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SECRETARY OF STATE

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(Plus all the volunteer
help we can get)

March 12, 1996

Cordie Hudkins
Natural Resources
Park & Recreation
State Capitol Bldg 6 Rm B-451
Charleston, WV 25305

HB 4268 authorizing, Title 58, Series 32, Public Use of Campgrounds in WV State Parks, State Forests, & State Wildlife Mgmt Areas Under the DNR passed the Legislature on **March 8, 1996**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs **HB 4268** to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **HB 4268 Section 64-10-2(j)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" DISK, YOU MUST SUBMIT A CLEAN COPY WITH ALL UNDERLINING AND STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, TO OUR OFFICE WHEN FINAL FILING THE RULE. REMEMBER, THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING, STRIKE-THROUGHS, HEADERS OR FOOTERS REMOVED, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE. NOTICE: ALL ELECTRONIC FILINGS NOT COMPLYING WITH THIS WILL BE REJECTED AND SENT BACK TO THE AGENCY TO BE RESUBMITTED!**

After the final rule is entered into the data base, the rule will be sent back to the agency for review and proofing. The agency has ten (10) working days to send a confirmation or corrections to the Secretary of States. If the agency fails to return this within ten (10) working days, the rule will be filed in the data base with a disclaimer attached stating that the agency failed to review the rule. Following confirmation, corrections or failure to review, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to contact our office.

Thank you,
Administrative Law Division

TITLE 58
LEGISLATIVE RULE
DIVISION OF NATURAL RESOURCES

SERIES 32
PUBLIC USE OF CAMPGROUNDS IN WEST VIRGINIA STATE PARKS,
STATE FORESTS, AND STATE WILDLIFE MANAGEMENT AREAS
UNDER THE DIVISION OF NATURAL RESOURCES

58-32-1. General.

1.1 Scope. -- This legislative rule governs the public use of campgrounds in West Virginia state parks, state forests, and recreation areas in state wildlife management areas under the jurisdiction and management of the Division of Natural Resources. This rule shall not be construed to include the state forests or state wildlife management areas, or any areas or facilities in the state forests or state wildlife management areas, under the jurisdiction and management of the Department of Agriculture or other sections of the Division of Natural Resources, respectively. This rule is necessary to provide for public health, safety and welfare; to protect state property; and to assure state recreational area guests of a safe, beneficial and enjoyable experience.

1.2 Authority. -- W.Va. Code 20-5-2

1.3 Filing Date - May 16, 1996

1.4 Effective Date - July 1, 1996

1.5 This rule repeals and replaces Division of Natural Resources' Rule Governing Public Use of West Virginia State Parks, State Forests, and State Wildlife Management Areas, 58 CSR 5.

58-32-2. Rules Governing Public Use of Campgrounds in State Parks, State Forests, and State Wildlife Management Areas under the Division of Natural Resources.

2.1 Campsites which are not reserved shall be rented on a first come, first served basis. Campers shall register before occupying a campsite, unless otherwise instructed by posted signs or by other clear means. A campsite is reserved when the rental fee for the site has been paid, which shall be indicated by a camping permit affixed to the numbered campsite post.

2.2 One responsible person who has passed his or her eighteenth (18th) birthday and who is answerable for the actions and safety of the campsite occupants and liable for any damages caused by them shall be at each rented campsite.

2.3. No person may camp in any manner in state parks, state forests, and state wildlife management areas, except at numbered sites in areas designated for camping. Campground facilities are provided for the exclusive use of registered campers, except that the area superintendent, at his or her discretion, may permit cabin guests to use campground laundry facilities during periods of low use by campers, preferably at a designated time.

2.4. The length of stay in any camping area shall not exceed fourteen (14) consecutive nights. After Labor Day until the first day of May of the following year campsites may be rented for longer periods, at the discretion of the area superintendent, when there are vacant campsites. At the end of a rental exceeding fourteen (14) consecutive nights the area superintendent, at his or her discretion, may request the camper to move to another campsite for conservation and maintenance of the first rental site. In no case may occupancy of a campsite be extended by the camper registering under a different name. Campers not granted a discretionary extension must vacate park campsites for a period of 48 hours.

