

WEST VIRGINIA LEGISLATURE

REGULAR SESSION 1977

FIRST EXTRAORDINARY SESSION, 1977

—•—

ENROLLED

SENATE BILL NO. 8

(By Mr. Brookston, Mr. President)

—•—

PASSED May 6, 1977

In Effect July 1, 1977 ~~Postage~~

110.0

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 committee; 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 disposal 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 repealed; 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 section one, article eight, chapter four be amended and reenacted; 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; divisions 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

11 in one of the fine arts, social sciences, library science or a
12 related field; or (2) four years' experience in the adminis-
13 tration of museum management, public administration,
14 history or a related field.

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

17 (1) An archives and history division, and an archives
18 and history commission; and

19 (2) An arts and humanities division, and an arts
20 and humanities commission.

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

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

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

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

1 The commissioner shall assign and allocate space in
2 all facilities assigned to the department and all space
3 in the building presently known as the West Virginia
4 science and culture center, and may prescribe rules and
5 regulations for the use and occupancy of said facilities,
6 including tours of the science and culture center.

7 The commissioner shall coordinate the operations and
8 affairs of the divisions and commissions of the department
9 and assign each division or commission responsibilities
10 according to criteria he deems most efficient, productive
11 and best calculated to carry out the purposes of this
12 article. He shall provide to the fullest extent possible
13 for centralization and coordination of the bookkeeping,
14 personnel, purchasing, printing, duplicating, binding and
15 other services which can be efficiently combined. If the
16 commissioner finds it necessary, he may establish an ad-
17 ministrative division and other divisions for such purposes
18 as he deems necessary, and may appoint directors thereof.
19 The commissioner may appoint a director of the West
20 Virginia science and culture center.

21 After consultation with the directors of the divisions
22 of the department and the commissions, the commissioner
23 shall prepare a proposed departmental budget for sub-
24 mission to the governor for each fiscal year.

25 No contract, agreement or undertaking may be entered
26 into by any division of the department which involves the
27 expenditure of funds without the express written ap-
28 proval of the commissioner as to fiscal responsibility.

29 The commissioner shall prepare and submit to the
30 governor an annual report in accordance with the provi-
31 sions of section twenty, article one, chapter five of this
32 code, which report shall include a detailed account of the
33 activities of each division and commission of the de-
34 partment.

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

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

1 The department may, in the name of the state of West
2 Virginia, accept and receive grants, appropriations, gifts,

3 bequests and funds from any public or private source for
4 the purpose of carrying out the duties and purposes of this
5 article. The department may apply for grants from the
6 federal government, the national endowment for the arts,
7 private foundations and any other source for the pur-
8 poses of this article. All funds received from any source
9 shall be paid into the treasury of the state and disbursed
10 upon warrant by the state auditor following requisition
11 by the department. Such requisitions shall be signed by
12 the commissioner or by such other person as he may
13 authorize by written document deposited with the auditor
14 or, in the event of emergency, by the governor or his
15 designee. No funds or gifts received from any source
16 shall be expended or used for any purpose other than
17 that intended as evidenced by a positive and affirmative
18 declaration or by a negative restriction or limitation.
19 The unexpended balance on the effective date of this
20 article of any funds heretofore appropriated to or received
21 from any source by the West Virginia antiquities com-
22 mission, the West Virginia arts and humanities council,
23 the department of archives and history, the arts and
24 crafts division of the department of commerce, or the
25 present science and culture center, is hereby transferred
26 and appropriated to the department of culture and his-
27 tory for the purpose of carrying out its powers and
28 duties and payment of any bills and encumbrances in-
29 curred by the aforesaid agencies, and their successor
30 divisions within the department, except to the extent
31 such funds are required to be retained and expended by
32 an agency having citizen representation in which event
33 they shall succeed to the appropriate commission estab-
34 lished by this article. All books, papers, maps, charts,
35 plans, literature and other records, and all equipment in
36 the possession of the aforesaid agencies upon the effec-
37 tive date of this article, or of any member, officer or
38 employee thereof, shall be delivered and turned over to
39 the department of culture and history.

