WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2009

ENROLLED
COMMITTEE SUBSTITUTE
FOR
COMMITTEE SUBSTITUTE
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.]
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.

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

(b) There is hereby created the West Virginia Sesquicentennial of the American Civil War Commission.

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

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

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

(1) Three academic historians;

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

(3) One representative of the Division of Culture and History;
§4-13-3. Expense reimbursement.

(a) Members shall serve without compensation.

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

§4-13-4. Quorum; meetings.

(a) A simple majority of the members serving on the board at a given time constitutes a quorum for the transaction of business.
(b) Meetings shall be held in accordance with the provisions of article nine-a, chapter six of this code.

§4-13-5. Advisory council.

The commission may establish an advisory council composed of citizens at large who have knowledge of American Civil War history and interest in its sesquicentennial celebration to assist the commission in its work.

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

(a) The commission may:

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

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

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

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

(5) Provide technical assistance to localities and non-profit organizations to further the commemoration of the sesquicentennial of the American Civil War;
(6) Develop programs and facilities to ensure that the sesquicentennial commemoration of the American Civil War result in a positive legacy and long-term public benefit;

(7) Encourage the development and conduct of programs designed to involve all citizens in activities that commemorate the sesquicentennial of the American Civil War; and

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

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

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

The commission shall terminate on June 30, 2021.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the Day of May, 2009.

Governor
PRESENTED TO THE
GOVERNOR
MAY 5 2009
Time 11:10AM