

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4911

BY DELEGATE S. BROWN

[Introduced February 11, 2020; Referred to the
Committee on Veterans' Affairs and Homeland
Security then Finance]

1 A BILL to amend and reenact §5A-10-3a of the Code of West Virginia, 1931, as amended, relating
 2 to regulation of parking on state-owned parking at or near the State Capitol; and providing
 3 that military veterans or gold star family members may not be charged fees at or near the
 4 State Capitol or fined for not paying fees for parking at meters on state-owned property.

Be it enacted by the Legislature of West Virginia:

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 20 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~~ may collect fees for parking pursuant to
 13 subsection (a) of this section. The fees shall be deposited into a Special Revenue Fund to be
 14 known as the Parking Lots Operating Fund within the State Treasury. Expenditures from the fund
 15 are authorized from collections. The fund may only be used in a manner consistent with this article
 16 and in accordance with ~~the provisions of~~ §12-3- 1 *et seq.* and §11B-2-1 *et seq.* of this code. Any
 17 balance remaining in the Special Revenue Fund at the end of any fiscal year does not revert to
 18 the General Revenue Fund but remains in the Special Revenue Fund. All costs and expenses

19 incurred pursuant to this section, including administrative, shall be paid from those funds.

20 (c) The secretary shall propose legislative rules pursuant to §29A-3-1 *et seq.* of this code
21 relating to parking and to allocate parking spaces to public officers and employees of the state
22 upon all of the property set forth in subsection (a) of this section: *Provided*, That notwithstanding
23 this or any other provision of law to the contrary, during sessions of the Legislature, including
24 regular, extended, extraordinary and interim sessions, and any other times designated by the
25 Speaker of the House of Delegates and the President of the Senate, parking on the east side of
26 Greenbrier Street between Kanawha Boulevard and Washington Street, East, in the Culture
27 Center parking lot, on the north side of Kanawha Boulevard between Greenbrier Street and
28 California Avenue, on the west side of California Avenue between Kanawha Boulevard and
29 Washington Street, East, in the parking lot on the east side of California Avenue across from the
30 loading dock entrance and any other areas designated by a joint policy of the Speaker of the
31 House of Delegates and the President of the Senate shall be managed and controlled by the
32 Legislature. Any person parking any vehicle contrary to this section or the rules promulgated
33 under authority of this subsection is subject to a fine as established by rule of the secretary. In
34 addition, a designee of the secretary or the Legislature, as the case may be, may cause the
35 removal, immobilization or other remedy considered necessary, at owner expense, of any vehicle
36 that is parked in violation of the rules or the joint policy between the Speaker of the House of
37 Delegates and the President of the Senate. Magistrates in Kanawha County have jurisdiction over
38 all the offenses under this section.

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

42 (e) The Parking Garage Fund, created in the former §5A-4-5 of this code, is continued in
43 the Department of Administration as a special fund consisting of funds that are appropriated and
44 funds from other sources to be used for the construction and maintenance of a parking garage on

45 the State Capitol Complex.

46 (f) Notwithstanding any provision of this section or any other provision of this code to the
47 contrary, military veterans or gold star family members with a West Virginia state issued license
48 plate designating veteran service in any branch of the military of the United States may not be
49 charged parking fees at the State Capitol nor may they be fined for not paying parking meter fees
50 at the State Capitol.

NOTE: The purpose of this bill is to provide that military veterans or gold star family members may not be charged fees at or near the State Capitol or fined for not paying fees for parking at meters on state-owned property.

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