40 All federal or state funds received to provide grants-
41 in-aid or awards to further the purposes of this article
42 shall be approved and distributed by the appropriate
43 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
2 and duties of the West Virginia antiquities commission,
3 the West Virginia arts and humanities council and the
4 department of archives and history are hereby trans-
5 ferred to the department of culture and history. All
6 existing contracts and obligations of the West Virginia
7 antiquities commission, the West Virginia arts and
8 humanities council and the department of archives and
9 history, or relating to the present science and culture
10 center, shall remain in full force and effect and shall be
11 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
2 division are to locate, survey, investigate, register, iden-
3 tify, excavate, preserve, protect, restore and recommend
4 to the commissioner for acquisition historic, architec-
5 tural, archaeological and cultural sites, structures, docu-
6 ments and objects worthy of preservation, relating to
7 the state of West Virginia and the territory included
8 therein from the earliest times to the present, upon its
9 own initiative or in cooperation with any private or
10 public society, organization or agency; to conduct a con-
11 tinuing survey and study throughout the state to deter-
12 mine the needs and priorities for the preservation, restor-
13 ation and development of such sites, structures, docu-
14 ments and objects; to direct, protect, excavate, preserve,
15 study, and develop such sites, structures, documents, and
16 to operate and maintain a state library for the preserva-
17 tion of all public records, state papers, documents and
18 reports of all three branches of state government in-
19 cluding all boards, commissions, departments and agen-
20 cies as well as any other private or public papers, books
21 or documents of peculiar or historic interest or signifi-
22 cance; to preserve and protect all battle or regimental
23 flags borne by West Virginians and other memorabilia
24 of historic interest; to designate appropriate monuments,
25 tablets or markers, historic, architectural and scenic sites
26 within the state and to arrange for the purchase,
27 replacement, care of and maintenance of such monu-

28 ments, tablets and markers and to formulate and prepare
29 suitable copy for them; to operate and maintain a state
30 museum; to cooperate with the state geological and eco-
31 nomic surveys in the survey's archaeological work; to
32 edit and publish a quarterly historical magazine devoted
33 to the history, biography, bibliography and genealogy
34 of West Virginia; and to perform such other duties
35 as may be assigned to the division by the commis-
36 sioner.

37 With the advice and consent of the archives and his-
38 tory commission, the commissioner shall appoint a direc-
39 tor of the archives and history division, who shall have:
40 (1) a bachelor's degree in one of the social sciences, or
41 equivalent training and experience in the fields of West
42 Virginia history, history, historic preservation, archaeol-
43 ogy, or in records, library or archives management; or (2)
44 three years' experience in administration in the fields of
45 West Virginia history, history, historic preservation, arch-
46 aeology, or in records, library or archives management.
47 Notwithstanding these qualifications, the person serving
48 as the state historian and archivist on the date of enact-
49 ment of this article shall be eligible for appointment as the
50 director of the archives and history division. The director
51 of the archives and history division shall serve as the state
52 historian and archivist.

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

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

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

1 The West Virginia antiquities commission established
2 by article twelve, chapter five of this code shall continue
3 in existence until the first day of July, one thousand nine
4 hundred seventy-seven at which time it shall be abolished,
5 and replaced by an archives and history commission which

6 is hereby created and which shall be composed of nine
7 appointed members.

8 The governor shall nominate, and by and with the
9 advice and consent of the Senate, appoint the members
10 of the commission for staggered terms of three years. A
11 person appointed to fill a vacancy shall be appointed
12 only for the remainder of that term. Of the members of
13 the archives and history commission first appointed, three
14 shall be appointed for a term ending the thirtieth day of
15 June, one thousand nine hundred seventy-eight, and three
16 each for terms ending one and two years thereafter:
17 *Provided*, That each person serving as a member of the
18 West Virginia antiquities commission, for a term which
19 has not expired on the effective date of this article, shall
20 be appointed by the governor without Senate confirma-
21 tion to the archives and history commission, as one of
22 the nine appointed members, for the term ending the
23 thirtieth day of June in the year in which his term
24 would expire as a member of the West Virginia anti-
25 quities commission.

