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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

House Bill No. 4121

(By Delegates Douglas, Mahan and Manuel)



Passed March 13, 1998

In Effect Ninety Days from Passage

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SECRETARY OF STATE

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H. B. 4121

(BY DELEGATES DOUGLAS, MAHAN AND MANUEL)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, three and four, article one, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the division of culture and history; and changing the name of the arts and humanities section to the arts section.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

§29-1-1. Division of culture and history continued; sections and commissions; purposes; definitions; effective date.

1 (a) The division of culture and history and the office
2 of commissioner of culture and history heretofore created
3 are hereby continued. The governor shall nominate, and
4 by and with the advice and consent of the Senate, appoint
5 the commissioner, who shall be the chief executive officer
6 of the division and shall be paid an annual salary of
7 forty-five thousand dollars per year, notwithstanding the
8 provisions of section two-a, article seven, chapter six of
9 this code. The commissioner so appointed shall have: (1)
10 A bachelor's degree in one of the fine arts, social sciences,
11 library science or a related field; or (2) four years'

12 experience in the administration of museum management,
13 public administration, arts, history or a related field.

14 (b) The division shall consist of five sections as
15 follows:

16 (1) The arts section;

17 (2) The archives and history section;

18 (3) The museums section;

19 (4) The historic preservation section; and

20 (5) The administrative section.

21 (c) The division shall also consist of two citizens
22 commissions as follows:

23 (1) A commission on the arts; and

24 (2) A commission on archives and history.

25 (d) The commissioner shall exercise control and
26 supervision of the division and shall be responsible for the
27 projects, programs and actions of each of its sections. The
28 purpose and duty of the division is to advance, foster and
29 promote the creative and performing arts and crafts,
30 including both indoor and outdoor exhibits and
31 performances; to advance, foster, promote, identify,
32 register, acquire, mark and care for historical, prehistorical,
33 archaeological and significant architectural sites, structures
34 and objects in the state; to encourage the promotion,
35 preservation and development of significant sites,
36 structures and objects through the use of economic
37 development activities such as loans, subsidies, grants and
38 other incentives; to coordinate all cultural, historical and
39 artistic activities in state government and at state-owned
40 facilities; to acquire, preserve and classify books,
41 documents, records and memorabilia of historical interest
42 or importance; and, in general, to do all things necessary
43 or convenient to preserve and advance the culture of the
44 state.

45 (e) The division shall have jurisdiction and control and
46 may set and collect fees for the use of all space in the

47 building presently known as the West Virginia science and
48 culture center, including the deck and courtyards forming
49 an integral part thereof; the building presently known as
50 West Virginia Independence Hall in Wheeling, including
51 all the grounds and appurtenances thereof; "Camp
52 Washington Carver" in Fayette County, as provided for in
53 section fourteen of this article; and any other sites as may
54 be transferred to or acquired by the division.
55 Notwithstanding any provision of this code to the
56 contrary, including the provisions of article one of chapter
57 five-b of this code, beginning on and after the first day of
58 July, one thousand nine hundred ninety-three, the division
59 shall have responsibility for, and control of, all visitor
60 touring and visitor tour guide activities within the state
61 capitol building at Charleston.

62 (f) For the purposes of this article, "commissioner"
63 means the commissioner of culture and history, and
64 "division" means the division of culture and history.

§29-1-3. Commission on the arts.

1 The commission on the arts heretofore created is
2 hereby continued and shall be composed of fifteen
3 appointed members.

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

9 No more than eight members may be of the same
10 political party. Members of the commission shall be
11 appointed so as to fairly represent both sexes, the ethnic
12 and cultural diversity of the state and the geographic
13 regions of the state.

14 The commission shall elect one of its members as
15 chair. It shall meet at such times as shall be specified by
16 the chair. Notice of each meeting shall be given to each
17 member by the chair in compliance with the open
18 meetings laws of the state. A majority of the members
19 shall constitute a quorum for the transaction of business.

20 The director of the arts section shall be an ex officio
21 nonvoting member of the commission and shall serve as
22 secretary. The director or a majority of the members may
23 also call a meeting upon such notice as provided in this
24 section.

