WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977
FIRST EXTRAORDINARY SESSION, 1977

ENROLLED
SENATE BILL NO. 5

(By Mr. )

PASSED May 6, 1977
In Effect July 1, 1977
ENROLLED
Senate Bill No. 8
(By Mr. Brotherton, Mr. President)

[Passed May 6, 1977; in effect July 1, 1977.]

AN ACT to repeal article twelve, chapter five; to repeal article one, chapter twenty-nine and to enact in lieu thereof a new article one; to repeal article seventeen, chapter twenty-nine; to amend and reenact section one, article eight, chapter four; to amend and reenact sections six and seventeen, article eight, chapter five; to amend and reenact section one, article four-a, chapter five-a; to amend and reenact section six, article twenty-six-a, chapter eight; and to amend and reenact section fifteen, article one, chapter twenty, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to creating a department of culture and history; providing for the qualifications, appointment and powers of a commissioner of culture and history; relating to the receipt and expenditure of funds; relating to the science and culture center; relating to the transfer of powers, duties, contracts and obligations of existing agencies to the department of culture and history; relating to abolishing the West Virginia antiquities commission and the department of archives and history; relating to establishing a division of archives and history and qualifications, appointment and powers of director thereof; designating the director of archives and history as the state historian and archivist; relating to establishing an archives and history commission, and providing for its appointment and powers; providing for the protection of archaeological findings and providing penalties; relating to abolishing the arts and humanities council; relating to establishing an arts and humanities division and qualifications, appointment and powers of a director thereof; relating to establishing an arts and humanities commission, and providing for its appointment and powers; relating to publication of materials by divi-
sions of the department of culture and history; relating to
land of the department, its control and disposal; relating to
membership on the governor's mansion advisory commit-
tee; relating to municipal and county historic landmarks
commission; relating to membership on the public land
corporation; relating to membership on the public records
management and preservation committee; relating to dis-
posal of public records with approval of state historian and
archivist; relating to civil service coverage; and retaining
present members of all commissions, boards and councils.

Be it enacted by the Legislature of West Virginia:

That article twelve, chapter five of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, be re-
pealed; that article one, chapter twenty-nine be repealed and
that there be enacted in lieu thereof a new article one; that
article seventeen, chapter twenty-nine be repealed; that sec-
tion one, article eight, chapter four be amended and reen-
acted; that sections six and seventeen, article eight, chapter
five be amended and reenacted; that section one, article four-a,
chapter five-a be amended and reenacted; that section six,
article twenty-six-a, chapter eight be amended and reenacted;
and that section fifteen, article one, chapter twenty, all of said
code be amended and reenacted, all to read as follows:

CHAPTER 29. MISCELLANEOUS BOARDS
AND OFFICERS.

ARTICLE 1. DEPARTMENT OF CULTURE AND HISTORY.

§29-1-1. Creation of department of culture and history; divi-
sions and commissions; purposes; definitions;
effective date.

1 Effective the first day of July, one thousand nine
2 hundred seventy-seven, there is hereby created a depart-
3 ment of culture and history and the office of commissioner
4 of culture and history. The governor shall nominate,
5 and by and with the advice and consent of the Senate,
6 appoint the commissioner, who shall be the chief execu-
7 tive officer of the department and shall be paid an an-
8 nual salary and be governed by the provisions of section
9 two-a, article seven, chapter six of this code. The commis-
10 sioner so appointed shall have: (1) a bachelor's degree
in one of the fine arts, social sciences, library science or a
related field; or (2) four years' experience in the adminis-
tration of museum management, public administration, 
history or a related field.

The department shall consist of two divisions and two 
corresponding citizens commissions:

(1) An archives and history division, and an archives 
and history commission; and
(2) An arts and humanities division, and an arts 
and humanities commission.