26 No more than five of the appointed members may be
27 of the same political party. Members of the commission
28 shall be appointed so as to fairly represent both sexes,
29 the ethnic and cultural diversity of the state and the
30 geographic regions of the state. At least one of the
31 appointed members shall be an archaeologist, one an archi-
32 tect and one an historian.

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

44 Each member or ex officio member of the commission
45 shall serve without compensation, but shall be reim-

46 bursed for all reasonable and necessary expenses actually
47 incurred in the performance of his duties; except that
48 in the event the expenses are paid, or are to be paid, by a
49 third party, the member or ex officio member, as the
50 case may be, shall not be reimbursed by the state.

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

59 The commission shall have the following powers:

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

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

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

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

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

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

§29-1-5b. Protection of archaeological sites; penalties.

1 Archaeological sites and districts, identified as such
2 by the archives and history division, on lands owned or
3 leased by the state, or on private lands where investiga-

4 tion and development rights have been acquired by the
5 state by lease or contract, shall not be disturbed, de-
6 veloped or destroyed except with permission of the com-
7 missioner.

8 Any person violating the provisions of this section
9 shall be guilty of a misdemeanor, and, upon conviction
10 thereof, shall be fined not more than five hundred dol-
11 lars, or imprisoned in the county jail not more than six
12 months, or both fined and imprisoned.

§29-1-6. Arts and humanities division; director.

1 The purposes and duties of the arts and humanities
2 division are to stimulate, encourage, assist, promote,
3 foster and develop the performing and creative arts and
4 crafts in the state; and in furtherance thereof to make
5 awards, prizes and grants to individual performers,
6 artists or craftsmen and to public or private corporations
7 or associations in the field of either the performing or crea-
8 tive arts and crafts that would tend to encourage and
9 foster the advancement of such arts and crafts; to present
10 cultural, artistic or craft exhibits or performances at the
11 department's facilities or on tour; and to perform such
12 other duties as may be assigned to said division by the
13 commissioner.

14 With the advice and consent of the arts and human-
15 ities commission, the commissioner shall appoint a direc-
16 tor of the arts and humanities division, who shall have:
17 (1) a bachelor's degree in the fine arts or related field or
18 equivalent training and experience; or (2) three years' ex-
19 perience in administration of the fine arts or a related
20 field. Notwithstanding these qualifications, the person
21 serving as the executive director of the arts and humani-
22 ties council on the date of the enactment of this article
23 shall be eligible for appointment as the director of the arts
24 and humanities division.

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

29 The director may promulgate rules and regulations
30 concerning the professional policies and functions of

31 the arts and humanities division, subject to the approval
32 of the arts and humanities commission.

§29-1-6a. Arts and humanities commission.

1 The West Virginia arts and humanities council es-
2 tablished by article seventeen, chapter twenty-nine of
3 this code shall continue in existence until the first day
4 of July, one thousand nine hundred seventy-seven, at
5 which time it shall be abolished, and replaced by an
6 arts and humanities commission which is hereby cre-
7 ated and which shall be composed of fifteen appointed
8 members.

9 The governor shall nominate, and by and with the
10 advice and consent of the Senate, appoint the members
11 of the commission for staggered terms of three years.
12 A person appointed to fill a vacancy shall be appointed
13 only for the remainder of that term. Of the members of
14 the arts and humanities commission first appointed, five
15 shall be appointed for a term ending the thirtieth day
16 of June, one thousand nine hundred seventy-eight, and
17 five each for terms ending one and two years thereafter:
18 *Provided*, That each person serving as a member of the
19 West Virginia arts and humanities council, for a term
20 which has not expired on the effective date of this article,
21 shall be appointed by the governor without Senate con-
22 firmation to the arts and humanities commission as one
23 of the fifteen appointed members, for the term ending
24 the thirtieth day of June in the year in which his term
25 would expire as a member of the West Virginia arts
26 and humanities council.

27 Effective the first day of July, one thousand nine hun-
28 dred seventy-eight, no more than eight members may
29 be of the same political party. Members of the com-
30 mission shall be appointed so as to fairly represent both
31 sexes, the ethnic and cultural diversity of the state and
32 the geographic regions of the state.

