

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2834**

BY DELEGATES ESPINOSA, HOWELL, BARRETT,

HOUSEHOLDER AND HIGGINBOTHAM

(BY REQUEST OF THE WEST VIRGINIA DEPARTMENT OF

ARTS, CULTURE AND HISTORY)

[Passed April 7, 2021; in effect ninety days from passage.]



1 AN ACT to amend and reenact §29-1-3 of the Code of West Virginia, 1931, as amended, related  
2 to the Commission on the Arts; to add the Curator of the West Virginia Department of Arts,  
3 Culture and History as an ex officio voting member of the commission; other technical  
4 updates.

*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, the Curator of the West Virginia Department of Arts, Culture and History as an  
3 ex officio voting member, the director of the arts section as an ex officio nonvoting member, and  
4 the ex officio nonvoting members set forth or authorized for appointment in this section.

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

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

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

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

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

25 (c) The commission may:

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

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

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

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

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

36 (6) Advise and consent to the appointment of the director by the curator.

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

41 (1) Fifty percent of the moneys deposited in the fund shall be expended by the Commission  
42 on the Arts for capital improvements, preservation, and operations of cultural facilities: *Provided*,  
43 That the Commission on the Arts may use no more than 25 percent of the funding for operations  
44 of cultural facilities pursuant to the rule required by this subdivision. The Commission on the Arts

45 shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.*  
46 of this code to create a matching grant program for cultural facilities and capital resources; and

47 (2) Fifty percent of the moneys deposited in the fund shall be expended by the Department  
48 of Arts, Culture and History for:

49 (A) Capital improvements, preservation, and operation of cultural facilities that are  
50 managed by the department; and

51 (B) Capital improvements, preservation, and operation of cultural facilities that are not  
52 managed by the department.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within ..... this the.....  
day of ....., 2021.

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*Governor*