

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 517

SENATORS HAMILTON, PREZIOSO, STOLLINGS, AND

LINDSAY, *original sponsors*

[Originating in the Committee on Natural Resources;

reported on January 28, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §20-5A-1 and §20-5A-2, all relating to State Parks and Recreation Endowment
3 Fund; establishing fund; providing for deposits; providing terms for expenditures; requiring
4 investment of fund assets; and establishing board of trustees to administer fund.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5A. STATE PARKS AND RECREATION ENDOWMENT FUND.

§20-5A-1. Establishment of fund; deposits; expenditures; investments.

1 (a) There is created in the office of the State Treasurer a special revenue account fund to
2 be known as the West Virginia State Parks and Recreation Endowment Fund.

3 (b) The following shall be deposited into the fund:

4 (1) The royalties received from the leasing of state-owned gas, oil, and other mineral rights
5 beneath the Ohio River and its tributaries; and

6 (2) The proceeds of any gifts, grants, contributions, or other moneys accruing to the state
7 which are specifically designated for inclusion in the fund.

8 (c) Expenditures from the fund shall be for the purposes set forth in this section and are
9 to be made in accordance with appropriation of the Legislature under the provisions of §12-3-1 et
10 seq. of this code, and in compliance with the provisions of §11B-2-1 et seq. of this code: *Provided,*
11 That income accruing from investments of the fund pursuant to this article shall be distributed or
12 expended for either of the following purposes:

13 (1) Maintenance, repair, and improvement of any existing recreational facilities, including
14 any supporting or related infrastructure and associated recreational features, all to provide
15 uninterrupted enjoyment and public use of state parks, state forests, and state rail trails.

16 (2) Maintenance, repair, and procurement of any fixture, furnishing, and equipment
17 necessary to provide uninterrupted enjoyment and public use of state parks, state forests, and
18 state rail trails.

19 (d) The board of trustees established pursuant to this article shall invest the assets of the
20 fund consistent with the provisions of §12-6-1 of this code. The board may accumulate investment
21 income of the fund within the fund until the income, in the sole judgment of the board, can provide
22 a significant supplement to the budget of the Division of Natural Resources. After that time, the
23 board may direct expenditures from the income for the purposes set forth in this section.

§20-5A-2. board of trustees.

1 (a) A board of trustees is hereby created to administer the State Parks and Recreation
2 Endowment Fund.

3 (b) The board shall be composed of the Director of the Division of Natural Resources,
4 -serving as chair, the Chief of the Parks and Recreation Section of the Division of Natural
5 Resources, the executive secretary of the division, the division fiscal officer, and the President of
6 the West Virginia State Parks Foundation, who shall serve as voting ex officio members, and six
7 voting members to be appointed by the Governor. Two of the appointed members shall be state
8 park superintendents and four of the appointed members shall be selected from citizen
9 membership of state park associations that represent a lodge state park, a cabin state park, a
10 day-use state park, a state forest, or a state rail trail under the jurisdiction of the division: *Provided,*
11 That to the extent possible, the Governor shall appoint the citizen members to ensure an equal
12 geographic representation throughout the state and their terms shall be staggered from July 1,
13 2020. Of the citizen members first appointed, two citizen members shall be appointed for a term
14 of three years; and two citizen members shall be appointed for a term of four years. Successors
15 to appointed citizen members whose terms expire shall be appointed for terms of four years.
16 Vacancies shall be filled for the unexpired term. An appointed citizen member may not serve for
17 more than two successive terms. Appointment to fill a vacancy may not be considered as one of
18 two terms.

NOTE: The purpose of this bill is to create the State Parks and Recreation Endowment Fund, to be funded from the proceeds of the leasing of gas, oil, and minerals from beneath the Ohio River and its tributaries.

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