

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

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)

[Originating in the Committee on Government

Organization; reported March 10, 2021]

1 A BILL 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 Division 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 be an ex officio~~
17 ~~nonvoting member of the commission and~~ shall serve as secretary. The ~~director~~ curator or a
18 majority of the members also may call a meeting upon notice as provided in this section.

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

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

27 (c) The commission may:

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

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

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

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

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

39 (6) Advise and consent to the appointment of the director by the ~~commissioner~~ curator.

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

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

50 (2) Fifty percent of the moneys deposited in the fund shall be expended by the ~~Division~~
51 Department of Arts, Culture and History for:

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

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

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

NOTE: The purpose of this bill is to add the Curator of the West Virginia Department of Arts, Culture and History as an ex officio voting member of the Commission on the Arts.

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