

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5590

By Delegates Hanshaw (Mr. Speaker) and
Hornbuckle

(By Request of the Executive)

[Introduced February 12, 2024; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §29-1-1 of the Code of West Virginia, 1931, as amended; to amend
2 said code by changing reference to the "Curator" of the Department of Arts, Culture, and
3 History to the "Secretary" of the Department.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

**§29-1-1. Division of Culture and History continued as the Department of Arts, Culture, and
History; sections and commissions; purposes; definitions; effective date.**

1 (a) The Division of Culture and History ~~and the office of Commissioner of Culture and~~
2 ~~History~~ heretofore created are hereby continued as the Department of Arts, Culture, and History.
3 The Governor shall nominate and, by and with the advice and consent of the Senate, appoint the
4 ~~Curator~~ Cabinet Secretary of Arts, Culture, and History, who shall be the chief executive officer of
5 the department and shall be paid an annual salary as provided in §6-7-2a of this code. The ~~curator~~
6 secretary so appointed shall have: (1) A bachelor's degree in one of the fine arts, social sciences,
7 library science, or a related field; or (2) four years' experience in the administration of museum
8 management, public administration, arts, history, or a related field.

9 (b) The department shall consist of seven sections as follows:

- 10 (1) The arts section;
- 11 (2) The archives and history section;
- 12 (3) The museums section;
- 13 (4) The historic preservation section;
- 14 (5) The state library section;
- 15 (6) The National Coal Heritage Area Commission; and
- 16 (7) The administrative section.

17 (c) The department shall also consist of three citizens commissions as follows:

- 18 (1) A Commission on the Arts;
- 19 (2) A Commission on Archives and History; and

20 (3) A Library Commission.

21 (d) The ~~curator~~ secretary shall exercise control and supervision of the department and
22 shall be responsible for the projects, programs, and actions of each of its sections. The purpose
23 and duty of the department is to advance, foster, and promote the creative and performing arts and
24 crafts, including both indoor and outdoor exhibits and performances; to advance, foster, promote,
25 identify, register, acquire, mark, and care for historical, prehistorical, archaeological, and
26 significant architectural sites, structures, and objects in the state; to encourage the promotion,
27 preservation, and development of significant sites, structures, and objects through the use of
28 economic development activities such as loans, subsidies, grants, and other incentives; to
29 coordinate all cultural, historical, and artistic activities in state government and at state-owned
30 facilities; to acquire, preserve, and classify books, documents, records, and memorabilia of
31 historical interest or importance; and, in general, to do all things necessary or convenient to
32 preserve and advance the arts, humanities, culture, and history of the state. In the furtherance of
33 these purposes and duties, the ~~curator~~ secretary shall report directly to the Governor as a curator
34 for both the intrinsic and extrinsic value for individuals, communities, and the economy of the arts,
35 humanities, culture, and history in West Virginia. As such, the ~~curator~~ secretary shall represent
36 the Department of Arts, Culture, and History as a full participating member in meetings of the
37 secretaries of the departments created in §5F-1-2 of this code that are convened at the call of the
38 Governor.

39 (e) The department shall have jurisdiction and control and may set and collect fees for the
40 use of all space in the building presently known as the West Virginia Science and Culture Center,
41 including the deck and courtyards forming an integral part thereof; the building presently known as
42 West Virginia Independence Hall in Wheeling, including all the grounds and appurtenances
43 thereof; "Camp Washington Carver" in Fayette County, as provided in §29-1-14 of this code; and
44 any other sites as may be transferred to or acquired by the department. Notwithstanding any
45 provision of this code to the contrary, beginning on and after July 1, 2018, the department shall

46 have responsibility for, and control of, all visitor touring and visitor tour guide activities within the
47 Capitol Building at Charleston.

48 (f) For the purposes of this article, "commissioner" or "curator" means the ~~Curator~~ Cabinet
49 Secretary of Arts, Culture, and History, and "division" or "department" means the Department of
50 Arts, Culture, and History. References throughout this code to the "Commissioner/Curator of
51 Culture and History" ~~mean~~ means the "~~Curator~~ Cabinet Secretary of Arts, Culture, and History",
52 and references throughout this code to the "Division of Culture and History" mean the "Department
53 of Arts, Culture, and History".

54 ~~(g) Nothing in this article or any other provision of this code may be construed to mean that~~
55 ~~the Department of Arts, Culture, and History is an executive department created pursuant to §5F-~~
56 ~~1-2 of this code, nor that the curator is the secretary of an executive department created pursuant~~
57 ~~to that section.~~

NOTE: The purpose of this bill is to change the "Curator" of the Department of Arts, Culture, and History to the "Cabinet Secretary" of the Department of Arts, Culture, and History.

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