WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

HOUSE BILL No. 2755

(By Mr. Del. Farley & R. Brink)

Passed April 8, 1989
In Effect July 1, 1989
AN ACT to repeal sections six, seven, eight, nine and ten, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, two, three, four and five, article eight, chapter twenty-nine of said code, all relating to the Blennerhassett historical park commission; making Blennerhassett historical park a state park; creating the Blennerhassett historical state park commission as an advisory commission; transferring all employee positions, assets, real and personal property, debts, liabilities, powers and duties of the former Blennerhassett historical park commission to the division of commerce as of the first day of July, one thousand nine hundred eighty-nine, and providing for civil service coverage for former commission employees.

Be it enacted by the Legislature of West Virginia:

That sections six, seven, eight, nine and ten, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two, three, four and five of said article be amended and reenacted, all to read as follows:

§29-8-1. Legislative findings.

1 The Legislature hereby finds and declares that:

2 (1) Blennerhassett Island, situate in the Ohio River
near the city of Parkersburg, is a significant historical, 
natural and archaeological resource of importance to 
this state and the nation;

(2) A well-planned and executed program for the 
development of educational, cultural and recreational 
attractions related to events known and believed to have 
occurred on and near scenic Blennerhassett Island will 
be of great benefit to all the people of this state and 
constitutes a most worthy public undertaking; and

(3) The primary responsibility for the planning and 
execution of such a program rests upon the state of West 
Virginia, while the secondary responsibility for develop-
ment rests upon private and other public resources.

§29-8-2. Blennerhassett historical state park commission 
established; members; terms; meeting; quo-
rum; compensation; expenses.

As of the first day of July, one thousand nine hundred 
eighty-nine, there is established within the division of 
commerce the Blennerhassett historical state park 
commission. As of said date, all assets, real and personal 
property, debts, liabilities, duties, powers, and authority 
of the Blennerhassett historical park commission are 
hereby transferred to the division of commerce. The 
Blennerhassett historical state park commission shall be 
maintained as an advisory commission as hereinafter 
provided. The commission shall be composed of ten 
members who shall be citizens and residents of this 
state, appointed by the governor for terms of four years, 
by and with the advice and consent of the Senate: 
Provided, That the terms of all members previously 
appointed to the Blennerhassett historical park commis-
sion prior to the amendment and reenactment of this 
section shall continue for the periods originally speci-
fied, and no such member serving as of the effective date 
of such amendment and reenactment need be 
reappointed.

Each member shall be qualified to carry out the 
functions of the commission under this article by reason 
of his special interest, training, education or experience.
No person shall be eligible to appointment as a member who is an officer or member of any political party executive committee; or the holder of any other public office or public employment under the United States government or the government of this state or a political subdivision of this state. Not more than six members shall belong to the same political party.

At its first meeting, which shall be held within fifty days after this section takes effect, the commission shall elect from among its members a chairman, who shall preside over its meetings until the second Monday in September of the next year. Thereafter, the commission shall elect a chairman from among its members on the second Monday in September of each year.

All members shall be eligible for reappointment once by the governor. A member shall, unless sooner removed, continue to serve until his term expires and his successor has been appointed and has qualified. A vacancy caused by the death, resignation or removal of a member prior to the expiration of his term shall be filled only for the remainder of such term.

For the purpose of carrying out its powers, duties and responsibilities under this article, six members of the commission shall constitute a quorum for the transaction of business. Each member shall be entitled to one vote. The commission shall meet at a time and place designated by the chairman at least four times each fiscal year. Additional meetings may be held when called by the chairman or when requested by five members of the commission or by the governor. All meetings of the commission shall be open to the public. Each member shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties under this article.

The commission shall advise the division of commerce in all matters relating to the development, establishment, and maintenance of the Blennerhassett historical state park.

