

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977

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ENROLLED

Committee Substitute for

HOUSE BILL No. 1668

(By Mr. Speaker, Mr. Kopp)

— ● —

PASSED April 9, 1977

In Effect July 1, 1977 Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1668

(By MR. SPEAKER, MR. KOPP)

[Passed April 9, 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, relating to creating a department of culture and history; providing for the 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 a director thereof to be state historian and archivist; relating to establishing an archives and history commission, and providing for its appointment and powers; providing for the protection or archeological findings and providing

penalties; relating to abolishing the arts and humanities council; relating to establishing an arts and humanities division and a director thereof; relating to establishing an arts and humanities commission, and providing for its appointment and powers; relating to publication of materials by divisions 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 annual reports for public libraries; relating to civil service coverage; relating to the interstate library compact; 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 sections twelve through twenty-one, article one, chapter ten 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; that section eight, article one and section three, article one-a, both of chapter ten be amended and reenacted; that sections eleven and twelve, article ten, chapter eighteen 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 hundred
- 2 seventy-seven, there is hereby created a department of culture

3 and history and the office of commissioner of culture and
4 history. The governor shall nominate, and by and with
5 the advice and consent of the Senate, appoint the com-
6 missioner, who shall be the chief executive officer of the
7 department and shall be paid an annual salary, all as pro-
8 vided in section two-a, article seven, chapter six of this
9 code. The commissioner so appointed shall hold a master's
10 degree in either museum administration, history, library
11 science, public administration or the arts. Such a per-
12 son shall not have less than two years experience in ad-
13 ministration.

14 The department shall consist of three divisions and three
15 corresponding citizens commissions:

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

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

20 The commissioner shall exercise control and supervision
21 of the department and shall be responsible for the pro-
22 jects, programs and actions of each of its divisions. The
23 purpose and duty of the department is to advance, foster
24 and promote the creative and performing arts, including
25 both indoor and outdoor exhibits and performances; to
26 identify, acquire, mark and care for historical, prehistori-
27 cal, archaeological and unique architectural sites, structures and
28 objects in the state; to coordinate all cultural and artistic activi-
29 ties in the state government and at the state-owned facilities;
30 to acquire, preserve and classify books, documents and
31 memorabilia of historical interest or importance; and, in
32 general, to do all things necessary or convenient to preserve
33 and advance the culture of the state.

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

38 For the purposes of this article "commissioner" means the
39 commissioner of culture and history, and "department" means
40 the department of culture and history.

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

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

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

18 After consultation with the directors of the divisions of the
19 department and the commissions, the commissioner shall pre-
20 pare a proposed departmental budget for submission to the
21 governor for each fiscal year.

22 No contract, agreement or undertaking may be entered into
23 by any division of the department which involves the expendi-
24 ture of funds without the express written approval of the com-
25 missioner as to fiscal responsibility.

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

31 The commissioner shall employ all personnel for the several
32 divisions, except for persons in the professional positions
33 established within the divisions as provided in this article; and
34 shall supply support services to the commissions, the governor's
35 mansion advisory committee and to the library study com-
36 mittee.

37 The commissioner may appoint a director of the West Vir-
38 ginia science and culture center. Such director may employ
39 such other personnel as may be necessary to carry out the
40 duties and responsibilities with which he shall be charged by
41 the commissioner.

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

1 The department may, in the name of the state of West Vir-
2 ginia, accept and receive grants, appropriations, gifts, bequests
3 and funds from any public or private source for the purpose of
4 carrying out the duties and purposes of this article. The depart-
5 ment may apply for grants from the federal government, the
6 national endowment for the arts, private foundations and any
7 other source for the purposes of this article. All funds received
8 from any source shall be paid into the treasury of the state and
9 disbursed upon warrant by the state auditor following requi-
10 sition by the department. Such requisitions shall be signed by
11 the commissioner or by such other person as he may authorize
12 by written document deposited with the auditor or, in the
13 event of emergency, by the governor or his designee. No funds
14 or gifts received from any source shall be expended or used
15 for any purpose other than that intended as evidenced by a
16 positive and affirmative declaration or by a negative restriction
17 or limitation. The unexpended balance on the effective date
18 of this article of any funds heretofore appropriated to or re-
19 ceived from any source by the West Virginia antiquities com-
20 mission, the West Virginia arts and humanities council, the
21 department of archives and history, the arts and crafts
22 division of the department of commerce, or the present
23 science and culture center, is hereby transferred and ap-
24 propriated to the department of culture and history for the
25 purpose of carrying out its powers and duties and pay-
26 ment of any bills and encumbrances incurred by the afore-
27 said agencies, and their successor divisions within the de-
28 partment, except to the extent such funds are required to be
29 retained and expended by an agency having citizen representa-
30 tion in which event they shall succeed to the appropriate com-
31 mission established by this article. All books, papers, maps,

