

SB# 102

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# 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

**E N R O L L E D**  
**Senate Bill No. 102**

(BY SENATORS DITTMAR, ANDERSON, CRAIGO, SHARPE,  
WITHERS, MINARD AND BURDETTE, MR. PRESIDENT)

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[Passed February 7, 1994; in effect ninety days from passage.]

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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  
2 eighty-nine, there is established within the division of  
3 commerce the Blennerhassett Island historical state park  
4 commission. As of said date, all assets, real and personal  
5 property, debts, liabilities, duties, powers and authority of  
6 the Blennerhassett Island historical park commission are  
7 hereby transferred to the division of commerce. The  
8 Blennerhassett Island historical state park commission  
9 shall be maintained as an advisory commission as here-  
10 inafter provided. The commission shall be composed of  
11 ten 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 com-  
16 mission prior to the amendment and reenactment of this  
17 section shall continue for the periods originally specified,  
18 and no such member serving as of the effective date of  
19 such amendment and reenactment need be reappointed.

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

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

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

35 chairman from among its members on the second Monday  
36 in September of each year.

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

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

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

61 All employee positions in the former Blennerhassett  
62 Island historical park commission are hereby transferred  
63 to the division of commerce and shall be included in the  
64 classified service of the civil service system pursuant to  
65 article six of this chapter. Any person included in the  
66 classified service by the provisions of this section who is  
67 employed in any of such positions as of the effective date  
68 of this amendment and reenactment shall not be required  
69 to take and pass qualifying or competitive examinations  
70 upon or as a condition to being added to the classified  
71 service: *Provided*, That no person included in the  
72 classified service by the provisions of this section who is  
73 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 (1) Establish and maintain an office in the county of  
8 Wood;

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

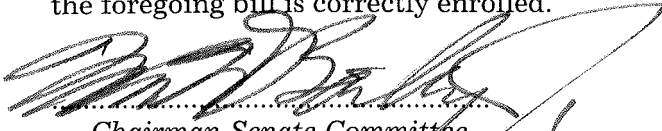
11 (3) Enter into any agreement with the state of Ohio or  
12 any person, firm or corporation therein for the provision  
13 of electricity, water, sewer and such similar services to  
14 Blennerhassett Island as are necessary;

15 (4) Own or operate, or both, individually or in conjunc-  
16 tion with any other public agency or any private person,  
17 firm or corporation, such facilities and equipment as he  
18 considers necessary or convenient for the implementation  
19 of his duties under this article. Without limiting the  
20 generality of the foregoing, such facilities and equipment  
21 may include boats, docks, an amphitheatre, parking  
22 facilities, the reconstructed Blennerhassett mansion and

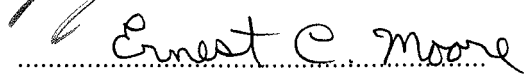
23 other buildings; and

24 (5) Promulgate rules and regulations, in accordance with  
25 the provisions of chapter twenty-nine-a of this code, to  
26 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 or  
29 expedient for the proper and effective development of  
30 Blennerhassett Island and related locations in the county  
31 of Wood into a major educational, cultural and recre-  
32 ational attraction.

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



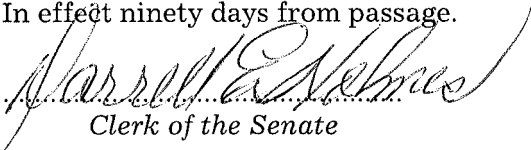
Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

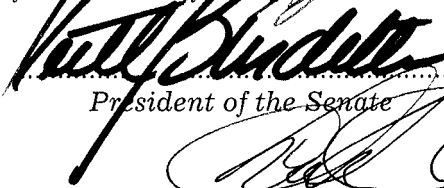
In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

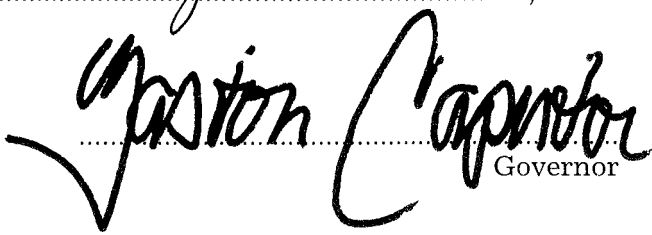


President of the Senate



Speaker House of Delegates

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



Governor

PRESENTED TO THE  
GOVERNOR

Date 2/14/94

Time 10:37 am