

No: 1230



WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1230

(By ~~Mr.~~ Del. Kiehl)



Passed February 21, 1986

In Effect Ninty Days From Passage

ENROLLED
H. B. 1230

(By DELEGATE KIDD)

[Passed February 21, 1986; in effect ninety days from passage.]

AN ACT to amend section five, article one, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended relating to determination by the archives and history division as to the whereabouts of furnishings missing from the capitol; prohibiting the sale or disposal of such furnishings through means other than surplus state property sales; requiring the return of any such located furnishings; and providing for reimbursement to current owners.

Be it enacted by the Legislature of West Virginia:

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

**CHAPTER 29. MISCELLANEOUS BOARDS
AND OFFICERS.**

ARTICLE 1. DEPARTMENT OF CULTURE AND HISTORY.

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

1 (a) The purposes and duties of the archives and history
2 division are to locate, survey, investigate, register,
3 identify, excavate, preserve, protect, restore and recom-
4 mend to the commissioner for acquisition historic,
5 architectural, archaeological and cultural sites, struc-
6 tures, documents and objects worthy of preservation,
7 relating to the state of West Virginia and the territory

8 included therein from the earliest times to the present,
9 upon its own initiative or in cooperation with any private
10 or public society, organization or agency; to conduct a
11 continuing survey and study throughout the state to
12 determine the needs and priorities for the preservation,
13 restoration and development of such sites, structures,
14 documents and objects; to direct, protect, excavate,
15 preserve, study, and develop such sites, structures,
16 documents, and to operate and maintain a state library
17 for the preservation of all public records, state papers,
18 documents and reports of all three branches of state
19 government including all boards, commissions, depart-
20 ments and agencies as well as any other private or public
21 papers, books or documents of peculiar or historic
22 interest or significance; to preserve and protect all battle
23 or regimental flags borne by West Virginians and other
24 memorabilia of historic interest; to designate appropri-
25 ate monuments, tablets or markers, historic, architec-
26 tural and scenic sites within the state and to arrange for
27 the purchase, replacement, care of and maintenance of
28 such monuments, tablets and markers and to formulate
29 and prepare suitable copy for them; to operate and
30 maintain a state museum; to cooperate with the state
31 geological and economic surveys in the survey's archaeo-
32 logical work; to edit and publish a quarterly historical
33 magazine devoted to the history, biography, bibliography
34 and genealogy of West Virginia; and to perform such
35 other duties as may be assigned to the division by the
36 commissioner.

37 (b) With the advice and consent of the commission, in
38 addition to the duties above set forth, the division shall
39 determine the whereabouts of and require the return of
40 furnishings missing from the capitol building, including,
41 but not limited to, furnishings chosen or purchased for
42 the capitol by its architect, Cass Gilbert. No furnishings
43 from the capitol may be sold or disposed of except under
44 the direction of the director of surplus state property
45 pursuant to section three-a, article eight, chapter five-a
46 of this code. If furnishings originally designated as
47 capitol building furnishings have been sold or otherwise
48 disposed of without the requisite sale procedures, such
49 furnishings shall be returned to the capitol and, upon

50 presentation of proof of the amount paid, the current
51 owner shall be reimbursed for the cost of the furnishing
52 less any appropriate depreciation or wear and tear.

53 (c) With the advice and consent of the archives and
54 history commission, the commissioner shall appoint a
55 director of the archives and history division, who shall
56 have: (1) A bachelor's degree in one of the social sciences,
57 or equivalent training and experience in the fields of
58 West Virginia history, history, historic preservation,
59 archaeology, or in records, library or archives manage-
60 ment; or (2) three years' experience in administration in
61 the fields of West Virginia history, history, historic
62 preservation, archaeology, or in records, library or
63 archives management. Notwithstanding these qualifica-
64 tions, the person serving as the state historian and
65 archivist on the date of enactment of this article shall
66 be eligible for appointment as the director of the
67 archives and history division. The director of the
68 archives and history division shall serve as the state
69 historian and archivist.

70 (d) With the approval of the commissioner, the
71 director shall establish professional positions within the
72 division. The director shall employ the personnel within
73 these professional positions for the division.

74 (e) The director may promulgate rules and regulations
75 concerning the professional policies and functions of the
76 archives and history division, subject to the approval of
77 the archives and history commission.

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

Brian O. DeLeon
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Wells
.....
Clerk of the Senate

Donald S. Kopp
.....
Clerk of the House of Delegates

Sam Terkenton
.....
President of the Senate

Joseph P. Albright
.....
Speaker of the House of Delegates

The within *approved* this the *25th*
March
day of, 1986.

Arch A. Shivers Jr.
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/86

Time 12.31 p.m.

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SECRETARY OF STATE

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WEST VIRGINIA

THIS DATE 3/26/66