33 The commission shall elect one of its members chair-
34 man. It shall meet at such time as shall be specified by
35 the chairman. Notice of each meeting shall be given

36 to each member by the chairman at least five days in
37 advance of the meeting. A majority of the members
38 shall constitute a quorum for the transaction of business.
39 The director of the arts and humanities division shall be
40 an ex officio nonvoting member of the commission and
41 shall serve as secretary. The director or a majority of
42 the members may also call a meeting upon such notice
43 as provided in this section.

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

51 Upon recommendation of the commissioner, the gov-
52 ernor may also appoint such officers of the state as may
53 be appropriate to serve on the commission as ex officio
54 nonvoting members.

55 The commission shall have the following powers:

56 (1) To advise the commissioner and the director of
57 the arts and humanities division concerning the accom-
58 plishment of the purposes of that division and to es-
59 tablish a state plan with respect thereto;

60 (2) To approve and distribute grants-in-aid and
61 awards from federal and state funds relating to the
62 purposes of the arts and humanities division;

63 (3) To request, accept or expend federal funds to
64 accomplish the purposes of the arts and humanities divi-
65 sion when federal law or regulations would prohibit the
66 same by the commissioner or division director, but
67 would permit the same to be done by the arts and
68 humanities commission;

69 (4) To otherwise encourage and promote the purposes
70 of the arts and humanities division;

71 (5) To approve rules and regulations concerning the
72 professional policies and functions of the division as
73 promulgated by the director of the arts and humanities
74 division; and

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

§29-1-7. Publication of materials; agreements.

1 The department of culture and history shall have the
2 power, responsibility and duty to publish or republish
3 material of prehistorical, historical, archaeological, archi-
4 tectural or cultural interest. The department of culture
5 and history may sell such publications as well as postcards
6 and other items of such interest at the state museum or
7 any other site or property administered by the state or at
8 any special event sponsored by the state; and any revenue
9 derived therefrom shall be paid into the treasury of the
10 state and disbursed upon warrant by the state auditor
11 following requisition by the department, as provided in
12 section three of this article. The department shall have
13 the right to enter into agreements with responsible
14 private historical, archaeological, architectural or cultural
15 associations, foundations or similar organizations or the
16 national park service, the national endowment for the arts
17 or any agency of the federal or state government for the
18 purpose of carrying out its purposes or for raising money
19 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
2 titled in the name of the public land corporation of West
3 Virginia but shall be controlled, administered and super-
4 vised by the department. The department, in the discre-
5 tion of its commissioner, may sell or dispose of any real
6 or personal property which, in his or her opinion, does
7 not have sufficient prehistorical, historical, archaeological,
8 architectural or cultural value to justify its retention.

9 The commissioner shall have the power to make and
10 promulgate rules and regulations relating to the general
11 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
2 hundred seventy-seven, any person employed in any of

3 the agencies consolidated by this article who is a classified
4 civil service employee shall, within the limits provided in
5 article six of this chapter, remain in the civil service
6 system as a covered employee; and all persons employed
7 by the department of culture and history shall be em-
8 ployed under the classified service of the civil service
9 system within the limits provided in article six of this
10 chapter.

CHAPTER 4. THE LEGISLATURE.

ARTICLE 8. CAPITOL BUILDING COMMISSION.

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

1 There is continued a capitol building commission,
2 hereinafter referred to as the commission, which shall be
3 composed of five members who shall be appointed by the
4 governor with the advice and consent of the Senate on the
5 first day of July, one thousand nine hundred seventy-six,
6 plus the commissioner of the department of finance and
7 administration who shall be a nonvoting member. No
8 more than three members shall be of the same political
9 party. One member shall be an architect selected from
10 three persons recommended by the board of architects,
11 one member shall be a registered professional engineer
12 selected from three persons recommended by the board of
13 engineers, one member shall be selected from three per-
14 sons who are interested in the historical beauty, value and
15 preservation of the capitol building recommended by the
16 commissioner of culture and history and two members
17 shall be selected from the public at large.