25 Each member or ex officio member of the
26 commission shall serve without compensation, but shall be
27 reimbursed for all reasonable and necessary expenses
28 actually incurred in the performance of the duties of the
29 office; except that in the event the expenses are paid, or
30 are to be paid, by a third party, the member or ex officio
31 member, as the case may be, shall not be reimbursed by
32 the state.

33 Upon recommendation of the commissioner, the
34 governor may also appoint such officers of the state as
35 may be appropriate to serve on the commission as ex
36 officio nonvoting members.

37 The commission shall have the following powers:

38 (1) To advise the commissioner and the director of the
39 arts section concerning the accomplishment of the
40 purposes of that section and to establish a state plan with
41 respect thereto;

42 (2) To approve and distribute grants-in-aid and awards
43 from federal and state funds relating to the purposes of
44 the arts section;

45 (3) To request, accept or expend federal funds to
46 accomplish the purposes of the arts section when federal
47 law or regulations would prohibit the same by the
48 commissioner or section director, but would permit the
49 same to be done by the commission on the arts;

50 (4) To otherwise encourage and promote the purposes
51 of the arts section;

52 (5) To approve rules and regulations concerning the
53 professional policies and functions of the section as
54 promulgated by the director of the arts section; and

55 (6) To advise and consent to the appointment of the
56 director by the commissioner.

§29-1-4. Arts section; director.

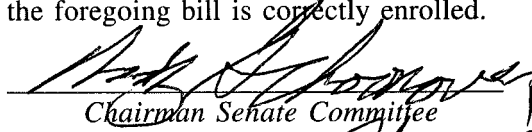
1 The purposes and duties of the arts section are to
2 stimulate, encourage, assist, promote, foster and develop
3 the performing and creative arts and crafts in the state; and
4 in furtherance thereof to make awards, prizes and grants to
5 individual performers, artists or craftsmen and to public or
6 private corporations or associations in the field of either
7 the performing or creative arts and crafts that would tend
8 to encourage and foster the advancement of such arts and
9 crafts; to support cultural, artistic or craft exhibits or
10 performances at the division's facilities or on tour; and to
11 perform such other duties as may be assigned to said
12 section by the commissioner.

13 With the advice and consent of the commission on the
14 arts, the commissioner shall appoint a director of the arts
15 section, who shall have: (1) A bachelor's degree in the
16 fine arts or related field or equivalent training and
17 experience; or (2) three years' experience in
18 administration of the fine arts or a related field.

19 With the approval of the commissioner, the director
20 shall establish professional positions within the section.
21 The director shall employ the personnel within these
22 professional positions for the section.

23 The director may propose rules for legislative
24 promulgation, in accordance with the provisions of
25 chapter twenty-nine-a of this code concerning the
26 professional policies and functions of the arts section,
27 subject to the approval of the commission on the arts.

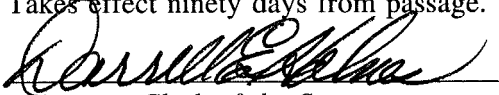
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

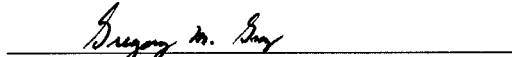

Chairman Senate Committee

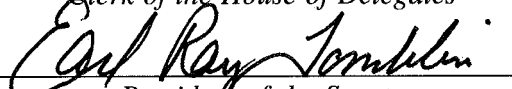

Chairman House Committee

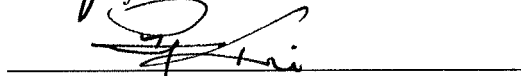
Originating in the House.

Takes effect ninety days from passage.

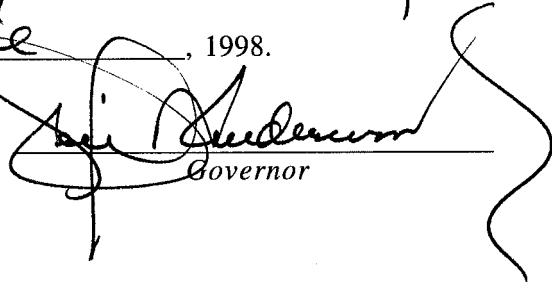

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 6th
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/0m

Time 10:25am