WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

Con. Sub. for
HOUSE BILL No. 4479.

(By Delegate M. Burke)

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Passed March 9, 1990

In Effect 90 Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4479
(By Delegate M. Burke)

[Passed March 9, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Blennerhassett historical state park generally; requiring the Blennerhassett historical park commission to conduct meetings in accordance with the open governmental meetings law; and granting exclusive regulatory authority over the water transport of visitors to Blennerhassett Island to the division of commerce.

Be it enacted by the Legislature of West Virginia:

That section two, article eight, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. BLENNERHASSETT HISTORICAL PARK COMMISSION.

§29-8-2. Blennerhassett 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 historical state park
commission. As of said date, all assets, real and personal
property, debts, liabilities, duties, powers and authority
of the Blennerhassett historical park commission are
hereby transferred to the division of commerce. The
Blennerhassett 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 commis-
sion prior to the amendment and reenactment of this
section shall continue for the periods originally speci-
fied, and no such member serving as of the effective date
of such amendment and reenactment need be
reappointed.

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.

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.

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 re-
moved, 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
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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 historical state park.

All employee positions in the former Blennerhassett 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, chapter twenty-nine of this code. 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 of this section, shall be thereafter severed, removed or terminated from such employment prior to his entry into the classified service except for cause as if such person had been in the classified service when severed, removed or terminated.

Notwithstanding any provision of this code to the contrary, the division of commerce shall have exclusive regulatory authority over watercraft transport of
visitors to the Blennerhassett Island portion of the Blennerhassett historical state park and such watercraft transport shall not be subject to the provisions of article eighteen, chapter seventeen of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes 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 31st day of March, 1990.

Governor