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STATE HOUSE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

ENROLLED

HOUSE BILL No. 2755

(By Mr. Del. Farley + R. Burk)

— ● —

Passed April 8, 1989

In Effect July 1, 1989 ~~Passage~~

ENROLLED
H. B. 2755

(By DELEGATES FARLEY AND R. BURK)

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article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, two, three, four and five of said article be amended and reenacted, all to read as follows: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

3 near the city of Parkersburg, is a significant historical,
4 natural and archaeological resource of importance to
5 this state and the nation;

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

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

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

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

21 Each member shall be qualified to carry out the
22 functions of the commission under this article by reason
23 of his special interest, training, education or experience.

24 No person shall be eligible to appointment as a
25 member who is an officer or member of any political
26 party executive committee; or the holder of any other
27 public office or public employment under the United
28 States government or the government of this state or a
29 political subdivision of this state. Not more than six
30 members shall belong to the same political party.

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

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

45 For the purpose of carrying out its powers, duties and
46 responsibilities under this article, six members of the
47 commission shall constitute a quorum for the transac-
48 tion of business. Each member shall be entitled to one
49 vote. The commission shall meet at a time and place
50 designated by the chairman at least four times each
51 fiscal year. Additional meetings may be held when
52 called by the chairman or when requested by five
53 members of the commission or by the governor. All
54 meetings of the commission shall be open to the public.
55 Each member shall be reimbursed for all reasonable
56 and necessary expenses actually incurred in the perfor-
57 mance of his duties under this article.

58 The commission shall advise the division of commerce
59 in all matters relating to the development, establish-
60 ment, and maintenance of the Blennerhassett historical
61 state park.

62 All employee positions in the former Blennerhassett
63 historical park commission are hereby transferred to the

64 division of commerce and shall be included in the
65 classified service of the civil service system pursuant to
66 article six, chapter twenty-nine of this code. Any person
67 included in the classified service by the provisions of this
68 section who is employed in any of such positions as of
69 the effective date of this amendment and reenactment
70 shall not be required to take and pass qualifying or
71 competitive examinations upon or as a condition to being
72 added to the classified service: *Provided*, That no person
73 included in the classified service by the provisions of this
74 section who is employed in any of such positions as of
75 the effective date of this section, shall be thereafter
76 severed, removed or terminated from such employment
77 prior to his entry into the classified service except for
78 cause as if such person had been in the classified service
79 when severed, removed or terminated.

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

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

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

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

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

15 (4) Own or operate, or both, individually or in
16 conjunction with any other public agency or any private
17 person, firm or corporation, such facilities and equip-
18 ment as he considers necessary or convenient for the
19 implementation of his duties under this article. Without
20 limiting the generality of the foregoing, such facilities

21 and equipment may include boats, docks, an amphitheatre,
22 parking facilities, the reconstructed Blennerhassett
23 mansion and other buildings; and

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

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

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

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

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

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

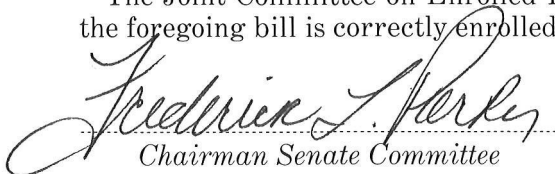
§29-8-5. Cooperation of state agencies and local govern-

**ment with Blennerhassett historical state park
commission and division of commerce; powers
of local government with respect to
development.**

1 (a) All other state and local governmental personnel
2 and agencies shall cooperate to the fullest possible
3 extent with the commission and the division to accomp-
4 lish the proper and effective development of Blennerhas-
5 sett Island and related locations in the county of Wood
6 into a major educational, cultural and recreational
7 attraction.

8 (b) The county of Wood, the city of Parkersburg, any
9 other municipality in the county and any board,
10 commission, authority, agency or other office created
11 under authority thereof may, in its discretion engage in
12 any activity or undertaking designed to assist the
13 commission and the division in the proper and effective
14 development of Blennerhassett Island and related
15 locations in the county of Wood into a major educational,
16 cultural and recreational attraction.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

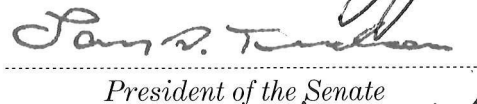

Chairman House Committee

Originating in the House.


Takes effect July 1, 1989.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

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

Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:16