The commissioner shall exercise control and super-
vision of the department and shall be responsible for 
the projects, programs, and actions of each of its divi-
sions. The purpose and duty of the department is to 
advance, foster and promote the creative and performing 
arts and crafts, including both indoor and outdoor ex-
hibits and performances; to identify, acquire, mark and 
care for historical, prehistorical, archaeological and unique 
arhcitectural sites, structures and objects in the state; 
to coordinate all cultural and artistic activities in the 
state government and at the state-owned facilities; to 
acquire, preserve and classify books, documents and 
memorabilia of historical interest or importance; and, in 
general, to do all things necessary or convenient to pre-
servc and advance the culture of the state.

The department shall have jurisdiction and control of 
all space in the building presently known as the West 
Virginia science and culture center, including the deck 
and court yards forming an integral part thereof.

For the purposes of this article "commissioner" means 
the commissioner of culture and history, and "depart-
ment" means the department of culture and history.

§29-1-2. General powers of commissioner.

The commissioner shall assign and allocate space in 
all facilities assigned to the department and all space 
in the building presently known as the West Virginia 
science and culture center, and may prescribe rules and 
regulations for the use and occupancy of said facilities, 
including tours of the science and culture center.
The commissioner shall coordinate the operations and affairs of the divisions and commissions of the department and assign each division or commission responsibilities according to criteria he deems most efficient, productive and best calculated to carry out the purposes of this article. He shall provide to the fullest extent possible for centralization and coordination of the bookkeeping, personnel, purchasing, printing, duplicating, binding and other services which can be efficiently combined. If the commissioner finds it necessary, he may establish an administrative division and other divisions for such purposes as he deems necessary, and may appoint directors thereof. The commissioner may appoint a director of the West Virginia science and culture center.

After consultation with the directors of the divisions of the department and the commissions, the commissioner shall prepare a proposed departmental budget for submission to the governor for each fiscal year.

No contract, agreement or undertaking may be entered into by any division of the department which involves the expenditure of funds without the express written approval of the commissioner as to fiscal responsibility.

The commissioner shall prepare and submit to the governor an annual report in accordance with the provisions of section twenty, article one, chapter five of this code, which report shall include a detailed account of the activities of each division and commission of the department.

The commissioner shall employ all personnel for the divisions, except for persons in the professional positions established within the divisions as provided in this article; and shall supply support services to the commissions and to the governor's mansion advisory committee.

§29-1-3. Power to accept and receive funds; power to apply for grants; disbursement of funds; restrictions on expenditure; disposition of funds heretofore received or appropriated.

The department may, in the name of the state of West Virginia, accept and receive grants, appropriations, gifts,
bequests and funds from any public or private source for
the purpose of carrying out the duties and purposes of this
article. The department may apply for grants from the
federal government, the national endowment for the arts,
private foundations and any other source for the pur-
poses of this article. All funds received from any source
shall be paid into the treasury of the state and disbursed
upon warrant by the state auditor following requisition
by the department. Such requisitions shall be signed by
the commissioner or by such other person as he may
authorize by written document deposited with the auditor
or, in the event of emergency, by the governor or his
designee. No funds or gifts received from any source
shall be expended or used for any purpose other than
that intended as evidenced by a positive and affirmative
declaration or by a negative restriction or limitation.
The unexpended balance on the effective date of this
article of any funds heretofore appropriated to or received
from any source by the West Virginia antiquities com-
mission, the West Virginia arts and humanities council,
the department of archives and history, the arts and
crafts division of the department of commerce, or the
present science and culture center, is hereby transferred
and appropriated to the department of culture and his-
tory for the purpose of carrying out its powers and
duties and payment of any bills and encumbrances in-
curred by the aforesaid agencies, and their successor
divisions within the department, except to the extent
such funds are required to be retained and expended by
an agency having citizen representation in which event
they shall succeed to the appropriate commission estab-
lished by this article. All books, papers, maps, charts,
plans, literature and other records, and all equipment in
the possession of the aforesaid agencies upon the effec-
tive date of this article, or of any member, officer or
employee thereof, shall be delivered and turned over to
the department of culture and history.

