

# 4259

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



# ENROLLED

HOUSE BILL No. 4259

(By ~~MR.~~ *Delegates Guens & Leggett*)



Passed March 11 1988

In Effect Ninety Days from Passage

**ENROLLED**  
**H. B. 4259**

(By DELEGATES GIVENS and LEGGETT)

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

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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  
2 history division are to locate, survey, investigate,  
3 register, identify, excavate, preserve, protect, restore  
4 and recommend to the commissioner for acquisition  
5 historic, architectural, archaeological and cultural sites,  
6 structures, documents and objects worthy of preserva-  
7 tion, relating to the state of West Virginia and the  
8 territory included therein from the earliest times to the  
9 present, upon its own initiative or in cooperation with

10 any private or public society, organization or agency; to  
11 conduct a continuing survey and study throughout the  
12 state to determine the needs and priorities for the  
13 preservation, restoration and development of such sites,  
14 structures, documents and objects; to direct, protect,  
15 excavate, preserve, study, and develop such sites,  
16 structures, documents, and to operate and maintain a  
17 state library for the preservation of all public records,  
18 state papers, documents and reports of all three  
19 branches of state government including all boards,  
20 commissions, departments and agencies as well as any  
21 other private or public papers, books or documents of  
22 peculiar or historic interest or significance; to preserve  
23 and protect all battle or regimental flags borne by West  
24 Virginians and other memorabilia of historic interest; to  
25 designate appropriate monuments, tablets or markers,  
26 historic, architectural and scenic sites within the state  
27 and to arrange for the purchase, replacement, care of  
28 and maintenance of such monuments, tablets and  
29 markers and to formulate and prepare suitable copy for  
30 them; to operate and maintain a state museum; to  
31 cooperate with the state geological and economic surveys  
32 in the survey's archaeological work; to edit and publish  
33 an annual historical magazine devoted to the history,  
34 biography, bibliography and genealogy of West Virgi-  
35 nia; and to perform such other duties as may be assigned  
36 to the division by the 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, includ-  
41 ing, but not limited to, furnishings chosen or purchased  
42 for the capitol by its architect, Cass Gilbert. No  
43 furnishings from the capitol may be sold or disposed of  
44 except under the direction of the director of surplus  
45 state property pursuant to section three-a, article eight,  
46 chapter five-a of this code. If furnishings originally  
47 designated as capitol building furnishings have been  
48 sold or otherwise disposed of without the requisite sale  
49 procedures, such furnishings shall be returned to the  
50 capitol and, upon presentation of proof of the amount  
51 paid, the current owner shall be reimbursed for the cost

52 of the furnishing less any appropriate depreciation or  
53 wear and tear.

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

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

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

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

1 After having conducted a performance and fiscal  
2 audit through its joint committee on government  
3 operations, pursuant to section nine, article ten, chapter  
4 four of this code, the Legislature hereby finds and  
5 declares that the division of archives and history should  
6 be continued and reestablished. Accordingly, notwith-  
7 standing the provisions of section four, article ten,  
8 chapter four of this code, the division of archives and  
9 history shall continue to exist until the first day of July,  
10 one thousand nine hundred ninety-four.

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

*Gene O. Whitton*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Jack C. Stillin*  
Clerk of the Senate

*Donald D. Koop*  
Clerk of the House of Delegates

*Don Torbush*  
President of the Senate

*W. B. Gabe*  
Speaker of the House of Delegates

The within *appeared* this the *26th*  
day of *March* 1988.

*Richard S. Hanes*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/88

Time 11:30 a.m.

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OFFICE OF THE SECRETARY OF WAR