**CHAPTER 5. GENERAL POWERS AND DUTIES OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY
GENERAL; ITEMIZATION OF PROPOSED APPROPRIA-
TIONS IN BUDGET BILL SUBMITTED BY GOVERNOR TO
LEGISLATURE; BOARD OF PUBLIC WORKS; SALARY
INCREASE FOR STATE EMPLOYEES; STATE BUILDING
COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC
RECORDS MANAGEMENT AND PRESERVATION ACT;
WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT
ACT; DISQUALIFICATION FOR PUBLIC RETIREMENT
PLAN BENEFITS; HUMAN RIGHTS COMMISSION;**

**PUBLIC EMPLOYEES' AND TEACHERS' RECIPROCAL
SERVICE CREDIT ACT; WHITE CANE LAW; WEST
VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT;
WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY
AND ENVIRONMENT.**

**ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESER-
VATION ACT.**

**§5-8-6. Records management and preservation advisory com-
mittee.**

1 A records management and preservation advisory
2 committee is continued, to advise the administrator and to
3 perform such other duties as this article requires. The
4 records management and preservation advisory commit-
5 tee shall be composed of the following members: The
6 governor, auditor, attorney general, president of the
7 Senate, speaker of the House of Delegates, the chief
8 justice of the supreme court of appeals, a judge of a
9 circuit court to be appointed by the governor, the director
10 of the office of emergency services, and the director of the
11 division of archives and history of the department of
12 culture and history, or their respective designated repre-
13 sentatives. The advisory committee shall designate one of
14 its members to be chairman, and it shall adopt rules for
15 the conduct of its business. The advisory committee shall
16 meet whenever called by its chairman or the adminis-
17 trator. The members of the advisory committee shall
18 serve without compensation but shall be reimbursed for
19 all reasonable and necessary expenses actually incurred
20 in the performance of their duties as members of the
21 advisory committee; except that in the event the expenses
22 are paid, or are to be paid, by a third party, the member
23 shall not be reimbursed by the state.

§5-8-17. Disposal of records.

1 No record shall be destroyed or otherwise disposed of
2 by any agency of the state, unless it is determined by the
3 administrator and the director of the division of archives
4 and history of the department of culture and history
5 that the record has no further administrative, legal, fiscal,
6 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.**

1 There is hereby created the governor's mansion ad-
2 visory committee. The commissioner of finance and ad-
3 ministration, the commissioner of culture and history
4 and the spouse of any governor during the term of office
5 of that governor, or the designated representative of
6 such governor, shall be ex officio members of the com-
7 mittee. In addition, the governor shall appoint three
8 additional members of the committee, one to be a
9 curator in the field of fine arts, one to be an interior
10 decorator who is a member of the American institute
11 of decorators, and one to be a building contractor. The
12 appointive members of the committee shall serve for a
13 term of four years. The members of the committee shall
14 serve without compensation but shall be reimbursed for
15 reasonable and necessary expenses actually incurred
16 in the performance of their duties; except that in the
17 event the expenses are paid, or are to be paid, by a third
18 party, the member shall not be reimbursed by the state.
19 The governor shall designate from the committee a chair-
20 man to serve for a term of one year. The commissioner
21 of finance and administration shall serve as secretary.
22 The committee shall meet upon the call of the chairman
23 annually and may meet at such other times as may be
24 necessary for the performance of its functions.

25 The committee shall be charged with the following
26 responsibilities:

27 (1) To make recommendations to the governor for the
28 maintaining, preserving and replenishing of all articles of
29 furniture, fixtures, decorative objects, linens, silver,
30 china, crystal and objects of art used or displayed in the
31 state rooms of the governor's mansion, which state rooms
32 shall consist of the front hall, the reception room, the
33 ballroom and its sitting room, the state dining room, the
34 front upstairs hall and the music room;

35 (2) To make recommendations to the governor as to
36 the decor and arrangements best suited to enhance the
37 historic and artistic values of the mansion in keeping
38 with the architecture thereof and of such articles of
39 furniture, fixtures, decorative objects, linens, silver,
40 china, crystal and objects of art, which recommendations
41 shall be considered by the governor in decorating said
42 mansion; and

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

45 All departments, boards, agencies, commissions, officials
46 and employees of the state are hereby authorized to
47 cooperate with and assist the committee in the perform-
48 ance of its functions and duties whenever possible. As
49 soon after the close of each fiscal year as possible, the
50 committee shall make an annual report to the governor
51 and the Legislature with respect to its activities and
52 responsibilities.