32 charts, plans, literature and other records, and all equipment in
33 the possession of the aforesaid agencies upon the effective date
34 of this article, or of any member, officer or employee thereof,
35 shall be delivered and turned over to the department of culture
36 and history.

37 All federal or state funds received to provide grants-in-aid
38 or awards to further the purposes of this article shall be ap-
39 proved and distributed by the appropriate commission estab-
40 lished 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, the
3 West Virginia library commission, the West Virginia arts
4 and humanities council and the department of archives and
5 history are hereby transferred to the department of culture
6 and history. In addition, the department of commerce may
7 no longer continue the functions of its arts and crafts division,
8 but such functions may be performed by the department of
9 culture and history to the extent authorized by this article.
10 All existing contracts and obligations of the West Virginia
11 antiquities commission, the West Virginia arts and humanities
12 council and the department of archives and history, or relating
13 to the present science and culture center, shall remain in full
14 force and effect and shall be performed by the department of
15 culture and history.

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

1 The purposes and duties of the archives and history division
2 are to locate, survey, investigate, register, identify, excavate,
3 preserve, protect, restore and recommend to the commissioner
4 for acquisition historic, architectural, archaeological and cul-
5 tural sites, structures, documents and objects worthy of
6 preservation, relating to the state of West Virginia and the
7 territory included therein from the earliest times to the present,
8 upon its own initiative or in cooperation with any private or
9 public society, organization or agency; to conduct a con-
10 tinuing survey and study throughout the state to determine
11 the needs and priorities for the preservation, restoration and

12 development of such sites, structures, documents and objects;
13 to direct, protect, excavate, preserve, study, and develop such
14 sites, structures, documents, and to operate and maintain a
15 state library for the preservation of all public records, state
16 papers, documents and reports of all three branches of state
17 government including all boards, commissions, departments
18 and agencies as well as any other private or public papers,
19 books or documents of peculiar or historic interest or signifi-
20 cance; to preserve and protect all battle or regimental flags
21 borne by West Virginians and other memorabilia of historic
22 interest; to designate appropriate monuments, tablets or mar-
23 kers, historic, architectural and science sites within the state
24 and to arrange for the purchase, replacement, care of and
25 maintenance of such monuments, tablets and markers and to
26 formulate and prepare suitable copy for them; to operate and
27 maintain a state museum; to cooperate with the state geological
28 and economic surveys in the survey's archeological work; to
29 edit and publish a quarterly historical magazine devoted to
30 the history, biography, bibliography and genealogy of West
31 Virginia; and to perform such other duties as may be assigned
32 to the division by the commissioner.

33 With the advice and consent of the archives and history
34 commission, the commissioner shall appoint a director of the
35 archives and history division, who shall have a master's degree
36 in library science or one of the social sciences, training and
37 experience in library or archives management, and three
38 years' experience in administration. Notwithstanding these
39 qualifications, the person serving as the state historian
40 and archivist on the date of enactment of this article shall
41 be eligible for appointment as the director of the archives
42 and history division. The director of the archives and
43 history division shall serve as the state historian and
44 archivist.

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

49 The director may promulgate rules and regulations con-
50 cerning the professional policies and functions of the archives

51 and history division, subject to the approval of the archives
52 and history commission.

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

1 The West Virginia antiquities commission established by
2 article twelve, chapter five of this code shall continue in
3 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 is
6 hereby created and which shall be composed of nine appointed
7 members.

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

25 No more than five members may be of the same political
26 party. Members of the commission shall be appointed so as
27 to fairly represent both sexes, the ethnic and cultural diversity
28 of the state and the geographic regions of the state.

29 The commission shall elect one of its members chairman.
30 It shall meet at such time as shall be specified by the chairman.
31 Notice of each meeting shall be given to each member by the
32 chairman at least five days in advance of the meeting.
33 The director of the archives and history division shall be
34 an ex officio nonvoting member of the commission and
35 shall serve as secretary. The director, or a majority of the

36 members, may also call a meeting upon such notice as pro-
37 vided in this section.

