

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4589

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[Introduced January 29, 2020; Referred to the
Committee on Veterans' Affairs and Homeland
Security then Government Organization.]

1 A BILL to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, relating
2 to causing a study and recommendations by the Commission on the Arts on the
3 construction and design of a memorial to honor West Virginians killed in the United States
4 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 voting
2 members and the ex officio nonvoting members set forth or authorized for appointment in this
3 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 section
33 when federal law or regulations would prohibit those actions by the commissioner or section
34 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) 50 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: ~~Provided, however, That the~~
47 ~~commission shall make a women's veterans memorial statue a priority when expending the funds:~~
48 ~~Provided further, That the commission shall submit the plans for the statue to the secretary of~~
49 ~~administration for his or her approval.~~ The commission on the arts shall propose rules for
50 legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to create a
51 matching grant program for cultural facilities and capital resources; and

52 (2) 50 percent of the moneys deposited in the fund shall be expended by the Division of
53 Culture and History for:

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

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

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

NOTE: The purpose of this bill is to direct the Commission on the Arts to oversee a study for an appropriate memorial for West Virginians killed in the War on Terror, including but not limited to those killed in Iraq and Afghanistan, and directing the Commission to consult with veterans groups, Gold Star mothers and the Capitol Building Commission on an appropriate design of the memorial.

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Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.