WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1335

(By Mr. Del Minard & Del McKinley)

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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 state capitol building and the surrounding grounds and facilities adjacent to it are architectural and historic treasures vital to the pride and cultural heritage of the people of West Virginia. Accordingly, the Legislature declares that a commission is necessary to monitor, oversee and approve any substantial physical changes to
the aforesaid building, grounds and adjacent facilities.
The capitol building commission, heretofore estab-
lished, is therefore continued and redesignated the
capitol building and grounds preservation commission.
After having conducted a performance audit through
its joint committee on government operations, pursuant
to section nine, article ten, chapter four of this code, the
Legislature hereby finds and declares that the capitol
building and grounds preservation commission should
be continued and reestablished. Accordingly, notwith-
standing the provisions of section four, article ten,
chapter four of this code, the capitol building and
grounds preservation commission shall continue to exist
until the first day of July, one thousand nine hundred
ninety-two.
§4-8-2. Composition; qualifications of members.
The capitol building and grounds preservation com-
mission shall be composed of five members appointed as
follows: The commissioner of the department of finance
and administration as an ex officio voting member; the
commissioner of culture and history as an ex officio
voting member; one citizen appointed by the governor
from a list of three persons submitted by the joint
committee on government and finance; one citizen
appointed by the governor from a list of three persons
submitted by the West Virginia supreme court of
appeals; and one citizen appointed by the governor. All
citizen appointments shall demonstrate a real interest in
historical architecture and preservation and which
appointments shall be made by the governor, by and
with the advice and consent of the Senate. No more than
three members may be of the same political party. The
commissioners of the department of finance and admin-
istration and the department of culture and history may
designate a subordinate in their respective departments
to attend meetings. These designated representatives
may vote on all matters.
§4-8-3. Terms of members; vacancies; meetings; decisions
of commission.
Citizen members shall be appointed for terms of four years and may be reappointed at the expiration of their terms. In the event of a citizen vacancy, an appointment shall be made to fill the unexpired term. Whenever the approval of the commission is requested, as required by sections four and five of this article, the commission shall meet and render its decision, in writing, within ninety days of the filing with the commission of the request.

§4-8-4. Officers; expenses.

The capitol building and grounds preservation commission shall organize by electing a chairman and a vice chairman from among the members of the commission. The commissioner of finance and administration shall serve as secretary to the commission and shall convene the first meeting of the commission within thirty days of the effective date of this article. Thereafter, the commission shall meet upon the call of the duly elected chairman, but shall meet at least once every sixty days. The members of the commission shall serve without compensation and shall be reimbursed for such necessary travel expenses, subsistence and other reasonable expenses as may be actually incurred by them in the performance of their duties, all to be paid by the joint committee on government and finance.

§4-8-5. Powers and duties generally.

The capitol building and grounds preservation commission shall review and approve or reject all plans recommending substantial physical changes inside the state capitol building or surrounding complex. The approval of the commission is mandatory before a contract may be let or moneys disbursed for work which constitutes a substantial physical change inside the capitol building or surrounding complex, or before changes are started if the work is not done under a contract.

As used in this article, the surrounding complex shall include the governor's mansion and other buildings used by the governor as part of his residence, the state science and cultural center, all state office buildings located in
the area bounded by the streets known as Michigan
avenue, Kanawha boulevard, Greenbrier street and
Piedmont road as those streets are situated upon the
effective date of this bill, and the roadways, walkways,
structures and facilities which are incidental to those
buildings.

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

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

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

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

No contract or contracts which will result in physical
changes to the capitol building or any approaches,
structures or facilities incidental thereto may be let, nor
may any physical changes be made not requiring a
contract, or moneys disbursed pursuant thereto, until
approval of the commission has been obtained.
Any contract made in violation of this section is void as against public policy and the maker or signatory thereto is liable to any person performing work or rendering services or materials in good faith for the value of the services or materials provided.

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

In addition to the powers and duties inferred on the commission by section four of this article, the commission shall also have the following powers and duties:

(1) Acquire, assemble, collate and index an archival record of architectural, engineering, artistic, landscaping and other plans, proposals, designs, drawings and records of the capitol;

(2) Review previous studies made for the capitol;

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

(4) Identify and record significant outstanding physical features in the capitol meriting special care and enhancement;

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

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

(7) Review and make recommendations on the problem of visitor parking as well as attracting and managing tourists to the capitol;

(8) Establish a nonprofit corporation foundation to solicit and receive gifts, contributions, donations, both public and private, in furtherance of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED

Date 3/21/36
Time 4:48 P.M.