

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3241

BY DELEGATE EVANS

[Introduced March 16, 2021; Referred to the Committee on
Government Organization then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §4-16-1, §4-16-2, §4-16-3, §4-16-4, §4-16-5 and §4-16-6, all relating to the
 3 formation of a legislative commission to study implementation of the development of
 4 Coalwood Way and related sites in Big Creek District of McDowell County as historical,
 5 cultural and recreational facilities.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. BIG CREEK CAPE COALWOOD COMMISSION.

§4-16-1. Legislative intent and purpose.

1 The Legislature, mindful of the historical, cultural and recreational significance of the
 2 events known and believed to have occurred at Coalwood, War and related sites in Big Creek
 3 District of McDowell County as memorialized in the trilogy of books entitled Rocket Boys, Sky of
 4 Stone and The Coalwood Way and the movie “October Sky” and mindful of the benefits likely to
 5 flow from a well-planned and executed program for development of historical, educational, social,
 6 cultural and recreational attractions related to the internationally famous area and events, does
 7 hereby seek to determine what, if any, assistance the State of West Virginia should provide in the
 8 planning and execution of any such program for development, what other resources are available,
 9 and if the combined effect thereof can produce a positive constructive result commensurate with
 10 the investment of such public and private resources as may be available. The Legislature finds
 11 same is a worthy public undertaking.

§4-16-2. Creation of commission; composition; appointment and terms of members.

1 There is hereby created as a statutory body of the Legislature a commission to be known
 2 as the “Big Creek Cape Coalwood Commission.” The commission is composed of nine members,
 3 consisting of three members of the Senate, to be appointed by the President thereof, no more
 4 than two of whom may be appointed from the same political party, and three members of the
 5 House of Delegates, to be appointed by the Speaker thereof, no more than two of whom may be
 6 appointed from the same political party, and three citizen members. The commission shall be

7 headed by two cochairpersons, one to be selected by and from the members appointed from the
8 Senate, and one to be selected by and from the members appointed from the House of Delegates.
9 All Senate and House members of the commission shall serve until their successors have been
10 appointed, except that no member's appointment may extend beyond the time during which the
11 member continues to be a member of the Legislature. The three citizen members shall be
12 appointed by the Joint Concurrence of the President of the Senate and the Speaker of the House
13 of Delegates. The citizen members shall be citizens and residents of Big Creek District of
14 McDowell County. Not more than two citizen members may belong to the same political party.
15 No person is eligible to appointment as a citizen member who is an officer or member of any
16 political party executive committee or the holder of any other public office or public employment
17 under the United States government or government of this state or any political subdivision
18 thereof. The citizen members serve a term of two years, unless the commission itself sooner
19 expires during their term and each citizen member is eligible for reappointment once by the
20 President and Speaker. The citizen members must be qualified to carry out the functions of the
21 commission by reason of their special interest, training, education or experience.

§4-16-3. Powers and duties generally.

1 During any session of the Legislature and in the interim between sessions, and within the
2 limits of available funds, whether public or private, the commission shall:

3 (1) Conduct a comprehensive investigation to determine what, if any, historical, social,
4 educational, cultural and recreational attractions should be developed in the state of West Virginia
5 concerning the events, heritage and culture (coal mining and coal camps) that have occurred at
6 Coalwood, War and related sites in Big Creek District of McDowell County, the economic
7 feasibility of such attractions, needed capital investment, available or contemplated resources
8 therefor, likely locations and accessibility thereto and such other related matters as the
9 commission deems convenient or appropriate;

10 (2) Make such written reports to the members of the Legislature between sessions thereof

11 as the commission may deem advisable and on the 10th day of each regular session of the
12 Legislature make an annual report to the Legislature containing the commission's findings and
13 recommendations. Included in the report should be drafts of any proposed legislation which the
14 commission deems necessary to carry its recommendations into effect;

15 (3) Meet at any convenient time and place, including during any recess of the Senate and
16 House of Delegates;

17 (4) With the prior approval of the Joint Committee on Government and Finance, employ
18 such legal, technical, investigative, clerical, stenographic, advisory and other personnel as it
19 deems needed and, within limits of available funds, fix reasonable compensation of such persons
20 and firms as may be employed;

21 (5) Consult and confer with all persons and agencies public (whether federal, state or
22 local) and private (including the owners of the lands affected) having resources, information and
23 data pertinent to the duties and responsibilities of the commission; and all state and local
24 governmental personnel and agencies shall cooperate to the fullest practicable reasonable extent
25 with the commission; and

26 (6) Call upon and receive from any office, department or agency of state or local
27 government such services, information and assistance as it may consider advisable.

§4-16-4. Executive sessions; hearings; sessions away from Capitol.

1 (a) The commission may hold executive sessions for the purpose of conducting its
2 business, policy and an agenda, in compliance with §6-9A-1 et seq. of this code.

3 (b) The commission may hold such meetings and hearings at such times and places as
4 may be necessary or convenient in order for it to carry out its responsibilities, and such meetings
5 and hearings shall be open to the public. It shall meet at least once every three months.

6 (c) The commission shall ordinarily meet at the Capitol but may upon the concurrence of
7 two-thirds of its total membership meet anywhere in the state of West Virginia.

§4-16-5. Compensation and expenses of members; other expenses; how paid; joint

committee approval.

1 The members of the commission shall receive no compensation for their services except
2 that provided for members thereof who are members of the Joint Committee on Government and
3 Finance. The members of the commission (including the citizen members) shall receive travel,
4 interim and out-of-state expenses, as authorized in §4-2A-6, §4-2A-7, and §4-2A-8 of this code.
5 Such expenses and all other expenses including those incurred in the employment of legal,
6 technical, investigative, clerical, stenographic, advisory and other personnel shall be paid from an
7 appropriation to be made expressly for the commission, but if no such appropriation be made in
8 any fiscal year such expenses may be paid from any account of or appropriation to the Joint
9 Committee on Government and Finance, but no expense of any kind shall be incurred unless the
10 approval of the Joint Committee on Government and Finance therefor is first had and obtained
11 by the commission. Subject to the approval and designation of the Joint Committee on
12 Government and Finance, any employee of the Legislature may provide services to the
13 commission.

§4-16-6. Duration of commission.

1 Unless sooner terminated by law and until and unless extended, the commission shall
2 cease to exist at the adjournment *sine die* of both houses of the Legislature at the conclusion of
3 its regular session in the year 2023.

NOTE: The purpose of this bill is to create the "Big Creek Cape Coalwood Commission" to investigate development in McDowell County of facilities and attractions related to the coal mining and coal camp events, culture and heritage portrayed in the internationally acclaimed books by Homer Hickam, Jr., of Rocket Boys, Sky Of Stone and The Coalwood Way and the movie "October Sky." The commission would consist of three Senate members, three House of Delegate members and three citizen members, appointed by the Senate President and House Speaker. The Joint Committee on Government and Finance would function to give prior approval to expenditures by the commission.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.