources to be used for the  
45 construction and maintenance of a parking garage on the State Capitol Complex.

NOTE: The purpose of this bill is to correct an inconsistency in statute by moving the parking fund from the General Services Division to the Real Estate Division, which manages parking at the Capitol.

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