2.5. Not more than two (2) motor vehicles are permitted on a campsite at any time. A non-family camping group may have only one camping unit (tent, trailer, motor home, camper van, etc.) on its campsite. A family camping group, at the discretion of the area superintendent, may be permitted to have one (1) or two (2) small tents on its campsite in addition to the main camping unit, but in no case may the additional units be ecologically detrimental to the campsite. A family is defined as parents or guardians and their dependent children.

2.6. Campsites shall be vacated by 12:00 noon on the day the campsite rental permit expires, unless the area superintendent extends the time at the request of the camper. No extension may extend beyond 4:00 p.m.

2.7. The campsite rental fee does not include the use of any other facilities or services for which a fee or rental is charged.

2.8. No person may wash any equipment, paraphernalia, clothing, pet or human body at water fountains and water pumps, and in lakes, ponds, pools and streams. No person may wash cooking utensils, tableware, flatware or any other cooking or eating paraphernalia is prohibited at water fountains and water pumps, and in comfort stations, bathhouses and washrooms.

2.9. Hay, straw, boughs, pine needles or other similar materials shall not be kept or used in tents or screened rooms or under shelters for bedding or any other purpose. The Chief of Parks and Recreation, Division of Natural Resources, may permit the use of hay and straw in conjunction with special events or programs.

2.10. No object may be driven into any tree, shrub, rock, sign, building or other object or structure in a state campground. Trenching or digging in a campsite is prohibited.

2.11. Quiet hours are in effect, and they shall be observed and enforced from 10:00 p.m. to 7:00 a.m. Generators shall not be operated during quiet hours. Motorbike riding is prohibited

in camping areas, except to go to and from the campsite.

2.12. No bicycle may be ridden in a campground after dark, unless it is equipped with lights on both its front and rear and the lights are turned on while it is being ridden.

2.13. In accordance with W. Va. Code §20-5-19, West Virginia residents who are totally and permanently disabled are entitled to a fifty percent discount on campground rental fees from the day after Labor Day until four days prior to Memorial Day only. To qualify for the discount, they shall submit an application and a certification of state residency and disability form to the Director of Natural Resources. The Director shall issue each qualified applicant a permanent campground discount card. The application and qualification forms are available in all Parks and Recreation state recreational areas and the Charleston office.

58-32-3. Enforcement of Rules Governing Public Use of Campgrounds in State Parks, State Forests, and Recreation Areas in State Wildlife Management Areas under the Division of Natural Resources and Penalties.

3.1. Responsibility for enforcing the rules.

It is the duty and responsibility of Conservation Officers, Special Conservation Officers, and the superintendents, assistant superintendents and managers of state parks, state forests, and state wildlife management areas to enforce all of the provisions of this rule.

3.2. Violation of rules and penalties.

Any person violating any of the provisions of this rule is guilty of a misdemeanor, and, upon conviction thereof, shall be punished in accordance with W. Va. Code §20-7-9.

SENATE BILL NO. 211

(By Senators Ross, Anderson, Boley,
Buckalew, Grubb and Macnaughtan)

[Introduced January 29, 1996; referred
to the Committee on

Natural Resources;
Judiciary

58-32

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10 A BILL to amend and reenact section two, article ten,
11 chapter sixty-four of the code of West Virginia, one
12 thousand nine hundred thirty-one, as amended, relating
13 to authorizing the division of natural resources to
14 promulgate legislative rules relating to the public
15 use of campgrounds in West Virginia state parks, state
16 forests and state wildlife management areas under the
17 division of natural resources.