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

46 In addition to the nine appointed members, the following
47 persons shall serve as ex officio nonvoting members of the
48 archives and history commission: The director of the state
49 geological and economic survey, the president of the state
50 historical society, the president of the state historical associa-
51 tion of college and university teachers and the state historic
52 preservation officer.

53 The commission shall have the following powers:

54 (1) To advise the commissioner and the director of the
55 archives and history division concerning the accomplishment
56 of the purposes of that division and to establish a state
57 plan with respect thereto;

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

61 (3) To request, accept or expend federal funds to ac-
62 complish the purposes of the archives and history division
63 when federal law or regulations would prohibit the same by
64 the commissioner or division director, but would permit the
65 same to be done by the archives and history commission;

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

68 (5) To approve rules and regulations concerning the
69 professional policies and functions of the division as promul-
70 gated by the director of the archives and history division;
71 and

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

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

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

13 With the advice and consent of the arts and humanities
14 commission, the commissioner shall appoint a director of
15 the arts and humanities division, who shall have a master's
16 degree in the fine arts or related field and two years' ex-
17 perience in administration or personnel, or a bachelor's degree
18 or its equivalent in any field and five years' experience in arts'
19 administration or personnel. Notwithstanding these qualifica-
20 tions, the person serving as the executive director of the arts
21 and humanities council on the date of the enactment of this
22 article shall be eligible for appointment as the director of the
23 arts and humanities division.

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

28 The director may promulgate rules and regulations con-
29 cerning the professional policies and functions of the arts
30 and humanities division, subject to the approval of the arts
31 and humanities commission.

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

1 The West Virginia arts and humanities council established
2 by article seventeen, chapter twenty-nine of this code shall

3 continue in existence until the first day of July, one thousand
4 nine hundred seventy-seven, at which time it shall be abolished,
5 and replaced by an arts and humanities commission which
6 is hereby created and which shall be composed of fifteen
7 appointed members.

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

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

31 The commission shall elect one of its members chairman.
32 It shall meet at such time as shall be specified by the
33 chairman. Notice of each meeting shall be given to each
34 member by the chairman at least five days in advance of the
35 meeting. The director of the arts and humanities divi-
36 sion shall be an ex officio nonvoting member of the
37 commission and shall serve as secretary. The director or
38 a majority of the members may also call a meeting upon
39 such notice as provided in this section.

40 Each member or ex officio member of the commis-

41 sion shall serve without compensation, but shall be re-
42 imbursed for all reasonable and necessary expenses actual-
43 ly incurred in the performance of his duties; except that
44 in the event the expenses are paid, or are to be paid,
45 by a third party, the member or ex officio member,
46 as the case may be, shall not be reimbursed by the
47 state.

48 Upon recommendation of the commissioner, the governor
49 may also appoint such officers of the state as may be
50 appropriate to serve on the commission as ex officio non-
51 voting members.

52 The commission shall have the following powers:

53 (1) To advise the commissioner and the director of the
54 arts and humanities division concerning the accomplishment
55 of the purposes of that division and to establish a state plan
56 with respect thereto;

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

60 (3) To request, accept or expend federal funds to ac-
61 complish the purposes of the arts and humanities division
62 when federal law or regulations would prohibit the same by
63 the commissioner or division director, but would permit the
64 same to be done by the arts and humanities commission;

65 (4) To otherwise encourage and promote the purposes of
66 the arts and humanities division;

67 (5) To approve rules and regulations concerning the
68 professional policies and functions of the division as promul-
69 gated by the director of the arts and humanities division;
70 and

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

§29-1-6b. Protection of archeological sites; penalties.

1 Archaeological sites, identified as such by the archives and
2 history division, on lands owned or leased by the state, or

3 on private lands where investigation and development rights
4 have been acquired by the state by lease or contract, shall not
5 be disturbed, developed or destroyed except with permission of
6 the commissioner.

7 Any person violating the provisions of this section will be
8 guilty of a misdemeanor and be punished by a fine not exceed-
9 ing five hundred dollars or imprisoned for a term of six months,
10 or by both fine and imprisonment in the discretion of the
11 court.

§29-1-14. Publication of materials; agreements.

