

# WEST VIRGINIA CODE: §29-1-1

## **§29-1-1. Division of Culture and History continued as the Department of Arts, Culture, and History; sections and commissions; purposes; definitions; effective date.**

(a) The Division of Culture and History heretofore created is hereby continued as the Department of Arts, Culture, and History. The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the Cabinet Secretary of Arts, Culture, and History, who shall be the chief executive officer of the department and shall be paid an annual salary as provided in §6-7-2a of this code. The secretary so appointed shall have: (1) A bachelor's degree in one of the fine arts, social sciences, library science, or a related field; or (2) four years' experience in the administration of museum management, public administration, arts, history, or a related field.

(b) The department shall consist of eight sections as follows:

- (1) The arts section;
- (2) The archives and history section;
- (3) The museums section;
- (4) The historic preservation section;
- (5) The state library section;
- (6) The National Coal Heritage Area Commission;
- (7) The administrative section; and
- (8) The Educational Broadcasting Commission.

(c) The department shall also consist of four citizens commissions as follows:

- (1) A Commission on the Arts;
- (2) A Commission on Archives and History;
- (3) A Library Commission; and
- (4) An Educational Broadcasting Council.

(d) The secretary shall exercise control and supervision of the department and shall be responsible for the projects, programs, and actions of each of its sections. The purpose and

duty of the department is to advance, foster, and promote the creative and performing arts and crafts, including both indoor and outdoor exhibits and performances; to advance, foster, promote, identify, register, acquire, mark, and care for historical, prehistorical, archaeological, and significant architectural sites, structures, and objects in the state; to encourage the promotion, preservation, and development of significant sites, structures, and objects through the use of economic development activities such as loans, subsidies, grants, and other incentives; to coordinate all cultural, historical, and artistic activities in state government and at state-owned facilities; to acquire, preserve, and classify books, documents, records, and memorabilia of historical interest or importance; and, in general, to do all things necessary or convenient to preserve and advance the arts, humanities, culture, and history of the state. In the furtherance of these purposes and duties, the secretary shall report directly to the Governor as a secretary for both the intrinsic and extrinsic value for individuals, communities, and the economy of the arts, humanities, culture, and history in West Virginia. As such, the secretary shall represent the Department of Arts, Culture, and History as a full participating member in meetings of the secretaries of the departments created in §5F-1-2 of this code that are convened at the call of the Governor.

(e) The department has jurisdiction and control and may set and collect fees for the use of all space in the building presently known as the West Virginia Science and Culture Center, including the deck and courtyards forming an integral part thereof; the building presently known as West Virginia Independence Hall in Wheeling, including all the grounds and appurtenances thereof; "Camp Washington Carver" in Fayette County, as provided in §29-1-14 of this code; and any other sites as may be transferred to or acquired by the department. Notwithstanding any provision of this code to the contrary, beginning on and after July 1, 2018, the department shall have responsibility for, and control of, all visitor touring and visitor tour guide activities within the Capitol Building at Charleston.

(f) For the purposes of this article, "commissioner" or "curator" means the Cabinet Secretary of Arts, Culture, and History, and "division" or "department" means the Department of Arts, Culture and History. References throughout this code to the "Commissioner of Culture and History" mean the "Cabinet Secretary of Arts, Culture, and History", and references throughout this code to the "Division of Culture and History" mean the "Department of Arts, Culture, and History".