All federal or state funds received to provide grants-
in-aid or awards to further the purposes of this article
shall be approved and distributed by the appropriate
commission established by this article.
§29-1-4. Transfer of powers and duties; existing contracts and obligations.

1 Except as otherwise provided in this article, the powers and duties of the West Virginia antiquities commission, the West Virginia arts and humanities council and the department of archives and history are hereby transferred to the department of culture and history. All existing contracts and obligations of the West Virginia antiquities commission, the West Virginia arts and humanities council and the department of archives and history, or relating to the present science and culture center, shall remain in full force and effect and shall be performed by the department of culture and history.

§29-1-5. Archives and history division; director.

1 The purposes and duties of the archives and history division are to locate, survey, investigate, register, identify, excavate, preserve, protect, restore and recommend to the commissioner for acquisition historic, architectural, archaeological and cultural sites, structures, documents and objects worthy of preservation, relating to the state of West Virginia and the territory included therein from the earliest times to the present, upon its own initiative or in cooperation with any private or public society, organization or agency; to conduct a continuing survey and study throughout the state to determine the needs and priorities for the preservation, restoration and development of such sites, structures, documents and objects; to direct, protect, excavate, preserve, study, and develop such sites, structures, documents, and to operate and maintain a state library for the preservation of all public records, state papers, documents and reports of all three branches of state government including all boards, commissions, departments and agencies as well as any other private or public papers, books or documents of peculiar or historic interest or significance; to preserve and protect all battle or regimental flags borne by West Virginians and other memorabilia of historic interest; to designate appropriate monuments, tablets or markers, historic, architectural and scenic sites within the state and to arrange for the purchase, replacement, care of and maintenance of such monu-
ments, tablets and markers and to formulate and prepare suitable copy for them; to operate and maintain a state museum; to cooperate with the state geological and economic surveys in the survey's archaeological work; to edit and publish a quarterly historical magazine devoted to the history, biography, bibliography and genealogy of West Virginia; and to perform such other duties as may be assigned to the division by the commissioner.

With the advice and consent of the archives and history commission, the commissioner shall appoint a director of the archives and history division, who shall have: (1) a bachelor's degree in one of the social sciences, or equivalent training and experience in the fields of West Virginia history, history, historic preservation, archaeology, or in records, library or archives management; or (2) three years' experience in administration in the fields of West Virginia history, history, historic preservation, archaeology, or in records, library or archives management. Notwithstanding these qualifications, the person serving as the state historian and archivist on the date of enactment of this article shall be eligible for appointment as the director of the archives and history division. The director of the archives and history division shall serve as the state historian and archivist.

With the approval of the commissioner, the director shall establish professional positions within the division. The director shall employ the personnel within these professional positions for the division.

The director may promulgate rules and regulations concerning the professional policies and functions of the archives and history division, subject to the approval of the archives and history commission.

§29-1-5a. Archives and history commission.

The West Virginia antiquities commission established by article twelve, chapter five of this code shall continue in existence until the first day of July, one thousand nine hundred seventy-seven at which time it shall be abolished, and replaced by an archives and history commission which
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is hereby created and which shall be composed of nine appointed members.

The governor shall nominate, and by and with the advice and consent of the Senate, appoint the members of the commission for staggered terms of three years. A person appointed to fill a vacancy shall be appointed only for the remainder of that term. Of the members of the archives and history commission first appointed, three shall be appointed for a term ending the thirtieth day of June, one thousand nine hundred seventy-eight, and three each for terms ending one and two years thereafter:

Provided, That each person serving as a member of the West Virginia antiquities commission, for a term which has not expired on the effective date of this article, shall be appointed by the governor without Senate confirmation to the archives and history commission, as one of the nine appointed members, for the term ending the thirtieth day of June in the year in which his term would expire as a member of the West Virginia antiquities commission.

No more than five of the appointed members may be of the same political party. Members of the commission shall be appointed so as to fairly represent both sexes, the ethnic and cultural diversity of the state and the geographic regions of the state. At least one of the appointed members shall be an archaeologist, one an architect and one an historian.