1 The department of culture and history shall have the
2 power, responsibility and duty to publish or republish material
3 of prehistorical, historical archaeological, architectural or
4 cultural interest. The department of culture and history may
5 sell such publications as well as postcards and other items
6 of such interest at the state museum or any other site or
7 property administered by the state or at any special event
8 sponsored by the state; and any revenue derived therefrom
9 shall be paid into the treasury of the state and disbursed
10 upon warrant by the state auditor following requisition by
11 the department, as provided in section three of this article.
12 The department shall have the right to enter into agreement
13 with responsible private historical, archaeological, architectural
14 or cultural associations, foundations or similar organizations
15 or the national park service, the national endowment for the
16 arts or any agency of the federal or state government for the
17 purpose of carrying out its purposes or for raising money to
18 fund the functions of the department.

§29-1-15. 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 supervised
4 by the department. The department, in the discretion of
5 its commissioner, may sell or dispose of any real or personal
6 property which, in his or her opinion, does not have sufficient
7 prehistorical, historical, archaeological, architectural or cultural
8 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.

§29-1-16. Department employees classified by civil service; exceptions.

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

CHAPTER 4. THE LEGISLATURE.

ARTICLE 8. CAPITOL BUILDING COMMISSION.

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

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

**MITTED BY GOVERNOR TO LEGISLATURE;
BOARD OF PUBLIC WORKS; SALARY INCREASE
FOR STATE EMPLOYEES; STATE BUILDING COM-
MISSION; SOCIAL SECURITY AGENCY; PUBLIC
RECORDS MANAGEMENT AND PRESERVATION
ACT; DEPARTMENT OF COMMERCE; WEST VIR-
GINIA PUBLIC EMPLOYEES RETIREMENT ACT;
DISQUALIFICATION FOR PUBLIC RETIREMENT
PLAN BENEFITS; HUMAN RIGHTS COMMISSION;
WEST VIRGINIA ANTIQUITIES COMMISSION; PUB-
LIC EMPLOYEES AND TEACHERS' RECIPROCAL
SERVICE CREDIT ACT; WHITE CANE LAW; WEST
VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT;
WEST VIRGINIA COMMISSION ON ENERGY, ECON-
OMY AND ENVIRONMENT; WEST VIRGINIA
BEAUTIFICATION COMMISSION.**

**ARTICLE 8. PUBLIC RECORDS MANAGEMENT AND PRESERVA-
TION ACT.**

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

1 A records management and preservation advisory com-
2 mittee is continued, to advise the administrator and to per-
3 form such other duties as this article requires. The records
4 management and preservation advisory committee shall be
5 composed of the following members: The governor, auditor,
6 attorney general, president of the Senate, speaker of the House
7 of Delegates, the chief justice of the supreme court of appeals,
8 a judge of a circuit court to be appointed by the governor, the
9 director of the office of emergency services, and the director of
10 the division of archives and history of the department of cul-
11 ture and history, or their respective designated representatives.
12 The advisory committee shall designate one of its members to
13 be chairman, and it shall adopt rules for the conduct of its
14 business. The advisory committee shall meet whenever called
15 by its chairman or the administrator. The members of the ad-
16 visory committee shall serve without compensation but shall
17 be reimbursed for all reasonable and necessary expenses actual-
18 ly incurred in the performance of their duties as members of
19 the advisory committee.

§5-8-17. Disposal of records.

1 No record shall be destroyed or otherwise disposed of by
2 any agency of the state, unless it is determined by the ad-
3 ministrator and the director of the division of archives and
4 history of the department of culture and history that the
5 record has no further administrative, legal, fiscal, research or
6 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 mem-
bers; meetings and responsibilities; annual report.**

1 There is hereby created the governor's mansion advisory
2 committee. The commissioner of finance and administration,
3 the commissioner of culture and history and the spouse of
4 any governor during the term of office of that governor, or
5 the designated representative of such governor, shall be ex
6 officio members of the committee. In addition, the governor
7 shall appoint three additional members of the committee, one
8 to be a curator in the field of fine arts, one to be an
9 interior decorator who is a member of the American institute
10 of decorators, and one to be a building contractor. The
11 appointive members of the committee shall serve for a term
12 of four years. The members of the committee shall serve
13 without compensation but shall be reimbursed for reasonable
14 and necessary expenses actually incurred in the performance
15 of their duties. The governor shall designate from the
16 committee a chairman to serve for a term of one year.
17 The commissioner of finance and administration shall
18 serve as secretary. The committee shall meet upon the
19 call of the chairman annually and may meet at such other
20 times as may be necessary for the performance of its func-
21 tions.

