

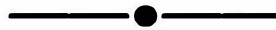
HB 4078

FILED

2008 MAR 27 AM 11:07

OF THE
SECRETARY OF STATE CD

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

House Bill No. 4078

(By Delegates Morgan, Martin, Argento, Beach, Eldridge, Hartman,
D. Poling, Staggers, Andes, Porter and Rowan)



Passed March 7, 2008

In Effect Ninety Days from Passage

E N R O L L E D

FILED
2008 MAR 27 AM 11:07

H. B. 4078

WEST VIRGINIA
LEGISLATIVE STATE

(BY DELEGATES MORGAN, MARTIN, ARGENTO, BEACH,
ELDRIDGE, HARTMAN, D. POLING, STAGGERS, ANDES, PORTER
AND ROWAN)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to repeal §29-8-2, §29-8-3, §29-8-4 and §29-8-5 of the Code of West Virginia, 1931, as amended; to amend and reenact §29-8-1 of said code; to amend and reenact §20-5-3, all relating to the termination of the Blennerhassett Island Historical State Park Commission; exempting the termination of the commission from the wind down provisions of §4-10-12; and providing for the transfer of all remaining property and authority of the commission to the Division of Natural Resources parks and recreation section.

Be it enacted by the Legislature of West Virginia:

That §29-8-2, §29-8-3, §29-8-4 and §29-8-5 of the Code of West Virginia, 1931, as amended be repealed; that §29-8-1 of said code be amended and reenacted; and that §20-5-3 of said code be amended and reenacted, all to read as follows:

**ARTICLE 8. BLENNERHASSETT ISLAND HISTORICAL
STATE PARK COMMISSION.**

**§29-8-1. Blennerhassett Island Historical State Park
Commission termination.**

1 The Blennerhassett Island Historical State Park
2 Commission shall cease to exist on the first day of July, two
3 thousand eight. The termination of the commission is exempt
4 from the wind down provisions of section twelve, article ten,
5 chapter four of this code. All members of the commission
6 duly appointed and serving shall cease to hold the office or
7 perform the duties that the office may provide. All property,
8 real or tangible, all powers, expressed or implied, and all
9 authority granted to the commission transfers to the Division
10 of Natural Resources effective upon passage of this section.

ARTICLE 5. PARKS AND RECREATION.

**§20-5-3. Section of parks and recreation; purpose; powers and
duties generally.**

1 The purposes of the section of parks and recreation shall
2 be to promote conservation by preserving and protecting
3 natural areas of unique or exceptional scenic, scientific,
4 cultural, archaeological or historic significance and to
5 provide outdoor recreational opportunities for the citizens of
6 this state and its visitors. It shall be the duty of the section of
7 parks and recreation to have within its jurisdiction and
8 supervision:

9 (a) All state parks and recreation areas, including all
10 lodges, cabins, swimming pools, motorboating and all other
11 recreational facilities therein, except the roads heretofore
12 transferred pursuant to section one, article four, chapter
13 seventeen of this code to the state road system and to the
14 responsibility of the commissioner of highways with respect
15 to the construction, reconstruction and maintenance of the
16 roads or any future roads for public usage on publicly owned

17 lands for future state parks, state forests and public hunting
18 and fishing areas;

19 (b) The authority and responsibility to do the necessary
20 cutting and planting of vegetation along road rights-of-way
21 in state parks and recreational areas;

22 (c) The administration of all laws and regulations
23 relating to the establishment, development, protection, use
24 and enjoyment of all state parks and state recreational
25 facilities consistent with the provisions of this article;

26 (d) The continued operation and maintenance of the
27 Berkeley Springs historical state park, in Morgan County, as
28 a state recreational facility, designated the Berkeley Springs
29 sanitarium under prior enactment of this code;

30 (e) The continued operation and maintenance of that
31 portion of Washington Carver camp in Fayette County
32 formerly incorporated within the boundaries of Babcock state
33 park;

34 (f) The continued operation and maintenance of Camp
35 Creek state park as a state recreational facility, formerly
36 delineated according to section three, article one-a, chapter
37 nineteen of this code;

38 (g) The continued operation and maintenance of
39 Moncove Lake state park as a state recreational facility,
40 formerly delineated pursuant to enactment of section thirteen,
41 article one, chapter five-b of this code in the year one
42 thousand nine hundred ninety;

43 (h) The continued protection, operation and maintenance
44 of approximately seventy-five miles of right-of-way along
45 the former Greenbrier subdivision of the Chessie railroad

46 system between Caldwell in Greenbrier County and Cass in
47 Pocahontas County, designated the Greenbrier river trail,
48 including the protection of the trail from motorized vehicular
49 traffic and operation for the protection of adjacent public and
50 private property;

51 (i) The continued protection, operation and maintenance
52 of approximately sixty and fifty-seven one-hundredths miles
53 of right-of-way of the CSX railway system between Walker
54 in Wood County and Wilsonburg in Harrison County,
55 designated the North Bend rail trail, including the protection
56 of the trail from motorized vehicular traffic and operation for
57 the protection of adjacent public and private property; and

58 (j) The continued development, operation and
59 maintenance of Blennerhassett Island Historical State park,
60 including all the property, powers and authority previously
61 held by the Blennerhassett Island Historical State Park
62 Commission formerly delineated pursuant to article eight,
63 chapter twenty-nine of this code.

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



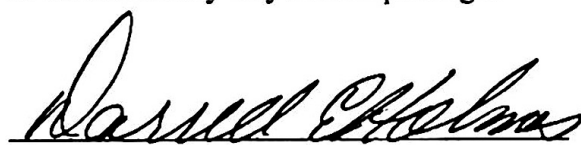
Chairman Senate Committee



Chairman House Committee

Originating in the House.

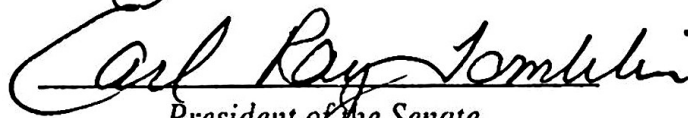
In effect ninety days from passage.



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 27th
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time 9:35 AM