

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 556**

BY SENATORS STOVER, CAPUTO, GRADY, HAMILTON,  
IHLENFELD, JEFFRIES, LINDSAY, MARONEY, MARTIN,  
PHILLIPS, ROMANO, SMITH, SWOPE, SYPOLT, UNGER,  
WELD, WOELFEL, AND WOODRUM

[Introduced March 3, 2021; referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §29-1-5 of the Code of West Virginia, 1931, as amended, relating  
2 to the Archives and History Commission; removing ex officio voting members; and  
3 updating formatting.

*Be it enacted by the Legislature of West Virginia:*

## **ARTICLE 1. DIVISION OF CULTURE AND HISTORY.**

### **§29-1-5. Archives and history commission.**

1 (a) The archives and history commission which is hereby created shall be composed of  
2 thirteen appointed members, two ex officio voting members and six ex officio nonvoting members  
3 as provided in this section.

4 (b) The Governor shall nominate, and by and with the advice and consent of the Senate,  
5 appoint the members of the commission for staggered terms of three years. A person appointed  
6 to fill a vacancy shall be appointed only for the remainder of that term.

7 (c) No more than seven of the appointed members may be of the same political party.  
8 Members of the commission should be appointed so as to fairly represent both sexes, the ethnic  
9 and cultural diversity of the state and the geographic regions of the state. The archives and history  
10 commission shall contain the required professional representation necessary to carry out the  
11 provisions of the National Historic Preservation Act of 1966, as amended, and shall serve as the  
12 "state review board" and shall follow all rules and regulations as specified therein. This  
13 representation shall include the following professions: Historian, architectural historian, historical  
14 architect, archaeologist specializing in historic and prehistoric archaeology, archivist, librarian and  
15 museum specialist.

16 (d) The commission shall elect one of its members chair. It shall meet at such time as shall  
17 be specified by the chair, or in accordance with the provisions of subsection (g). ~~Notice of each~~  
18 ~~meeting shall be given to each member by the chair in compliance with the open meetings law.~~ A  
19 majority of the voting members shall constitute a quorum for the transaction of business.

20 (e) The commission shall be comprised of:

- 21           (1) The thirteen appointed, voting members; and  
22           (2) The following six ex officio, nonvoting members:  
23           (A) The Director of the State Geological and Economic Survey;  
24           (B) The President of the West Virginia Preservation Alliance, Inc.;  
25           (C)The State Historic Preservation Officer;  
26           (D) The Director of the Archives and History Section;  
27           (E) The Director of the Historic Preservation Section; and  
28           (F) The Director of the Museums Section;  
29           (f) The Director of the Archives and History Section shall serve as secretary of the  
30 commission;  
31           (g) Notice of each meeting shall be given to each member by the chair in compliance with  
32 the open meetings law. The secretary, or a majority of the members, may also call a meeting  
33 upon such notice as provided in this section.

34           ~~In addition to the thirteen appointed voting members, the president of the state historical~~  
35 ~~society and the president of the state historical association shall serve as ex officio voting~~  
36 ~~members of the archives and history commission. T the director of the state geological and~~  
37 ~~economic survey, the president of the West Virginia preservation alliance, inc., and the state~~  
38 ~~historic preservation officer shall serve as ex officio nonvoting members of the archives and~~  
39 ~~history commission.~~

40           ~~The directors of the archives and history section, the historic preservation section and the~~  
41 ~~museums section shall be ex officio nonvoting members of the commission. The director of the~~  
42 ~~archives and history section shall serve as secretary of the commission. The secretary, or a~~  
43 ~~majority of the members, may also call a meeting upon such notice as provided in this section~~

44           (h) Each member or ex officio member of the commission shall serve without  
45 compensation, but shall be reimbursed for all reasonable and necessary expenses actually  
46 incurred in the performance of the duties of the commission; except that in the event the expenses

47 are paid, or are to be paid, by a third party, the member or ex officio member, as the case may  
48 be, shall not be reimbursed by the state.

49 (i) The commission shall have the following powers:

50 (1) To advise the commissioner and the directors of the archives and history section, the  
51 historic preservation section and the museums section concerning the accomplishment of the  
52 purposes of those sections and to establish a state plan with respect thereto;

53 (2) To approve and distribute grants-in-aid and awards from federal and state funds  
54 relating to the purposes of the archives and history section, the historic preservation section and  
55 the museums section;

56 (3) To request, accept or expend federal funds to accomplish the purposes of the archives  
57 and history section, the historic preservation section and the museums section when federal law  
58 or regulations would prohibit the same by the commissioner or section director, but would permit  
59 the same to be done by the archives and history commission;

60 (4) To otherwise encourage and promote the purposes of the archives and history section,  
61 the historic preservation section and the museums section;

62 (5) To approve rules and regulations concerning the professional policies and functions of  
63 the archives and history section, the historic preservation section and the museums section as  
64 promulgated by the directors of those sections;

65 (6) To advise and consent to the appointment of the section directors by the commissioner;  
66 and

67 (7) To review and approve nominations to the state and national registers of historic places

NOTE: The purpose of this bill is to remove certain ex officio, voting members from the Archives and History Commission and update formatting.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.