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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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.

(a) The division of culture and history and the office of commissioner of culture and history heretofore created are hereby continued. The governor shall nominate, and by and with the advice and consent of the Senate, appoint the commissioner, who shall be the chief executive officer of the division and shall be paid an annual salary of forty-five thousand dollars per year, notwithstanding the provisions of section two-a, article seven, chapter six of this code. The commissioner 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 division 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 division 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 commissioner shall exercise control and supervision of the division and shall be responsible for the projects, programs and actions of each of its sections. The purpose and duty of the division 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 culture of the state.

(e) The division 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 for in
section fourteen of this article; and any other sites as may
be transferred to or acquired by the division.
Notwithstanding any provision of this code to the
contrary, including the provisions of article one of chapter
five-b of this code, beginning on and after the first day of
July, one thousand nine hundred ninety-three, the division
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"
means the commissioner of culture and history, and
"division" means the division of culture and history.

§29-1-3. Commission on the arts.

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

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

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

The commission shall elect one of its members as
chair. It shall meet at such times as shall be specified by
the chair. Notice of each meeting shall be given to each
member by the chair in compliance with the open
meetings laws of the state. A majority of the members
shall constitute a quorum for the transaction of business.
The director of the arts section shall be an ex officio nonvoting member of the commission and shall serve as secretary. The director or a majority of the members may also call a meeting upon such notice as provided in this section.

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

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

The commission shall have the following powers:

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

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

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

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

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

(6) To advise and consent to the appointment of the director by the commissioner.
§29-1-4. Arts section; director.

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

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

3 With the approval of the commissioner, the director shall establish professional positions within the section. The director shall employ the personnel within these professional positions for the section.

4 The director may propose rules for legislative promulgation, in accordance with the provisions of chapter twenty-nine-a of this code concerning the professional policies and functions of the arts section, 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 ___ day of ____, 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/26/14
Time 10:25 AM