The commission shall elect one of its members chairman. It shall meet at such time as shall be specified by the chairman. Notice of each meeting shall be given to each member by the chairman at least five days in advance of the meeting. A majority of the members shall constitute a quorum for the transaction of business. The director of the archives and history division shall be an ex officio nonvoting member of the commission and shall serve as secretary. The director, or a majority of the members, may also call a meeting upon such notice as provided in this section.

Each member or ex officio member of the commission shall serve without compensation, but shall be reim-
bursed for all reasonable and necessary expenses actually
incurred in the performance of his duties; except that
in the event the expenses are paid, or are to be paid, by a
third party, the member or ex officio member, as the
case may be, shall not be reimbursed by the state.

In addition to the nine appointed members, the presi-
dent of the state historical society and the president of
the state historical association of college and university
teachers shall serve as ex officio voting members of the
archives and history commission. The director of the
state geological and economic survey and the state his-
toric preservation officer shall serve as ex officio non-
voting members of the archives and history division.

The commission shall have the following powers:

(1) To advise the commissioner and the director of
the archives and history division concerning the ac-
complishment of the purposes of that division and to
establish a state plan with respect thereto;

(2) To approve and distribute grants-in-aid and awards
from federal and state funds relating to the purposes of
the archives and history division;

(3) To request, accept or expend federal funds to
accomplish the purposes of the archives and history
division when federal law or regulations would prohibit
the same by the commissioner or division director, but
would permit the same to be done by the archives and
history commission;

(4) To otherwise encourage and promote the purposes
of the archives and history division;

(5) To approve rules and regulations concerning the
professional policies and functions of the division as
promulgated by the director of the archives and history
division; and

(6) To advise and consent to the appointment of the
director by the commissioner.

§29-l-5b. Protection of archaeological sites; penalties.

Archaeological sites and districts, identified as such
by the archives and history division, on lands owned or
leased by the state, or on private lands where investiga-
4. Tion and development rights have been acquired by the state by lease or contract, shall not be disturbed, de-
5. veloped or destroyed except with permission of the com-
6. missioner.
7. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dol-
8. lars, or imprisoned in the county jail not more than six months, or both fined and imprisoned.

§29-1-6. Arts and humanities division; director.
1. The purposes and duties of the arts and humanities division are to stimulate, encourage, assist, promote, foster and develop the performing and creative arts and crafts in the state; and in furtherance thereof to make awards, prizes and grants to individual performers, artists or craftsmen and to public or private corporations or associations in the field of either the performing or creative arts and crafts that would tend to encourage and foster the advancement of such arts and crafts; to present cultural, artistic or craft exhibits or performances at the department's facilities or on tour; and to perform such other duties as may be assigned to said division by the commissioner.
2. With the advice and consent of the arts and human-
3. ities commission, the commissioner shall appoint a direc-
4. tor of the arts and humanities division, who shall have: (1) a bachelor's degree in the fine arts or related field or equivalent training and experience; or (2) three years' ex-
5. perience in administration of the fine arts or a related field. Notwithstanding these qualifications, the person serving as the executive director of the arts and humani-
6. ties council on the date of the enactment of this article shall be eligible for appointment as the director of the arts and humanities division.
7. With the approval of the commissioner, the director shall establish professional positions within the division. The director shall employ the personnel within these professional positions for the division.
8. The director may promulgate rules and regulations concerning the professional policies and functions of
The West Virginia arts and humanities council established by article seventeen, chapter twenty-nine of this code shall continue in existence until the first day of July, one thousand nine hundred seventy-seven, at which time it shall be abolished, and replaced by an arts and humanities commission which is hereby created and which shall be composed of fifteen appointed members.

