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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1335

(By ~~Mr.~~ Del. Minard & Del. McKinley)

— ● —

Passed March 8, 1986

In Effect Ninety Days From Passage

ENROLLED
H. B. 1335

(By DELEGATE MINARD AND DELEGATE MCKINLEY)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact article eight, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to continuing and reestablishing the capitol building commission as the capitol building and grounds preservation commission; legislative findings; composition of commission; qualification of members; terms of members; officers and expenses; powers and duties; contracts void without commission approval; liability of person expending funds without approval; additional powers of the commission.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 8. CAPITOL BUILDING AND GROUNDS PRESERVATION COMMISSION.

§4-8-1. Legislative findings; continuation of commission.

1 The Legislature hereby finds and declares that the
2 state capitol building and the surrounding grounds and
3 facilities adjacent to it are architectural and historic
4 treasures vital to the pride and cultural heritage of the
5 people of West Virginia. Accordingly, the Legislature
6 declares that a commission is necessary to monitor,
7 oversee and approve any substantial physical changes to

8 the aforesaid building, grounds and adjacent facilities.

9 The capitol building commission, heretofore estab-
10 lished, is therefore continued and redesignated the
11 capitol building and grounds preservation commission.

12 After having conducted a performance audit through
13 its joint committee on government operations, pursuant
14 to section nine, article ten, chapter four of this code, the
15 Legislature hereby finds and declares that the capitol
16 building and grounds preservation commission should
17 be continued and reestablished. Accordingly, notwith-
18 standing the provisions of section four, article ten,
19 chapter four of this code, the capitol building and
20 grounds preservation commission shall continue to exist
21 until the first day of July, one thousand nine hundred
22 ninety-two.

§4-8-2. Composition; qualifications of members.

1 The capitol building and grounds preservation com-
2 mission shall be composed of five members appointed as
3 follows: The commissioner of the department of finance
4 and administration as an ex officio voting member; the
5 commissioner of culture and history as an ex officio
6 voting member; one citizen appointed by the governor
7 from a list of three persons submitted by the joint
8 committee on government and finance; one citizen
9 appointed by the governor from a list of three persons
10 submitted by the West Virginia supreme court of
11 appeals; and one citizen appointed by the governor. All
12 citizen appointments shall demonstrate a real interest in
13 historical architecture and preservation and which
14 appointments shall be made by the governor, by and
15 with the advice and consent of the Senate. No more than
16 three members may be of the same political party. The
17 commissioners of the department of finance and admin-
18 istration and the department of culture and history may
19 designate a subordinate in their respective departments
20 to attend meetings. These designated representatives
21 may vote on all matters.

**§4-8-3. Terms of members; vacancies; meetings; decisions
of commission.**

1 Citizen members shall be appointed for terms of four
2 years and may be reappointed at the expiration of their
3 terms. In the event of a citizen vacancy, an appointment
4 shall be made to fill the unexpired term. Whenever the
5 approval of the commission is requested, as required by
6 sections four and five of this article, the commission
7 shall meet and render its decision, in writing, within
8 ninety days of the filing with the commission of the
9 request.

§4-8-4. Officers; expenses.

1 The capitol building and grounds preservation com-
2 mission shall organize by electing a chairman and a vice
3 chairman from among the members of the commission.
4 The commissioner of finance and administration shall
5 serve as secretary to the commission and shall convene
6 the first meeting of the commission within thirty days
7 of the effective date of this article. Thereafter, the
8 commission shall meet upon the call of the duly elected
9 chairman, but shall meet at least once every sixty days.
10 The members of the commission shall serve without
11 compensation and shall be reimbursed for such neces-
12 sary travel expenses, subsistence and other reasonable
13 expenses as may be actually incurred by them in the
14 performance of their duties, all to be paid by the joint
15 committee on government and finance.

§4-8-5. Powers and duties generally.