22 The committee shall be charged with the following respon-
23 sibilities:

24 (1) To make recommendations to the governor for
25 the maintaining, preserving and replenishing of all arti-

26 cles of furniture, fixtures, decorative objects, linens, silver,
27 china, crystal and objects of art used or displayed in the state
28 rooms of the governor's mansion, which state rooms shall
29 consist of the front hall, the reception room, the ballroom
30 and its sitting room, the state dining room, the front upstairs
31 hall and the music room;

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

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

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

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

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

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

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

4 Every such commission shall cooperate and coordinate
5 its activities with the West Virginia historical society and
6 the West Virginia department of culture and history, with
7 the view of developing a unified program for the identification,
8 study, preservation and protection of all historic buildings,
9 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, heretofore
2 created and established, shall be continued as an activity
3 of the department of natural resources. The corporation
4 may sue and be sued, contract and be contracted with, plead
5 and be impleaded, and have and use a common seal. It shall
6 be a public benefit corporation composed of the governor
7 as chairman, the director of the department of natural re-
8 sources as secretary, the commission of agriculture, the
9 attorney general, the director of the engineering experiment
10 station at West Virginia University and the commissioner of
11 culture and history, none of whom shall receive additional
12 compensation as members of the corporation.

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

20 The corporation is hereby authorized and empowered to:

21 (1) Acquire from any persons or the state commissioner
22 of forfeited lands, by purchase, lease or other agreement,
23 any lands necessary and required for public use;

24 (2) Acquire by purchase, condemnation, lease, or agree-
25 ment, receive by gifts and devises, or exchange, rights-of-
26 way, easements, water and minerals suitable for public use;

27 (3) Sell, purchase or exchange lands or stumpage for the
28 purpose of consolidating lands under state or federal govern-
29 ment administration;

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

34 (5) Expend the income from the use and development
35 of public lands for the purpose of liquidating obligations
36 incurred in the acquisition, development and administration of
37 such lands, until all such obligations have been fully dis-
38 charged, and thereafter pay such income into the state fund
39 for general revenue purposes and uses;

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

45 (7) Expend the income from the use and development of
46 public lands for the purpose of obtaining grants or matching
47 moneys available from the government of the United States
48 or any of its instrumentalities for prehistoric, historic, arch-
49 eological, architectural and cultural purposes.

50 The corporation shall have the authority to designate lands
51 to which it has title for development and administration for
52 the public use including forestation, recreation, wildlife, stock
53 grazing, agricultural rehabilitation and homesteading or other
54 conservation activities and may contract or lease for the proper
55 development of oil, gas or minerals, except that no contract
56 or lease may be entered into for the extraction and removal
56 by stripping or auger mining of coal, and water rights within
57 or upon the lands or property under its control. It shall
58 convey, assign, or allot lands to the title or custody of proper
59 departments or other agencies of state government for ad-
60 ministration and control within the functions of such depart-
61 ments or other agencies as provided by law. The corporation
62 shall make proper lands available for the purpose of cooperat-
63 ing with the government of the United States in the relief
64 of unemployment and hardship or for any other public pur-
65 pose. The corporation shall report annually to the Legislature
66 on its public land holdings, its financial condition and its
67 operations and shall make such recommendations to the
68 Legislature as deemed proper concerning the acquisition, de-
69 velopment, disposition and use of public lands.

70 During the continuance of the Blennerhassett historical
71 commission, the public land corporation and its members

72 shall consult with and keep the said Blennerhassett historical
73 park commission fully informed as to any official action to
74 be taken or proposed to be taken pursuant to this act regarding
75 or affecting Blennerhassett Island and its prehistoric, historic,
76 archeological, architectural, cultural and recreational sig-
77 nificance or development or any of the powers and duties
78 of the Blennerhassett historical commission.

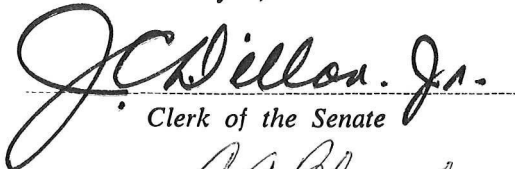
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee

Originated in the House.

Takes effect July 1, 1977.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is disappeared this the 26
day of April, 1977.


Governor

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