The governor shall nominate, and by and with the advice and consent of the Senate, appoint the members of the commission for staggered terms of three years. A person appointed to fill a vacancy shall be appointed only for the remainder of that term. Of the members of the arts and humanities commission first appointed, five shall be appointed for a term ending the thirtieth day of June, one thousand nine hundred seventy-eight, and five each for terms ending one and two years thereafter:

Provided, That each person serving as a member of the West Virginia arts and humanities council, for a term which has not expired on the effective date of this article, shall be appointed by the governor without Senate confirmation to the arts and humanities commission as one of the fifteen appointed members, for the term ending the thirtieth day of June in the year in which his term would expire as a member of the West Virginia arts and humanities council.

Effective the first day of July, one thousand nine hundred seventy-eight, no more than eight members may be of the same political party. Members of the commission shall be appointed so as to fairly represent both sexes, the ethnic and cultural diversity of the state and the geographic regions of the state.

The commission shall elect one of its members chairman. It shall meet at such time as shall be specified by the chairman. Notice of each meeting shall be given
to each member by the chairman at least five days in advance of the meeting. A majority of the members shall constitute a quorum for the transaction of business. The director of the arts and humanities division shall be an ex officio nonvoting member of the commission and shall serve as secretary. The director or a majority of the members may also call a meeting upon such notice as provided in this section.

Each member or ex officio member of the commission shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of his duties; except that in the event the expenses are paid, or are to be paid, by a third party, the member or ex officio member, as the case may be, shall not be reimbursed by the state.

Upon recommendation of the commissioner, the governor may also appoint such officers of the state as may be appropriate to serve on the commission as ex officio nonvoting members.

The commission shall have the following powers:

1. To advise the commissioner and the director of the arts and humanities division concerning the accomplishment of the purposes of that division and to establish a state plan with respect thereto;

2. To approve and distribute grants-in-aid and awards from federal and state funds relating to the purposes of the arts and humanities division;

3. To request, accept or expend federal funds to accomplish the purposes of the arts and humanities division when federal law or regulations would prohibit the same by the commissioner or division director, but would permit the same to be done by the arts and humanities commission;

4. To otherwise encourage and promote the purposes of the arts and humanities division;

5. To approve rules and regulations concerning the professional policies and functions of the division as promulgated by the director of the arts and humanities division; and
(6) To advise and consent to the appointment of the
director by the commissioner.

§29-1-7. Publication of materials; agreements.
1 The department of culture and history shall have the
to publish or republish
material of prehistorical, historical, archaeological, archi-
technical or cultural interest. The department of culture
and history may sell such publications as well as postcards
and other items of such interest at the state museum or
any other site or property administered by the state or at
any special event sponsored by the state; and any revenue
derived therefrom shall be paid into the treasury of the
state and disbursed upon warrant by the state auditor
following requisition by the department, as provided in
section three of this article. The department shall have
the right to enter into agreements with responsible
private historical, archaeological, architectural or cultural
associations, foundations or similar organizations or the
national park service, the national endowment for the arts
or any agency of the federal or state government for the
purpose of carrying out its purposes or for raising money
to fund the functions of the department.

§29-1-8. Land; control and disposal; rules and regulations.
1 All land owned or leased by the department shall be
titled in the name of the public land corporation of West
Virginia but shall be controlled, administered and super-
vised by the department. The department, in the discre-
tion of its commissioner, may sell or dispose of any real
or personal property which, in his or her opinion, does
not have sufficient prehistorical, historical, archaeological,
architectural or cultural value to justify its retention.
9 The commissioner shall have the power to make and
promulgate rules and regulations relating to the general
management and administration of the department.

§29-1-9. Department employees classified by civil service;
exceptions.
1 Effective the first day of July, one thousand nine
hundred seventy-seven, any person employed in any of
the agencies consolidated by this article who is a classified civil service employee shall, within the limits provided in article six of this chapter, remain in the civil service system as a covered employee; and all persons employed by the department of culture and history shall be employed under the classified service of the civil service system within the limits provided in article six of this chapter.

CHAPTER 4. THE LEGISLATURE.

ARTICLE 8. CAPITOL BUILDING COMMISSION.

§4-8-1. Creation; composition; qualifications.

