

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

### ENROLLED

### House Bill 4589

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 24 A 10:17

FILED

BY DELEGATES PUSHKIN, D. JEFFRIES, JENNINGS,

ROBINSON, BUTLER, ESTEP-BURTON, PYLES, BARTLETT

AND D. KELLY

[Passed March 6, 2020; in effect ninety days from passage.]

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1 AN ACT to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating  
2 to eliminating the requirement that the Commission on the Arts prioritize a women's  
3 veterans memorial statue, and causing and requiring a study and recommendations by  
4 the Commission on the Arts on the construction and design of a memorial to honor West  
5 Virginians killed in the United States War on Terror.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 1. DIVISION OF CULTURE AND HISTORY.**

**§29-1-3. Commission on the Arts.**

1 (a) The Commission on the Arts is continued and shall be composed of 15 appointed  
2 voting members and the ex officio nonvoting members set forth or authorized for appointment in  
3 this section.

4 (b)(1) The Governor shall appoint, by and with the advice and consent of the Senate, the  
5 voting members of the commission for staggered terms of three years. A person appointed to fill  
6 a vacancy shall be appointed only for the remainder of that term.

7 (2) No more than eight voting members may be of the same political party. Effective July  
8 1, 2004, no more than three voting members may be from the same regional educational service  
9 agency district created in §18-2-26 of this code. Voting members of the commission shall be  
10 appointed so as to fairly represent both sexes, the ethnic and cultural diversity of the state, and  
11 the geographic regions of the state.

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

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

23 (5) Upon recommendation of the commissioner, the Governor also may appoint those  
24 officers of the state that are appropriate to serve on the commission as ex officio nonvoting  
25 members.

26 (c) The commission may:

27 (1) Advise the commissioner and the director of the arts section concerning the  
28 accomplishment of the purposes of that section and establish a state plan with respect to the arts  
29 section;

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

32 (3) Request, accept, or expend federal funds to accomplish the purposes of the arts  
33 section when federal law or regulations would prohibit those actions by the commissioner or  
34 section director, but would permit them to be done by the commission on the arts;

35 (4) Otherwise encourage and promote the purposes of the arts section;

36 (5) Approve rules concerning the professional policies and functions of the section as  
37 promulgated by the director of the arts section; and

38 (6) Advise and consent to the appointment of the director by the commissioner.

39 (d) A special revenue account in the State Treasury, known as the "Cultural Facilities and  
40 Capital Resources Matching Grant Program Fund", is continued. The fund shall consist of moneys  
41 received under §29-22A-10 of this code and funds from any other source. The moneys in the fund  
42 shall be expended in accordance with the following:

43           (1) Fifty percent of the moneys deposited in the fund shall be expended by the Commission  
44 on the Arts for capital improvements, preservation, and operations of cultural facilities: *Provided*,  
45 That the Commission on the Arts may use no more than 25 percent of the funding for operations  
46 of cultural facilities pursuant to the rule required by this subdivision. The Commission on the Arts  
47 shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*  
48 of this code to create a matching grant program for cultural facilities and capital resources; and

49           (2) Fifty percent of the moneys deposited in the fund shall be expended by the Division of  
50 Culture and History for:

51           (A) Capital improvements, preservation, and operation of cultural facilities that are  
52 managed by the division; and

53           (B) Capital improvements, preservation, and operation of cultural facilities that are not  
54 managed by the division.

55           (e) The commission shall undertake a study, solicit designs, and make recommendations  
56 for the establishment of an appropriate memorial on state capitol grounds for soldiers killed in the  
57 conflicts in Iraq, Afghanistan, and other locations who died fighting the United States War on  
58 Terror, and to recognize and honor the West Virginians who lost their lives in these conflicts. The  
59 commission shall consult with the Capitol Building Commission and state veterans, including  
60 veterans groups and Gold Star mothers of those lost in these conflicts, prior to adoption of a  
61 proposal for the memorial. The commission shall provide a report to the Legislature's Joint  
62 Committee on Government and Finance by January 1, 2022, including recommendations for  
63 design and location of the memorial and estimated construction costs.

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

*Noon Capto*  
.....  
Chairman, House Committee

*Matt Harper*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Joe Linn*  
.....  
Clerk of the Senate

*Don Hensley*  
.....  
Speaker of the House of Delegates

*Mitt B. Connick*  
.....  
President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 24 A 10: 17

FILED

The within *is approved* this the *24th*  
*March*  
day of ..... 2020.

*James Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2020

Time 1:15 pm