

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Com. Sub. for
HOUSE BILL No. 4479

(By ~~the~~ Delegate M. Burke)



Passed March 9, 1990

In Effect 90 Days from Passage

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STATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE
FOR
H. B. 4479
(By DELEGATE M. BURKE)

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COMMERCE
MARCH 13 1990

[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
2 eighty-nine, there is established within the division of
3 commerce the Blennerhassett historical state park

4 commission. As of said date, all assets, real and personal
5 property, debts, liabilities, duties, powers and authority
6 of the Blennerhassett historical park commission are
7 hereby transferred to the division of commerce. The
8 Blennerhassett historical state park commission shall be
9 maintained as an advisory commission as hereinafter
10 provided. The commission shall be composed of ten
11 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 commis-
16 sion prior to the amendment and reenactment of this
17 section shall continue for the periods originally speci-
18 fied, and no such member serving as of the effective date
19 of such amendment and reenactment need be
20 reappointed.

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

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

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

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

44 filled only for the remainder of such term.

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

59 The commission shall advise the division of commerce
60 in all matters relating to the development, establish-
61 ment and maintenance of the Blennerhassett historical
62 state park.

63 All employee positions in the former Blennerhassett
64 historical park commission are hereby transferred to the
65 division of commerce and shall be included in the
66 classified service of the civil service system pursuant to
67 article six, chapter twenty-nine of this code. Any person
68 included in the classified service by the provisions of this
69 section who is employed in any of such positions as of
70 the effective date of this amendment and reenactment
71 shall not be required to take and pass qualifying or
72 competitive examinations upon or as a condition to being
73 added to the classified service: *Provided*, That no person
74 included in the classified service by the provisions of this
75 section who is employed in any of such positions as of
76 the effective date of this section, shall be thereafter
77 severed, removed or terminated from such employment
78 prior to his entry into the classified service except for
79 cause as if such person had been in the classified service
80 when severed, removed or terminated.

81 Notwithstanding any provision of this code to the
82 contrary, the division of commerce shall have exclusive
83 regulatory authority over watercraft transport of

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84 visitors to the Blennerhassett Island portion of the
85 Blennerhassett historical state park and such watercraft
86 transport shall not be subject to the provisions of article
87 eighteen, chapter seventeen of this code.

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

Fredrick L. Parker
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Parrell E. Walker
Clerk of the Senate

Donald L. Hagg
Clerk of the House of Delegates

Neil Burdette
President of the Senate

Bob Cole
Speaker of the House of Delegates

The within *is approved* this the *31st*
day of *March* 1990.
Easton Cameron
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/90

Time 4:08 pm