

SB 508

FILED

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 2004



ENROLLED

COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 508

(By Senators Plymale, Thomas, W. Mr. PRESIDENT, ET AL)



PASSED MARCH 13, 2004

In Effect JULY 4, 2004 Passage

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OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 508

(SENATORS PLYMALE, TOMBLIN, MR. PRESIDENT,
EDGELL, DEMPSEY AND HUNTER, *original sponsors*)

[Passed March 13, 2004; to take effect July 1, 2004.]

AN ACT to amend and reenact §29-1-3 of the code of West Virginia, 1931, as amended, relating to membership of the commission on the arts; and expenditure of moneys in the cultural facilities and capital resources matching grant program fund.

Be it enacted by the Legislature of West Virginia:

That §29-1-3 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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
- 2 composed of fifteen appointed voting members and the ex

3 officio nonvoting members set forth or authorized for
4 appointment in this section.

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

10 (2) No more than eight voting members may be of the
11 same political party. Effective the first day of July, two
12 thousand four, no more than three voting members may be
13 from the same regional educational service agency district
14 created in section twenty-six, article two, chapter eighteen
15 of this code. Voting members of the commission shall be
16 appointed so as to fairly represent both sexes, the ethnic
17 and cultural diversity of the state and the geographic
18 regions of the state.

19 (3) The commission shall elect one of its members as
20 chair. It shall meet at the times specified by the chair.
21 Notice of each meeting shall be given to each member by
22 the chair in compliance with the open meetings laws of the
23 state. A majority of the voting members constitute a
24 quorum for the transaction of business. The director of the
25 arts section shall be an ex officio nonvoting member of the
26 commission and shall serve as secretary. The director or
27 a majority of the members also may call a meeting upon
28 notice as provided in this section.

29 (4) Each voting member or ex officio nonvoting member
30 of the commission shall serve without compensation, but
31 shall be reimbursed for all reasonable and necessary
32 expenses actually incurred in the performance of the
33 duties of the office; except that in the event the expenses
34 are paid, or are to be paid, by a third party, the member or
35 ex officio member, as the case may be, shall not be reim-
36 bursed by the state.

37 (5) Upon recommendation of the commissioner, the
38 governor also may appoint those officers of the state that

39 are appropriate to serve on the commission as ex officio
40 nonvoting members.

41 (c) The commission may:

42 (1) Advise the commissioner and the director of the arts
43 section concerning the accomplishment of the purposes of
44 that section and establish a state plan with respect to the
45 arts section;

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

49 (3) Request, accept or expend federal funds to accom-
50 plish the purposes of the arts section when federal law or
51 regulations would prohibit those actions by the commis-
52 sioner or section director, but would permit them to be
53 done by the commission on the arts;

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

56 (5) Approve rules concerning the professional policies
57 and functions of the section as promulgated by the director
58 of the arts section; and

59 (6) Advise and consent to the appointment of the direc-
60 tor by the commissioner.

61 (d) A special revenue account in the state treasury,
62 known as the "cultural facilities and capital resources
63 matching grant program fund", is continued. The fund
64 shall consist of moneys received under section ten, article
65 twenty-two-a of this chapter and funds from any other
66 source. The moneys in the fund shall be expended in
67 accordance with the following:

68 (1) Fifty percent of the moneys deposited in the fund
69 shall be expended by the commission on the arts for
70 capital improvements, preservation and operations of
71 cultural facilities: *Provided*, That the commission on the

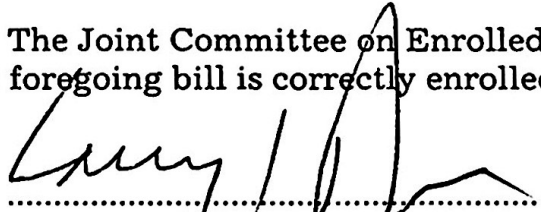
72 arts may use no more than twenty-five percent of the
73 funding for operations of cultural facilities pursuant to the
74 rule required by this subdivision: *Provided, however,* That
75 the commission shall make a women's veterans memorial
76 statue a priority when expending the funds: *Provided*
77 *further,* That the commission shall submit the plans for the
78 statue to the secretary of administration for his or her
79 approval. The commission on the arts shall propose rules
80 for legislative approval in accordance with the provisions
81 of article three, chapter twenty-nine-a of this code to
82 create a matching grant program for cultural facilities and
83 capital resources; and

84 (2) Fifty percent of the moneys deposited in the fund
85 shall be expended by the division of culture and history
86 for:

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

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

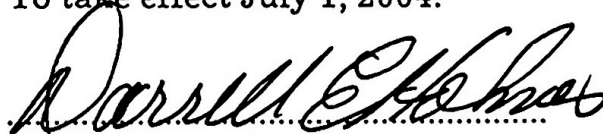
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

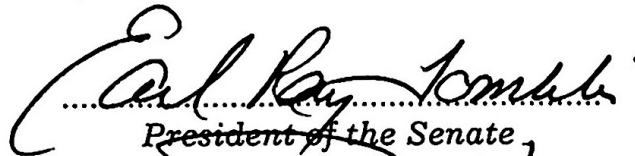

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Chairman House Committee

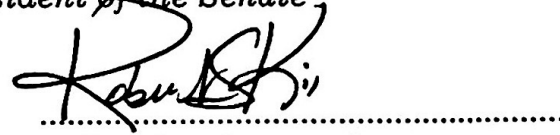
Originated in the Senate.

To take effect July 1, 2004.

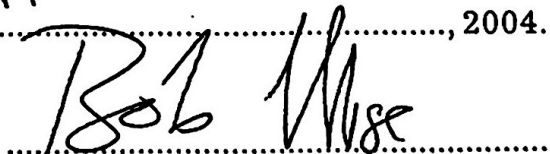

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 5th
Day of April, 2004.


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Governor

PRESENTED TO THE
GOVERNOR
DATE 3.3.04
TIME 10.45 AM