WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED

SENATE BILL NO. 102

(By Senator DITMAR, ET AL.)

PASSED February 7, 1994

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 102

(By Senators Dittmar, Anderson, Craigo, Sharpe, Withers, Minard and Burdette, Mr. President)

[Passed February 7, 1954; in effect ninety days from passage.]

AN ACT to amend and reenact sections two and three, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to changing the name of Blennerhassett historical state park to Blennerhassett Island historical state park.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:
ARTICLE 8. BLENNERHASSETT ISLAND HISTORICAL PARK COMMISSION.

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

1 As of the first day of July, one thousand nine hundred eighty-nine, there is established within the division of commerce the Blennerhassett Island historical state park commission. As of said date, all assets, real and personal property, debts, liabilities, duties, powers and authority of the Blennerhassett Island historical park commission are hereby transferred to the division of commerce. The Blennerhassett Island 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 commission prior to the amendment and reenactment of this section shall continue for the periods originally specified, and no such member serving as of the effective date of such amendment and reenactment need be reappointed.

20 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.

23 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.

30 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 shall comply with the provisions of article nine-a, chapter six of this code. 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 Island historical state park.

All employee positions in the former Blennerhassett Island 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 of this chapter. 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
74 of this section, shall be thereafter severed, removed or
75 terminated from such employment prior to his entry into
76 the classified service except for cause as if such person
77 had been in the classified service when severed, removed
78 or terminated.

79 Notwithstanding any provision of this code to the
80 contrary, the division of commerce shall have exclusive
81 regulatory authority over watercraft transport of visitors
82 to the Blennerhassett Island portion of the Blennerhassett
83 Island historical state park and such watercraft transport
84 shall not be subject to the provisions of article eighteen,
85 chapter seventeen of this code.

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

1 The administrator of the division of commerce, with
2 respect to developing and maintaining Blennerhassett
3 Island historical state park, may exercise all powers and
4 duties 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
8 (1) Establish and maintain an office in the county of
9 Wood;
10
11 (2) Exercise his powers in the state of Ohio to the extent
12 permitted by the laws of the state of Ohio;
13
14 (3) Enter into any agreement with the state of Ohio or
15 any person, firm or corporation therein for the provision
16 of electricity, water, sewer and such similar services to
17 Blennerhassett Island as are necessary;
18
19 (4) Own or operate, or both, individually or in conjunc-
20 tion with any other public agency or any private person,
21 firm or corporation, such facilities and equipment as he
22 considers necessary or convenient for the implementation
23 of his duties under this article. Without limiting the
24 generality of the foregoing, such facilities and equipment
25 may include boats, docks, an amphitheatre, parking
26 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.
Enr. S. B. No. 102]

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

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 18th day of February, 1994.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/14/94

Time 10:37 a.m.