All employee positions in the former Blennerhassett historical park commission are hereby transferred to the
division of commerce and shall be included in the
classified service of the civil service system pursuant to
article six, chapter twenty-nine of this code. Any person
included in the classified service by the provisions of this
section who is employed in any of such positions as of
the effective date of this amendment and reenactment
shall not be required to take and pass qualifying or
competitive examinations upon or as a condition to being
added to the classified service: Provided, That no person
included in the classified service by the provisions of this
section who is employed in any of such positions as of
the effective date of this section, shall be thereafter
severed, removed or terminated from such employment
prior to his entry into the classified service except for
cause as if such person had been in the classified service
when severed, removed or terminated.

§29-8-3. General powers of division of commerce with
respect to the Blennerhassett historical state
park.

The administrator of the division of commerce, with
respect to developing and maintaining Blennerhassett
historical state park, may exercise all powers and duties
granted to him and his predecessor in respect to the
development and operation of other state parks, and in
addition, is specifically authorized to:

(1) Establish and maintain an office in the county of
Wood;

(2) Exercise his powers in the state of Ohio to the
extent permitted by the laws of the state of Ohio;

(3) Enter into any agreement with the state of Ohio
or any person, firm or corporation therein for the
provision of electricity, water, sewer and such similar
services to Blennerhassett Island as are necessary;

(4) Own or operate, or both, individually or in
conjunction with any other public agency or any private
person, firm or corporation, such facilities and equip-
ment as he considers necessary or convenient for the
implementation of his duties under this article. Without
limiting the generality of the foregoing, such facilities
and equipment may include boats, docks, an amphitheatre, parking facilities, the reconstructed Blennerhassett mansion and other buildings; and

(5) Promulgate rules and regulations, in accordance with the provisions of chapter twenty-nine-a of this code, to implement and make effective the powers and duties vested in him by the provisions of this article and take such other steps as may, in his discretion, be necessary or expedient for the proper and effective development of Blennerhassett Island and related locations in the county of Wood into a major educational, cultural and recreational attraction.

§29-8-4. Duties of division of commerce with respect to the development of Blennerhassett Island.

Within the limit of funds available from this state, the United States and any other source, whether public or private, the administrator shall:

(1) Plan and execute a program for the development of educational, cultural and recreational attractions related to events known or believed to have occurred on and near Blennerhassett Island; and

(2) Plan and execute a program for the development of Blennerhassett Island and related locations in the county of Wood so as to preserve and enhance the island and related locations as a significant historical, natural and archaeological resource of importance to this state and the nation.

In carrying out his duties under subdivisions (1) and (2) of this section, he shall, as near as practicable, adhere to the recommendations and plans for development contained in the documents prepared for the Blennerhassett historical commission, submitted to the Blennerhassett historical park commission on the eighteenth day of February, one thousand nine hundred seventy-five, and titled as follows: (a) Summary report for the development of Blennerhassett Island, (b) physical master plan, (c) interpretive master plan, (d) environmental impact and (e) market and economic impact.

§29-8-5. Cooperation of state agencies and local govern-
ment with Blennerhassett historical state park commission and division of commerce; powers of local government with respect to development.

(a) All other state and local governmental personnel and agencies shall cooperate to the fullest possible extent with the commission and the division to accomplish the proper and effective development of Blennerhassett Island and related locations in the county of Wood into a major educational, cultural and recreational attraction.

(b) The county of Wood, the city of Parkersburg, any other municipality in the county and any board, commission, authority, agency or other office created under authority thereof may, in its discretion engage in any activity or undertaking designed to assist the commission and the division in the proper and effective development of Blennerhassett Island and related locations in the county of Wood into a major educational, cultural and recreational attraction.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick Kerle
Chairman Senate Committee

J. L. Satter
Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

J. D. Wells
Clerk of the Senate

Donald L. Hargrove
Clerk of the House of Delegates

Sam R. Brown
President of the Senate

Robert C. Crenshaw
Speaker of the House of Delegates

The within is approved this the 26th day of April, 1989.

Yoston Caperton
Governor