There is continued a capitol building commission, hereinafter referred to as the commission, which shall be composed of five members who shall be appointed by the governor with the advice and consent of the Senate on the first day of July, one thousand nine hundred seventy-six, plus the commissioner of the department of finance and administration who shall be a nonvoting member. No more than three members shall be of the same political party. One member shall be an architect selected from three persons recommended by the board of architects, one member shall be a registered professional engineer selected from three persons recommended by the board of engineers, one member shall be selected from three persons who are interested in the historical beauty, value and preservation of the capitol building recommended by the commissioner of culture and history and two members shall be selected from the public at large.
ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT.

§5-8-6. Records management and preservation advisory committee.

A records management and preservation advisory committee is continued, to advise the administrator and to perform such other duties as this article requires. The records management and preservation advisory committee shall be composed of the following members: The governor, auditor, attorney general, president of the Senate, speaker of the House of Delegates, the chief justice of the supreme court of appeals, a judge of a circuit court to be appointed by the governor, the director of the office of emergency services, and the director of the division of archives and history of the department of culture and history, or their respective designated representatives. The advisory committee shall designate one of its members to be chairman, and it shall adopt rules for the conduct of its business. The advisory committee shall meet whenever called by its chairman or the administrator. The members of the advisory committee shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their duties as members of the advisory committee; except that in the event the expenses are paid, or are to be paid, by a third party, the member shall not be reimbursed by the state.

§5-8-17. Disposal of records.

No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the administrator and the director of the division of archives and history of the department of culture and history that the record has no further administrative, legal, fiscal, research or historical value.
CHAPTER 5A. DEPARTMENT OF FINANCE AND ADMINISTRATION.

ARTICLE 4A. GOVERNOR'S MANSION ADVISORY COMMITTEE.

§5A-4A-1. Committee created; appointment, terms, etc., of members; meetings and responsibilities; annual report.

There is hereby created the governor's mansion advisory committee. The commissioner of finance and administration, the commissioner of culture and history and the spouse of any governor during the term of office of that governor, or the designated representative of such governor, shall be ex officio members of the committee. In addition, the governor shall appoint three additional members of the committee, one to be a curator in the field of fine arts, one to be an interior decorator who is a member of the American Institute of Decorators, and one to be a building contractor. The appointive members of the committee shall serve for a term of four years. The members of the committee shall serve without compensation but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of their duties; except that in the event the expenses are paid, or are to be paid, by a third party, the member shall not be reimbursed by the state. The governor shall designate from the committee a chairman to serve for a term of one year. The commissioner of finance and administration shall serve as secretary. The committee shall meet upon the call of the chairman annually and may meet at such other times as may be necessary for the performance of its functions.

The committee shall be charged with the following responsibilities:

(1) To make recommendations to the governor for the maintaining, preserving and replenishing of all articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art used or displayed in the state rooms of the governor's mansion, which state rooms shall consist of the front hall, the reception room, the ballroom and its sitting room, the state dining room, the front upstairs hall and the music room;
(2) To make recommendations to the governor as to the decor and arrangements best suited to enhance the historic and artistic values of the mansion in keeping with the architecture thereof and of such articles of furniture, fixtures, decorative objects, linens, silver, china, crystal and objects of art, which recommendations shall be considered by the governor in decorating said mansion; and

(3) To invite interested persons to attend its meetings or otherwise to assist in carrying out its functions.

All departments, boards, agencies, commissions, officials and employees of the state are hereby authorized to cooperate with and assist the committee in the performance of its functions and duties whenever possible. As soon after the close of each fiscal year as possible, the committee shall make an annual report to the governor and the Legislature with respect to its activities and responsibilities.

CHAPTER 8. MUNICIPAL LAW, MUNICIPALITIES AND COUNTIES; INTERGOVERNMENTAL RELATIONS.

ARTICLE 26A. MUNICIPAL AND COUNTY HISTORIC LANDMARKS COMMISSIONS.

§8-26A-6. Assistance of state agencies; coordination.