18 Be it enacted by the Legislature of West Virginia:

19 That section two, article ten, chapter sixty-four of
20 the code of West Virginia, one thousand nine hundred
21 thirty-one, as amended, be amended and reenacted, to read
22 as follows:

23 **ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO**
24 **PROMULGATE LEGISLATIVE RULES.**

1 §64-10-2. Division of natural resources.

2 (a) The legislative rules filed in the state register
3 on the fourteenth day of July, one thousand nine hundred
4 ninety-four, authorized under the authority of section
5 five-a, article eleven, chapter twenty, of this code,
6 modified by the division of natural resources to meet the
7 objections of the legislative rule-making review committee
8 and refiled in the state register on the eighth day of
9 September, one thousand nine hundred ninety-four, relating
10 to the division of natural resources (recycling assistance
11 fund grant program, 58 CSR 43 5), are authorized.

12 (b) The legislative rules filed in the state register
13 on the twelfth day of August, one thousand nine hundred
14 ninety-four, authorized under the authority of section
15 seven, article one, chapter twenty, of this code, modified
16 by the division of natural resources to meet the objections
17 of the legislative rule-making review committee and refiled
18 in the state register on the fourteenth day of October, one
19 thousand nine hundred ninety-four, relating to the division
20 of natural resources (West Virginia wildlife management
21 areas, 58 CSR 6 43), are authorized with the following
22 amendments:

23 On page four, section 6.4.3, before the word "No" by
24 inserting "Except for persons who are under sixteen years

1 of age and who have a valid West Virginia hunting
2 license,";

3 And,

4 On page four, section 6.4.3, by deleting the capital
5 letter "N" and substituting in lieu thereof the lower case
6 "n."

7 (c) The legislative rules filed in the state register
8 on the twelfth day of August, one thousand nine hundred
9 ninety-four, authorized under the authority of section
10 seven, article one, chapter twenty, of this code, modified
11 by the division of natural resources to meet the objections
12 of the legislative rule-making review committee and refiled
13 in the state register on the fourteenth day of October, one
14 thousand nine hundred ninety-four, relating to the division
15 of natural resources (special bear hunting regulations, 58
16 CSR ~~11C~~ 48), are authorized.

17 (d) The legislative rules filed in the state register
18 on the twelfth day of August, one thousand nine hundred
19 ninety-four, authorized under the authority of section
20 seven, article one, chapter twenty, of this code, modified
21 by the division of natural resources to meet the objections
22 of the legislative rule-making review committee and refiled
23 in the state register on the fourteenth day of October, one
24 thousand nine hundred ninety-four, relating to the division

1 of natural resources (wild boar hunting regulations, 58 CSR
2 ~~416~~ 52), are authorized.

3 (e) The legislative rules filed in the state register
4 on the fifteenth day of August, one thousand nine hundred
5 ninety-four, authorized under the authority of section
6 seven, article one, chapter twenty, of this code, modified
7 by the division of natural resources to meet the objections
8 of the legislative rule-making review committee and refiled
9 in the state register on the fourteenth day of October, one
10 thousand nine hundred ninety-four, relating to the division
11 of natural resources (special fishing rule, 58 CSR ~~24~~ 61),
12 are authorized with the following amendment:

13 On page four, section 58-21-5, paragraph 5.1.1, by
14 deleting the numeral "15" and inserting in lieu thereof the
15 numeral "13".

16 (f) The legislative rules filed in the state register
17 on the second day of December, one thousand nine hundred
18 ninety-four, authorized under the authority of section
19 seven, article one, chapter twenty, of this code, modified
20 by the division of natural resources to meet the objections
21 of the legislative rule-making review committee and refiled
22 in the state register on the sixteenth day of December, one
23 thousand nine hundred ninety-four, relating to the division
24 of natural resources (rules governing public use of West

1 Virginia state parks, state forests and state wildlife
2 management areas under the division of natural resources,
3 58 CSR ~~58~~ 31), are authorized with the following amendment:

4 On page five, section 2.23, line four, before the word
5 "chartered" by inserting the word "A" and by deleting the
6 letter "s" at the end of the word "foundations".

