ENROLLED

HOUSE BILL No. 4259

(By Delegates Givre and Leggett)

Passed March 11, 1988

In Effect Ninety Days From Passage
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H. B. 4259

(By DELEGATES GIVENS and LEGGETT)

[Passed March 11, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and seven-a, article one, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing the division of archives and history, department of culture and history, following an audit by the joint committee on government operations; and changing the requirement of quarterly publication of the state historical magazine to annual publication.

Be it enacted by the Legislature of West Virginia:

That sections five and seven-a, 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:

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 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 monuments, 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 an annual 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.

(b) With the advice and consent of the commission, in addition to the duties above set forth, the division shall determine the whereabouts of and require the return of furnishings missing from the capitol building, including, but not limited to, furnishings chosen or purchased for the capitol by its architect, Cass Gilbert. No furnishings from the capitol may be sold or disposed of except under the direction of the director of surplus state property pursuant to section three-a, article eight, chapter five-a of this code. If furnishings originally designated as capitol building furnishings have been sold or otherwise disposed of without the requisite sale procedures, such furnishings shall be returned to the capitol and, upon presentation of proof of the amount paid, the current owner shall be reimbursed for the cost
of the furnishing less any appropriate depreciation or wear and tear.

(c) 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.

(d) 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.

(e) 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.

§29-1-7a. Reestablishment of division of archives and history.

After having conducted a performance and fiscal audit through its joint committee on government operations, pursuant to section nine, article ten, chapter four of this code, the Legislature hereby finds and declares that the division of archives and history should be continued and reestablished. Accordingly, notwithstanding the provisions of section four, article ten, chapter four of this code, the division of archives and history shall continue to exist until the first day of July, one thousand nine hundred ninety-four.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 26th day of March, 1988.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/20/88
Time 11:30 a.m.