WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 39
(By Mr.)

PASSED March 7th, 1961
In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia March 7, 1961
JOE F. BURDITT
SECRETARY OF STATE
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 39

(Originating in the Committee on the Judiciary.)

[Passed March 7, 1981; in effect from passage.]

AN ACT to repeal sections one through four, article nine, and sections one through eleven, article thirteen, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and 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 nine, relating to the establishment in the state government of a department of commerce and to its powers and duties.

Be it enacted by the Legislature of West Virginia:

That sections one through four, article nine, and sections one through eleven, article thirteen, chapter twenty-nine of
the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated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 nine, to read as follows:

**Article 9. Department of Commerce.**

Section 1. *Department of Commerce; Commissioner; Divisions.*—There is hereby created in the state government a department of commerce and the office of commissioner of commerce. The commissioner shall be the chief executive officer of the department and shall be appointed by the governor by and with the advice and consent of the senate for a term of four years, which term shall run concurrently with the term of the governor or until said commissioner's successor is appointed and qualified. The annual compensation of the commissioner shall be fixed by the governor, but not in excess of fourteen thousand dollars. There shall be in the department of commerce a planning and research division, an industrial development division, and a travel development division. Each division shall be headed by a director, who
shall be appointed by the commissioner of commerce, to serve at the will and pleasure of the commissioner of commerce. Each division director shall be qualified in his respective field by special training and experience. The director of the planning and research division shall be trained and have experience in the field of state, local or national economic planning. The director of the industrial development division shall be trained and have experience in the field of industrial development. The director of the travel development division shall be trained and have experience in the field of travel development.

The commissioner of commerce shall have control and supervision of the department of commerce and shall be responsible for the work of each of its divisions. Under the control and supervision of the commissioner of commerce, each division director shall be responsible for the work of his division. The commissioner of commerce shall have the authority to employ such assistants as may be necessary for the efficient operation of the department.

Sec. 2. Advisory Board; Expenses.—There is hereby
established an advisory board for the department of commerce. The board shall be composed of seven members appointed by the governor for terms of four years and until their successors are appointed and qualified. There shall be at least one member appointed from each congressional district, and not more than four members shall be of the same political party. The first two members appointed shall serve for a period of one year; the second two for a period of two years; the next two for a period of three years; and the remaining member for a period of four years. Thereafter, all such appointments shall be made for a term of four years, except that in case of a vacancy, the appointment shall be made to fill the unexpired term. The members of the board shall be citizens and residents of the state, selected with special reference to their training and experience in relation to the principal activities required of the department of commerce, and for their ability and fitness to perform their duties within the purposes of this article. The board shall serve the department of commerce in an advisory capacity only. It shall have the authority and it shall be its duty:
(1) To advise with the commissioner of commerce concerning all administrative rules and regulations to be issued by the department.

(2) To advise with the commissioner of commerce as to all budget proposals to be submitted to the board of public works.

(3) To advise with the commissioner of commerce concerning such studies of economic conditions, travel promotion and industrial development as it may consider appropriate.

(4) To advise with the commissioner of commerce on any other matters applicable to the department of commerce if requested by the governor.

The board shall meet at the call of the commissioner of commerce and each member of the board shall receive his actual and necessary traveling expenses incurred in the performance of his duties.

Sec. 3. General Powers and Duties.—The department of commerce shall have the authority and, within the limits of available funds, it shall be its duty to:

(1) Investigate, study and undertake ways and means
of promoting and encouraging the prosperous development and protection of the legitimate interests and welfare of West Virginia business, industry and commerce, within and outside the state.

(2) Serve as a clearing house for industrial problems of the state.

(3) Promote and encourage the expansion and development of markets for West Virginia products.

(4) Promote and encourage the location and development of new business in the state and the maintenance and expansion of existing business.

(5) Investigate and study conditions affecting West Virginia business, industry and commerce; collect and disseminate information, and engage in technical studies, scientific investigations, statistical research and education activities necessary or useful for the proper execution of the powers and duties of the department.

(6) Plan and develop an effective business information service that will directly assist West Virginia industry and also encourage industries outside the state to use business facilities within the state.
(7) Compile, collect and periodically make available scientific indices and other information relating to current business conditions.

(8) