

SB 404

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WEST VIRGINIA LEGISLATURE

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WEST VIRGINIA
DEPARTMENT OF STATE

SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

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FOR

Senate Bill No. 404

(SENATORS UNGER, TOMBLIN (MR. PRESIDENT)
SNYDER, FOSTER, McCABE, STOLLINGS
AND WHITE, *original sponsors*)

[Passed April 10, 2009; in effect from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6 and §4-13-7, all relating to establishing a West Virginia Sesquicentennial of the American Civil War Commission; establishing findings and purpose; setting forth membership and terms; providing for compensation and expense reimbursement; defining quorums; requiring meeting to be held in accordance with the Open Governmental Proceedings Act; authorizing the commission to establish an advisory council; setting forth powers and duties of the commission; limiting duration of contracts; and providing for the termination of the commission.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6 and §4-13-7, all to read as follows:

ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR COMMISSION AND FUND.

§4-13-1. Findings; West Virginia Sesquicentennial of the American Civil War Commission established; purpose.

1 (a) The Legislature finds that the role of West Virginia,
2 its creation as a state and the roles of individual West
3 Virginians in the American Civil War, from the time of
4 John Brown's Raid through the formation of the State of
5 West Virginia and the conclusion of the American Civil
6 War, are of such historical significance as to warrant their
7 commemoration.

8 (b) There is hereby created the West Virginia Sesquicen-
9 tennial of the American Civil War Commission.

10 (c) The purpose of the commission is to prepare for and
11 commemorate the sesquicentennial of West Virginia's
12 participation in the American Civil War.

§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.

1 (a) The Governor shall appoint eleven members as
2 follows:

3 (1) Three academic historians;

4 (2) The Secretary of the Department of Education and
5 the Arts, or a designee;

6 (3) One representative of the Division of Culture and
7 History;

8 (4) One representative of the Division of Tourism;

9 (5) Five citizens members, no more than one of whom
10 may be from any one state senatorial district;

11 (6) One member of the House of Delegates, to be ap-
12 pointed by the Speaker of the House of Delegates, who
13 shall serve as an ex officio nonvoting member of the
14 commission; and

15 (7) One member of the Senate, to be appointed by the
16 President of the Senate, who shall serve as an ex officio
17 nonvoting member of the commission.

18 (b) The members shall serve until July 1, 2021.

19 (c) Appointments to fill vacancies shall be for the
20 unexpired terms. Vacancies shall be filled in the same
21 manner as the original appointments.

22 (d) The commission shall elect a chair and a vice chair
23 from among its members.

§4-13-3. Expense reimbursement.

1 (a) Members shall serve without compensation.

2 (b) The commission may reimburse members for all
3 reasonable and necessary expenses actually incurred in the
4 performance of his or her duties as a commission member,
5 in a manner consistent with the guidelines of the travel
6 management office of the Department of Administration,
7 subject to availability of funds received pursuant to
8 subdivision (1), subsection (a), section six of this article.
9 No provision of this section may be construed to require
10 any appropriation of funds by the Legislature.

§4-13-4. Quorum; meetings.

1 (a) A simple majority of the members serving on the
2 board at a given time constitutes a quorum for the trans-
3 action of business.

4 (b) Meetings shall be held in accordance with the
5 provisions of article nine-a, chapter six of this code.

§4-13-5. Advisory council.

1 The commission may establish an advisory council
2 composed of citizens at large who have knowledge of
3 American Civil War history and interest in its sesquicen-
4 tennial celebration to assist the commission in its work.

§4-13-6. Powers; duties; limitation on duration of contracts.

1 (a) The commission may:

2 (1) Solicit, accept, use and dispose of gifts, grants,
3 donations, bequests or other funds or real or personal
4 property for the purpose of aiding or facilitating the work
5 of the commission, upon compliance with the provisions of
6 section two, article two, chapter twelve of this code;

7 (2) Procure supplies, services and property and make or
8 enter into contracts, leases or other legal agreement as
9 necessary to carry out its duties: *Provided*, That no
10 contract, lease or other legal agreement may be entered
11 into by the commission with terms which would extend
12 beyond the termination date of the commission;

13 (3) Plan, develop and carry out programs and activities
14 appropriate to commemorate the sesquicentennial of the
15 American Civil War;

16 (4) Encourage civic, historical, educational, economic
17 and other organizations throughout West Virginia to
18 organize and participate in activities to expand the
19 understanding and appreciation of the American Civil
20 War;

21 (5) Provide technical assistance to localities and non-
22 profit organizations to further the commemoration of the
23 sesquicentennial of the American Civil War;

24 (6) Develop programs and facilities to ensure that the
25 sesquicentennial commemoration of the American Civil
26 War result in a positive legacy and long-term public
27 benefit;

28 (7) Encourage the development and conduct of programs
29 designed to involve all citizens in activities that commem-
30 orate the sesquicentennial of the American Civil War; and

31 (8) Focus its activities on the role of West Virginia and
32 its creation as a state and the roles of individual West
33 Virginians in the American Civil War.

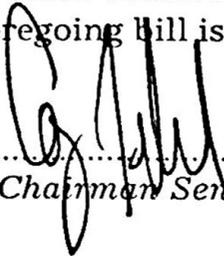
34 (b) The commission shall report to the Legislature at
35 each regular session and at the same time report to the
36 Governor concerning the action taken by the commission
37 during the previous year in carrying out the provisions of
38 this article and make such special reports as may be
39 required by the Legislature and Governor.

§4-13-7. Termination of the commission.

1 The commission shall terminate on June 30, 2021.

Enr. Com. Sub. for Com. Sub. for S. B. No. 404] 6

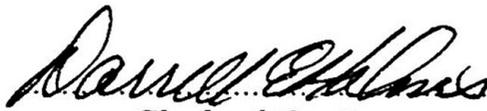
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

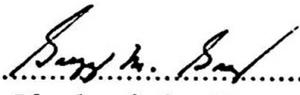

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Chairman Senate Committee


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Chairman House Committee

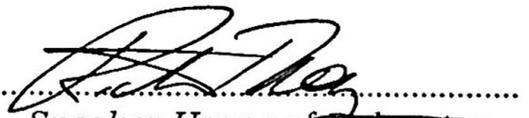
Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this the 5th
Day of May, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 5 2009

Time 11:10am