1 The capitol building and grounds preservation com-
2 mission shall review and approve or reject all plans
3 recommending substantial physical changes inside the
4 state capitol building or surrounding complex. The
5 approval of the commission is mandatory before a
6 contract may be let or moneys disbursed for work which
7 constitutes a substantial physical change inside the
8 capitol building or surrounding complex, or before
9 changes are started if the work is not done under a
10 contract.

11 As used in this article, the surrounding complex shall
12 include the governor's mansion and other buildings used
13 by the governor as part of his residence, the state science
14 and cultural center, all state office buildings located in

15 the area bounded by the streets known as Michigan
16 avenue, Kanawha boulevard, Greenbrier street and
17 Piedmont road as those streets are situated upon the
18 effective date of this bill, and the roadways, walkways,
19 structures and facilities which are incidental to those
20 buildings.

21 As used in this article, substantial physical change
22 shall include physical changes that alter the appearance
23 of the public areas of the capitol building and surround-
24 ing complex but shall not include necessary repairs
25 which are intended to return the repaired facility or
26 object to its original condition.

27 The commission shall develop a standard reporting
28 form for use by any agency or person contemplating
29 substantial physical changes to the capitol building or
30 complex. All agencies or persons shall submit this form
31 to the commission, along with any architectural plans
32 or drawings, prior to contracting for or engaging in
33 work to effect physical changes. The commission shall
34 promulgate rules, pursuant to chapter twenty-nine-a of
35 this code, regarding the content, procedures for filing
36 and distribution of these forms.

37 The commission may, to the extent funds are approp-
38 riated for that purpose, utilize full-time or part-time
39 employees of the department of finance and administra-
40 tion or persons under contract to the department for
41 purposes of carrying out the duties enumerated in this
42 section. These persons may include clerical or other
43 support staff, registered architects, registered profes-
44 sional engineers or any other persons which the
45 commission considers necessary for advice and the
46 efficient administration of the commission's functions.

**§4-8-6. Contracts and changes requiring commission
approval; void without approval.**

1 No contract or contracts which will result in physical
2 changes to the capitol building or any approaches,
3 structures or facilities incidental thereto may be let, nor
4 may any physical changes be made not requiring a
5 contract, or moneys disbursed pursuant thereto, until
6 approval of the commission has been obtained.

7 Any contract made in violation of this section is void
8 as against public policy and the maker or signatory
9 thereto is liable to any person performing work or
10 rendering services or materials in good faith for the
11 value of the services or materials provided.

§4-8-7. Additional powers of the commission.

1 In addition to the powers and duties inferred on the
2 commission by section four of this article, the commis-
3 sion shall also have the following powers and duties:

4 (1) Acquire, assemble, collate and index an archival
5 record of architectural, engineering, artistic, landscap-
6 ing and other plans, proposals, designs, drawings and
7 records of the capitol;

8 (2) Review previous studies made for the capitol;

9 (3) Evolve and propose standards and guidelines for
10 commission adoption to aid the commission in exercising
11 its powers and duties;

12 (4) Identify and record significant outstanding physi-
13 cal features in the capitol meriting special care and
14 enhancement;

15 (5) Evolve a program to locate and attract historic
16 furnishings, art and other historical or architectural
17 items consistent with the capitol;

18 (6) Identify and propose a program to enhance and
19 carry out historical designs and plans of the capitol;

20 (7) Review and make recommendations on the prob-
21 lem of visitor parking as well as attracting and
22 managing tourists to the capitol;

23 (8) Establish a nonprofit corporation foundation to
24 solicit and receive gifts and donations, both
25 public and private, in furtherance of this section.

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

Bruce G. Williams
Chairman Senate Committee

Floyd Tullen
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Ed C. Stultz
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Don Tanhommel
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within disapproved this the 26th
March
day of _____, 1986.

Ann A. Shoop
Governor

PRESENTED

GOVERNOR

Date

3/21/86

Time

4:48 p.m.

PROCTIVIT

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SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86