

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 790

By Senators Blair (Mr. President) and Woelfel

[By Request of the Executive]

[Passed February 19, 2024; in effect from passage]

1 AN ACT to amend and reenact §29-1-1 of the Code of West Virginia, 1931, as amended, relating
2 to changing reference from the Curator of the Department of Arts, Culture, and History to
3 the Secretary of the Department of Arts, Culture, and History.

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

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

9 (1) The arts section;

10 (2) The archives and history section;

11 (3) The museums section;

12 (4) The historic preservation section;

13 (5) The state library section;

14 (6) The National Coal Heritage Area Commission; and

15 (7) The administrative section.

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

17 (1) A Commission on the Arts;

18 (2) A Commission on Archives and History; and

19 (3) A Library Commission.

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

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

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