AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eleven, relating to the creation and establishment of the West Virginia human rights commission and providing for its personnel, powers, functions and services.

Be it enacted by the Legislature of West Virginia:

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


Section 1. Human Rights Commission Created; Status,

2 Powers and Objects.—A West Virginia human rights com-
mission is hereby created and established in the state
government. The commission shall have the powers and
authority and shall perform the functions and services
as in this article prescribed and as otherwise provided
by law. The commission shall encourage and endeavor
to bring about mutual understanding and respect among
all racial, religious and ethnic groups within the state
and shall strive to eliminate all discrimination in employ-
ment and places of public accommodation by virtue of
race, creed or religious belief. Unless the context clearly
requires another meaning or reference, the word "com-
misson" as used in this article shall be construed to mean
and to refer to the West Virginia human rights commis-
sion.

Sec. 2. Commission Composition; Terms; Oath of Office;
Expenses.—The commission shall be composed of nine
members, all residents and citizens of the state of West
Virginia and broadly representative of the several racial,
religious and ethnic groups residing within the state, to
be appointed by the governor by and with the advice and
consent of the Senate. Not more than five members of
the commission shall be members of the same political
party and at least one member but not more than three
members shall be from any one congressional district.
Members of the commission shall be appointed for
terms of three years commencing on the first day of July
of the year of their appointments, except that the nine
members first appointed hereunder shall be appointed for
terms of from one to three years, respectively, so that the
terms of three members of the commission will expire
on the thirtieth day of June of each succeeding year there-
after. Upon the expiration of the initial terms, all sub-
sequent appointments shall be for terms of three years
each, except that appointments to fill vacancies shall be
for the unexpired term thereof. Members shall be eligible
for reappointment. Before assuming and performing any
duties as a member of the commission, each commission
member shall take and subscribe to the official oath pre-
scribed by section five of article four of the constitution
of West Virginia, which executed oath shall be filed in
the office of the secretary of state.
No member of the commission shall receive any salary
or compensation for his services as such, but each member shall be reimbursed for his reasonable and necessary travel expenses incurred in performance of his commission services.

Sec. 3. Commission Organization and Personnel.—As soon as practical after the first day of July following creation of the commission, the governor shall call a meeting thereof to be convened at the state capitol. The commission shall at the meeting organize by electing one of its members as chairman of the commission and one as vice-chairman thereof for a term of one year or until their successors are elected and qualified. Annually thereafter, as soon as practical after the first day of July, the commission shall elect a chairman and vice-chairman from its membership and such other officers as may be found necessary and proper for its effective organization.

When organized, the commission shall select an executive director who shall serve at the will and pleasure of the commission. The executive director shall serve as secretary of the commission. The executive director shall have a college degree. He shall be selected with particular
reference to his training, experience and qualifications for
the position and shall be paid an annual salary, payable in
monthly installments, from any appropriations made
therefor. The commission, upon recommendation of the
executive director, may employ, prescribe the duties for,
and fix the salaries and compensation within available
appropriations, of such personnel as may be necessary for
the effective and orderly performance of the functions and
services of the commission.

The commission shall equip and maintain its offices at
the state capitol and shall hold its annual organization
meeting thereat. The commission may hold other meet-
ings during the year at such times and places within the
state as may be found necessary and proper in the dis-
charge of its duties. Any five members of the commission
shall constitute a quorum for the transaction of business.

Minutes of its meetings shall be kept by its secretary.

The executive director and other commission personnel
shall be reimbursed for necessary and reasonable travel
and subsistence expenses incurred in performance of com-
mission services upon presentation of properly verified
expense accounts as prescribed by law.
Sec. 4. Commission Powers; Functions; Services.—The commission is hereby authorized and empowered:

(a) To cooperate and work with federal, state and local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between and among all racial, religious and ethnic groups in this state;

(b) To enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups of the state in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws for all groups and peoples;

(c) To act as conciliator in matters of employment and places of public accommodation involving race, color, religion, national origin or ancestry, but no decision of the commission shall be binding upon any parties to the conciliation;

(d) To receive and consider complaints involving employment and places of public accommodation and to initiate its own consideration of any situations, circum-
stances or problems, including therein any racial, religious
or ethnic group tensions, prejudice, disorder or discrimi-
nation reported or existing within the state relating to
employment and places of public accommodation.
(e) To hold and conduct public and private hearings
on complaints, matters and questions before the commis-
sion and, in connection therewith, to
(1) Administer oaths, take the testimony of any per-
son under oath, and make reimbursement for travel and
other reasonable and necessary expenses in connection
with such attendance;
(2) Compile hearing records and furnish copies of the
whole or any parts thereof to the governor, the Legisla-
ture and such other governmental officials and agencies
as may be concerned therewith;
(3) Furnish copies of public hearing records to inter-
ested parties involved therein upon their payment of the
reasonable costs thereof to the commission;
(4) Delegate to the executive director, or to any
five members of the commission the power and au-
thority to hold and conduct the hearings, as herein
provided, but all decisions and action growing out of or
upon any such hearings shall be reserved for determina-
tion by the commission;

(f) To encourage, promote and conduct studies and
research projects in matters and questions involving and
relating to human rights and to compile and make public
reports thereon;

(g) To recommend to the governor and Legislature
policies, procedures, practices and legislation in matters
and questions affecting human rights;

(h) To delegate to its executive director and to such
other investigative and research personnel as it may em-
ploy such powers, duties and functions as may be neces-
sary and expedient in carrying out the objectives and
purposes of this article;

(i) To prepare a written report on its work, functions
and services for each year ending on the thirtieth day of
June and to deliver copies thereof to the governor on or
before the first day of December next thereafter;

(j) To do all other acts and deeds necessary and proper
to carry out and accomplish effectively the objects, func-
tions and services contemplated by the provisions of this
article, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the commission.

(k) Not withstanding any other provisions of this article, any person called as a witness before the commission may, in that person's discretion, demand either a public or private hearing.

Sec. 5. Assistance to Commission; Legal Services.—The commission may call upon other officers, departments and agencies of the state government to assist in its hearings, programs and projects. The attorney general of the state shall render legal services to the commission upon request made by the commission or by the chairman or the executive director thereof.

Sec. 6. Construction; Separable Provisions.—The provisions of this article shall be liberally construed to accomplish the objectives and purposes hereof. If any provision of this article be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect or invalidate the other provisions hereof, all of which are declared and shall be construed to be separate and separable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect July 1st, 1961, passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16th day of March, 1961.

Governor

Filed in Office of the Secretary of State of West Virginia
MAR 16 1961
JOE F. BURDETT
SECRETARY OF STATE