

SB 775

FILED

2008 MAR 27 AM 11:04

OFFICE OF THE
SECRETARY OF STATE

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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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
7 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
26 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
2 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
13 authority to establish, provide for and maintain limits
14 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
17 officer, employee or agent of the Division of Natural
18 Resources may:

19 (1) Acquire, or authorize the acquisition of, land for
20 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
28 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.

.....
Randy White
.....
Chairman Senate Committee

.....
[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

.....
Russell Atkins
.....
Clerk of the Senate

.....
[Signature]
.....
Clerk of the House of Delegates

.....
Carl Ray Tomblin
.....
President of the Senate

.....
[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *2th* Day of *March*, 2008.

.....
[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 11:15 AM