Upon the request of any such commission, all agencies of the state shall assist such commission in the discharge of its duties and functions.

Every such commission shall cooperate and coordinate its activities with the West Virginia historical society and the West Virginia department of culture and history, with the view of developing a unified program for the identification, study, preservation and protection of all historic buildings, structures and sites in this state.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.


The public land corporation of West Virginia, here-fore created and established, shall be continued as an activity of the department of natural resources. The
corporation may sue and be sued, contract and be con-
tracted with, plead and be impleaded, and have and use
a common seal. It shall be a public benefit corporation
composed of the governor as chairman, the director of
the department of natural resources as secretary, the
commissioner of agriculture, the attorney general, the
director of the engineering experiment station at West
Virginia University and the commissioner of culture and
history, none of whom shall receive additional compen-
sation as members of the corporation.

The corporation shall be vested with the title of the
state in public land, the title to which now is or may
hereafter become absolutely vested in the state of West
Virginia by reason of any law governing the title of
lands within the state, except such public lands of the
state as may be by law specifically allocated to and
used by other state agencies, institutions and depart-
ments.

The corporation is hereby authorized and empowered
to:

(1) Acquire from any persons or the state commis-
sioner of forfeited lands, by purchase, lease or other
agreement, any lands necessary and required for public
use;

(2) Acquire by purchase, condemnation, lease, or
agreement, receive by gifts and devises, or exchange,
rights-of-way, easements, waters and minerals suitable
for public use;

(3) Sell, purchase or exchange lands or stumpage for
the purpose of consolidating lands under state or federal
government administration;

(4) Negotiate and effect loans or grants from the gov-
ernment of the United States or any agency thereof for
acquisition and development of such lands as may be
authorized by law to be acquired for public use;

(5) Expend the income from the use and develop-
ment of public lands for the purpose of liquidating ob-
ligations incurred in the acquisition, development and
administration of such lands, until all such obligations
have been fully discharged, and thereafter pay such income into the state fund for general revenue purposes and uses;

(6) Expend the income from the use and development of public lands for the purchase, development, restoration and preservation for public use, of sites, structures, objects and documents of prehistoric, historical, archaeological, architectural and cultural significance to the state of West Virginia; and

(7) Expend the income from the use and development of public lands for the purpose of obtaining grants or matching moneys available from the government of the United States or any of its instrumentalities for prehistoric, historic, archaeological, architectural and cultural purposes.

The corporation shall have the authority to designate lands to which it has title for development and administration for the public use including forestation, recreation, wildlife, stock grazing, agricultural rehabilitation and homesteading or other conservation activities and may contract or lease for the proper development of oil, gas or minerals, except that no contract or lease may be entered into for the extraction and removal by stripping or auger mining of coal, and water rights within or upon the lands or property under its control. It shall convey, assign, or allot lands to the title or custody of proper departments or other agencies of state government for administration and control within the functions of such departments or other agencies as provided by law. The corporation shall make proper lands available for the purpose of cooperating with the government of the United States in the relief of unemployment and hardship or for any other public purpose. The corporation shall report annually to the Legislature on its public land holdings, its financial condition and its operations and shall make such recommendations to the Legislature as deemed proper concerning the acquisition, development, disposition and use of public lands.

During the continuance of the Blennerhassett historical park commission, the public land corporation and its
members shall consult with and keep the said Blenner-
hassett historical park commission fully informed as to
any official action to be taken or proposed to be taken
pursuant to this act regarding or affecting Blennerhassett
Island and its prehistoric, historic, archaeological, archi-
tectural, cultural and recreational significance or devel-
ogram or any of the powers and duties of the Blenner-
hassett historical park commission.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

JAMES L. DAVIS
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. WILLIAM EDWARDS
Clerk of the Senate

Clerk of the House of Delegates

DAVID N. BARRICK
President of the Senate

DONALD L. BOSWELL
Speaker House of Delegates

The within is approved this the 16th day of May, 1977.

JOHN H. BAYLEY
Governor