

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 and the office of Commissioner of Culture and History heretofore created are 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 Curator 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 curator 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 five sections as follows:

- (1) The arts section;
- (2) The archives and history section;
- (3) The museums section;
- (4) The historic preservation section; and
- (5) The administrative section.

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

- (1) A Commission on the Arts; and
- (2) A Commission on Archives and History.

(d) The curator 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 curator shall report directly to the Governor as a curator 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 curator 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 shall have 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, including the provisions of article one, chapter five-b of this code, 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 state Capitol Building at Charleston.

(f) For the purposes of this article, "commissioner" or "curator" means the Curator 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 "Curator 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".

(g) Nothing in this article or any other provision of this code may be construed to mean that the Department of Arts, Culture and History is an executive department created pursuant to §5F-1-2 of this code, nor that the curator is the secretary of an executive department created pursuant to that section.