

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 369

(By Mr. Speaker Mr. Arnold)



PASSED March 7 1941

In Effect from Passage

698  
369

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**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  
3 time of emergency or public need in the nation or the  
4 state to create by proclamation a "State Council of De-  
5 fense", hereinafter designated as the "council", for the

6 general purpose of assisting in the coordination of the  
7 state and local activities related to national and state de-  
8 fense. Whenever he deems it expedient, the governor may,  
9 by proclamation, dissolve or suspend such council or re-  
10 establish it after any such dissolution or suspension.

Sec. 2. *Organization of Council.*—The council shall con-  
2 sist of seven members to be appointed by and with the ad-  
3 vice and consent of the Senate. The members of the coun-  
4 cil shall hold office during the will and pleasure of the  
5 governor. The governor shall serve as chairman of the  
6 council. He shall designate one of the members of the  
7 council as vice-chairman. Appointment of members shall  
8 be made without reference to political affiliation and with  
9 reference to their special knowledge of industry, agricul-  
10 ture, consumer protection, labor, education, health, wel-  
11 fare, or other subjects relating to national or state defense.  
12 The council may, with the approval of the governor, em-  
13 ploy such technical, clerical, stenographic, and other per-  
14 sonnel, and fix their compensation, and may make such ex-  
15 penditures within the appropriation therefor, or other  
16 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.

13 (e) To supervise and direct investigations, and report  
14 to the governor with recommendations for legislation or  
15 other appropriate action as it may deem necessary, with  
16 respect to the following matters insofar as they are or  
17 may be related to defense:

18 (1) Industrial materials and facilities.

19 (2) Production and manufacturing facilities.

20 (3) Agriculture, food supply, and land use.

21 (4) Transportation facilities.

22 (5) Labor supply and training, labor relations, and  
23 human resources, professions, trades, and skills.

24 (6) Consumers and consumer protection.

25 (7) Housing and related facilities.

26 (8) Health, hospitals, and sanitation facilities.

27 (9) Welfare.

28 (10) Educational facilities.

29 (11) Recreational areas and facilities.

30 (12) Finance.

31 (13) Civil liberties, including but without limitation,  
32 the protection thereof, maintenance of law and order,

33 and measures to guard against sabotage and subversive  
34 activities.

35 (14) Civil defense, including police mobilization, co-  
36 ordinated for fire protection, and disaster relief.

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

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

42 (g) To require and direct the cooperation and assist-  
43 ance of state and local governmental agencies and of-  
44 ficials.

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

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

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

2 In order to avoid duplication of services and facilities  
3 the "Council" and the local and district councils of de-  
4 fense established under the authority of this act are:

5 (a) Directed to utilize the services and facilities of  
6 existing officers, offices, departments, commissions,  
7 boards, and bureaus, institutions and other agencies of  
8 the state and of the political subdivisions thereof; and

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

Sec. 5. *Local Councils of Defense.*—Each political sub-  
2 division of the state may establish a local council of  
3 defense by the proclamation of the executive officer or  
4 governing body thereof. Local councils of defense, if  
5 and when established, shall cooperate with and assist the  
6 council, and shall perform such services as may be re-  
7 quested by it. Local councils may act jointly with other  
8 such councils. Insofar as applicable, local councils shall  
9 have the same power and duties within their respective  
10 jurisdictions as are vested in the council. Such local  
11 councils shall terminate or cease activity whenever the  
12 council is dissolved or suspended.

Sec. 6. *District Councils of Defense.*—In cooperation

2 with local officials the council is authorized to establish  
3 district councils of defense in critical areas of the state  
4 of especial importance in defense activities. Such dis-  
5 trict councils shall act as coordinating agencies under  
6 the supervision and direction of the council, and in  
7 cooperation with local governmental agencies.

Sec. 7. *Separability of Provisions.*—If any provision of  
2 this act, or the application of such provision to any per-  
3 son or circumstance is held invalid, the remainder of  
4 the act and the application of such provision to other  
5 persons or circumstances shall not be affected thereby.

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

*C. H. McKeown*

Chairman Senate Committee

*Leon Rice*

Chairman House Committee

Originated in the *House of Delegates*

Takes effect *from* passage.

*Arthur Watkins*

Clerk of the Senate

*J. Sciff*

Clerk of the House of Delegates

*Byron S. Randolph*

President of the Senate

*Malcolm R. Arnold*

Speaker House of Delegates

The within *approved* this the *14th*

day of *March*, 1941.

*Matthew M. Neely*

Governor.



Filed in the office of the Secretary of State  
of West Virginia **MAR 17 1941**  
Wm. S. O'BRIEN,  
Secretary of State