



1 particular event, amusement, occurrence, adventure, incident,  
2 experience or occasion which may not exceed \$50 a year per  
3 recreational participant: *Provided*, That the monetary cap on  
4 charges imposed pursuant to this article does not apply to the  
5 provisions of article fourteen, chapter twenty of this code  
6 pertaining to the Hatfield-McCoy regional recreational authority or  
7 activities sponsored on the Hatfield-McCoy recreation area;

8 (B) For purposes of limiting liability for military,  
9 law-enforcement or homeland-defense training set forth in section  
10 six of this article, the amount of money asked in return for an  
11 invitation to enter or go upon the land;

12 (2) "Land" includes, but ~~shall not be~~ is not limited to,  
13 roads, water, watercourses, private ways and buildings, structures  
14 and machinery or equipment ~~thereon~~ when attached to the realty;

15 (3) "Noncommercial recreational activity" ~~shall~~ does not  
16 include any activity for which there is any charge which exceeds  
17 \$50 per year per participant;

18 (4) "Owner" includes, but ~~shall not be~~ is not limited to,  
19 tenant, lessee, occupant or person in control of the premises;

20 (5) "Recreational purposes" includes, but ~~shall not be~~ is not  
21 limited to, any one or any combination of the following  
22 noncommercial recreational activities: hunting, fishing, swimming,  
23 boating, camping, picnicking, hiking, pleasure driving, motorcycle  
24 or all-terrain vehicle riding, bicycling, horseback riding,

1 spelunking, nature study, water skiing, winter sports and visiting,  
2 viewing or enjoying historical, archaeological, scenic or  
3 scientific sites, aircraft or ultralight operations on private  
4 airstrips or farms or otherwise using land for purposes of the  
5 user;

6 (6) "Wildlife propagation purposes" applies to and includes  
7 all ponds, sediment control structures, permanent water  
8 impoundments or any other similar ~~or like~~ structure created ~~or~~  
9 ~~constructed as a result of or~~ in connection with surface mining  
10 activities as governed by article three, chapter twenty-two of this  
11 code or from the use of surface in the conduct of underground coal  
12 mining as governed by ~~said that~~ that article and any rules promulgated  
13 ~~thereunder~~ because of the article, which ponds, structures or  
14 impoundments are ~~hereafter~~ designated and certified in writing by  
15 the Director of the Division of Environmental Protection and the  
16 owner to be necessary and vital to the growth and propagation of  
17 wildlife, animals, birds and fish or other forms of aquatic life  
18 and finds and determines that the premises have the potential of  
19 being actually used by the wildlife for those purposes and that the  
20 premises are no longer used or necessary for mining reclamation  
21 purposes. The certification shall be in form satisfactory to the  
22 director and shall provide that the designated ponds, structures or  
23 impoundments ~~shall~~ may not be removed without the joint consent of  
24 the director and the owner; and

1           (7) "Military, law-enforcement or homeland-defense training"  
2 includes, but is not limited to, training, encampments,  
3 instruction, overflight by military aircraft, parachute drops of  
4 personnel or equipment or other use of land by a member of the Army  
5 National Guard or Air National Guard, a member of a reserve unit of  
6 the armed forces of the United States, a person on active duty in  
7 the armed forces of the United States, a state or federal  
8 law-enforcement officer, a federal agency or service employee, a  
9 West Virginia military authority employee or a civilian contractor  
10 supporting the military and/or government employees acting in that  
11 capacity.

NOTE: The purpose of this bill is to add noncommercial recreational aircraft operations to the list of protected activities.

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