WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 369

(By Mr. Speaker, Mr. Arnold)

PASSED March 7, 1941

In Effect from Passage
ENROLLED

House Bill No. 369

(By Mr. Speaker, Mr. Arnold)

[Passed March 7, 1941; in effect from passage.]

AN ACT to amend chapter fifteen of the code of West Virginia one thousand nine hundred thirty-one, by adding thereto a new article to be designated as article three, relating to national and state defense; to provide for the establishment of a “State Council of Defense” and of local and district councils of defense, and prescribing the powers and duties thereof.

Be it enacted by the Legislature of West Virginia:

That chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article to be designated article three, to read as follows:

Section 1. Establishment of State Council of Defense.—

2 The governor is hereby authorized and empowered in time of emergency or public need in the nation or the state to create by proclamation a “State Council of Defense”, hereinafter designated as the “council”, for the
general purpose of assisting in the coordination of the
state and local activities related to national and state de-
fense. Whenever he deems it expedient, the governor may,
by proclamation, dissolve or suspend such council or re-
establish it after any such dissolution or suspension.

Sec. 2. Organization of Council.—The council shall con-
sist of seven members to be appointed by and with the ad-
vice and consent of the Senate. The members of the coun-
cil shall hold office during the will and pleasure of the
governor. The governor shall serve as chairman of the
council. He shall designate one of the members of the
council as vice-chairman. Appointment of members shall
be made without reference to political affiliation and with
reference to their special knowledge of industry, agricul-
ture, consumer protection, labor, education, health, wel-
fare, or other subjects relating to national or state defense.
The council may, with the approval of the governor, em-
ploy such technical, clerical, stenographic, and other per-
sonnel, and fix their compensation, and may make such ex-
penditures within the appropriation therefor, or other
funds made available to it, as are necessary to carry out
17 the purposes of this act.

18 The members of the council shall serve without com-
19 pensation, but may be reimbursed for their actual and
20 necessary traveling and other expenses incurred in con-
21 nection with attendance upon meetings of the council.
22 The council shall be provided with appropriate office
23 space, furniture, equipment, supplies, stationery, and
24 printing in the same manner as other state agencies are
25 supplied.

Sec. 3. Powers and Duties.—The “Council” shall have
2 the following powers and duties:
3 (a) To adopt, amend, and repeal rules, regulations,
4 and by-laws governing its procedure and activities.
5 (b) To cooperate with the “Advisory Commission to
6 the Council of National Defense” through its division
7 of state and local cooperation, or with any similar federal
8 agencies hereafter created, and with any departments or
9 other federal agencies engaged in defense activities.
10 (c) To cooperate with similar councils of defense in
11 other states.
12 (d) To cooperate with local defense councils.
(e) To supervise and direct investigations, and report to the governor with recommendations for legislation or other appropriate action as it may deem necessary, with respect to the following matters insofar as they are or may be related to defense:

1. Industrial materials and facilities.
2. Production and manufacturing facilities.
3. Agriculture, food supply, and land use.
4. Transportation facilities.
5. Labor supply and training, labor relations, and human resources, professions, trades, and skills.
6. Consumers and consumer protection.
7. Housing and related facilities.
8. Health, hospitals, and sanitation facilities.
10. Educational facilities.
11. Recreational areas and facilities.
12. Finance.
13. Civil liberties, including but without limitation, the protection thereof, maintenance of law and order,
and measures to guard against sabotage and subversive activities.

(14) Civil defense, including police mobilization, coordinated for fire protection, and disaster relief.

(15) Any other type of activity directly or indirectly related to defense.

(f) To create committees, either within or without its membership, to aid it in the discharge of its powers and duties.

(g) To require and direct the cooperation and assistance of state and local governmental agencies and officials.

(h) To make full investigation as to all questions directly or indirectly relating to the powers or duties vested in it by this act, or by any other law.

(i) To do all acts and things, not inconsistent with law, for the furtherance of defense activities.

Sec. 4. Utilization of Existing Services and Facilities.—

In order to avoid duplication of services and facilities the “Council” and the local and district councils of defense established under the authority of this act are:
(a) Directed to utilize the services and facilities of existing officers, offices, departments, commissions, boards, and bureaus, institutions and other agencies of the state and of the political subdivisions thereof; and

(b) All such officers and agencies shall cooperate with and extend their services and facilities to the council and to the local and district councils of defense as they shall request.

Sec. 5. Local Councils of Defense.—Each political subdivision of the state may establish a local council of defense by the proclamation of the executive officer or governing body thereof. Local councils of defense, if and when established, shall cooperate with and assist the council, and shall perform such services as may be requested by it. Local councils may act jointly with other such councils. Insofar as applicable, local councils shall have the same power and duties within their respective jurisdictions as are vested in the council. Such local councils shall terminate or cease activity whenever the council is dissolved or suspended.

Sec. 6. District Councils of Defense.—In cooperation
with local officials the council is authorized to establish
district councils of defense in critical areas of the state
of especial importance in defense activities. Such dis-
trict councils shall act as coordinating agencies under
the supervision and direction of the council, and in
cooperation with local governmental agencies.

Sec. 7. Separability of Provisions.—If any provision of
this act, or the application of such provision to any per-
son or circumstance is held invalid, the remainder of
the act and the application of such provision to other
persons or circumstances shall not be affected thereby.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 14th day of March, 1941.

Governor.

Filed in the office of the Secretary of State of West Virginia. Mar. 17, 1941

Wm. S. O'Brien,
Secretary of State