7 (g) The legislative rules filed in the state register
8 on the twelfth day of August, one thousand nine hundred
9 ninety-four, authorized under the authority of section
10 seven, article one, chapter twenty, of this code, modified
11 by the division of natural resources to meet the objections
12 of the legislative rule-making review committee and refiled
13 in the state register on the fourteenth day of October, one
14 thousand nine hundred ninety-four, relating to the division
15 of natural resources (prohibitions when hunting and
16 trapping, 58 CSR ~~41B~~ 47) are authorized with the following
17 amendments:

18 On page two, by striking out section 3.5 and
19 renumbering the remaining sections;

20 In section 3.7, after the word "net" by inserting the
21 word "bait" and after the word "any" by inserting the word
22 "deer";

23 And,

24 By striking out subsection 3.7.1 and renumbering the

1 remaining sections.

2 (h) The legislative rules filed in the state register
3 on the thirty-first day of July, one thousand nine hundred
4 ninety-five, authorized under the authority of section
5 seven, article one, chapter twenty, of this code, modified
6 by the division of natural resources to meet the objections
7 of the legislative rule-making review committee and refiled
8 in the state register on the twenty-fifth day of October,
9 one thousand nine hundred ninety-five, relating to the
10 division of natural resources (rules governing public use
11 of campgrounds in West Virginia state parks, state forests
12 and state wildlife management areas under the division of
13 natural resources, 58 CSR 32), are authorized.

14

15 NOTE: The purpose of this bill is to authorize the
16 Division of Natural Resources to promulgate legislative
17 rules relating to the public use of campgrounds in West
18 Virginia state parks, state forests and state wildlife
19 management areas under the Division of Natural Resources.

20
21 Strike-throughs indicate language that would be
22 stricken from the present law, and underscoring indicates
23 new language that would be added.

4282

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H. B. 4282
(By Delegates Douglas, Gallagher, Faircloth, Compton,
Linch and Riggs)
(Introduced January 29, 1996 ; referred to the
Committee on the Judiciary)

58-32

A BILL to amend and reenact section two, article ten,
chapter sixty-four of the code of West Virginia, one
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Be it enacted by the Legislature of West Virginia:

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**ARTICLE 10. AUTHORIZATION FOR BUREAU OF COMMERCE TO
PROMULGATE LEGISLATIVE RULES.**

4282

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8 and refiled in the state register on the eighth day of
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10 to the division of natural resources (recycling assistance
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10 division of natural resources (rules governing public use
11 of campgrounds in West Virginia state parks, state forests
12 and state wildlife management areas under the division of
13 natural resources, 58 CSR 32), are authorized.

14

15 NOTE: The purpose of this bill is to authorize the
16 Division of Natural Resources to promulgate legislative
17 rules relating to the public use of campgrounds in West
18 Virginia state parks, state forests and state wildlife
19 management areas under the Division of Natural Resources.

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FILED

KEN HECHLER, Secretary of State

WILLIAM H. HARRINGTON, Chief of Staff

MARY P. RATLIFF, Deputy Secretary of State

JUL 2 9 59 AM '96 JUDY COOPER, Director, Administrative Law

STEPHEN N. REED, Deputy Secretary of State

PENNEY BARKER, Supervisor, Corporations

CATHERINE FREROTTE, Executive Assistant

STATE OF WEST VIRGINIA SECRETARY OF STATE

SECRETARY OF STATE

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(Plus all the volunteer help we can get)

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PARKS AND RECREATION, 1996 JUN 26 AM 9:19

TO: CORDIE HUDKINS

AGENCY: NATURAL RESOURCES

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 24, 1996

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 32 TITLE: 58 NATURAL RESOURCES

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

X SIGNED: Cordie Hudkins

TITLE OF PERSON SIGNING: Chief of Parks

DATE: 6/26/96

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.