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

ARTICLE 26A. MUNICIPAL AND COUNTY HISTORIC LAND- MARKS COMMISSIONS.

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

1 Upon the request of any such commission, all agen-
2 cies of the state shall assist such commission in the dis-
3 charge of its duties and functions.

4 Every such commission shall cooperate and coordinate
5 its activities with the West Virginia historical society
6 and the West Virginia department of culture and his-
7 tory, with the view of developing a unified program for
8 the identification, study, preservation and protection of
9 all historic buildings, structures and sites in this state.

CHAPTER 20. NATURAL RESOURCES.

ARTICLE 1. ORGANIZATION AND ADMINISTRATION.

§20-1-15. Public land corporation.

1 The public land corporation of West Virginia, here-
2 tofore created and established, shall be continued as an
3 activity of the department of natural resources. The

4 corporation may sue and be sued, contract and be con-
5 tracted with, plead and be impleaded, and have and use
6 a common seal. It shall be a public benefit corporation
7 composed of the governor as chairman, the director of
8 the department of natural resources as secretary, the
9 commissioner of agriculture, the attorney general, the
10 director of the engineering experiment station at West
11 Virginia University and the commissioner of culture and
12 history, none of whom shall receive additional compen-
13 sation as members of the corporation.

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

22 The corporation is hereby authorized and empowered
23 to:

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

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

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

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

39 (5) Expend the income from the use and develop-
40 ment of public lands for the purpose of liquidating ob-
41 ligations incurred in the acquisition, development and
42 administration of such lands, until all such obligations

43 have been fully discharged, and thereafter pay such in-
44 come into the state fund for general revenue purposes
45 and uses;

46 (6) Expend the income from the use and development
47 of public lands for the purchase, development, restora-
48 tion and preservation for public use, of sites, structures,
49 objects and documents of prehistoric, historical, archae-
50 ological, architectural and cultural significance to the
51 state of West Virginia; and

52 (7) Expend the income from the use and develop-
53 ment of public lands for the purpose of obtaining grants
54 or matching moneys available from the government of
55 the United States or any of its instrumentalities for pre-
56 historic, historic, archaeological, architectural and cul-
57 tural purposes.

58 The corporation shall have the authority to designate
59 lands to which it has title for development and adminis-
60 tration for the public use including forestation, recrea-
61 tion, wildlife, stock grazing, agricultural rehabilitation
62 and homesteading or other conservation activities and
63 may contract or lease for the proper development of oil,
64 gas or minerals, except that no contract or lease may be
65 entered into for the extraction and removal by stripping
66 or auger mining of coal, and water rights within or upon
67 the lands or property under its control. It shall convey,
68 assign, or allot lands to the title or custody of proper
69 departments or other agencies of state government for
70 administration and control within the functions of such
71 departments or other agencies as provided by law. The
72 corporation shall make proper lands available for the
73 purpose of cooperating with the government of the United
74 States in the relief of unemployment and hardship or
75 for any other public purpose. The corporation shall re-
76 port annually to the Legislature on its public land hold-
77 ings, its financial condition and its operations and shall
78 make such recommendations to the Legislature as deemed
79 proper concerning the acquisition, development, dispo-
80 sition and use of public lands.

81 During the continuance of the Blennerhassett historical
82 park commission, the public land corporation and its

83 members shall consult with and keep the said Blenner-
84 hassett historical park commission fully informed as to
85 any official action to be taken or proposed to be taken
86 pursuant to this act regarding or affecting Blennerhassett
87 Island and its prehistoric, historic, archaeological, archi-
88 tectural, cultural and recreational significance or devel-
89 opment or any of the powers and duties of the Blenner-
90 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

Clarence C. Christensen
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. C. Dillinger
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

W. B. Smith
President of the Senate

Donald L. Gopp
Speaker House of Delegates

The within is approved this the 16

day of May, 1977.

(John) R. Rye
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAY 11 11 49 AM '77

OFFICE OF THE GOVERNOR

Date

May 16, 1977

Time

3:45 p.m.

RECEIVED

17 MAY 17 P 1:36

OFFICE
ECY. OF STATE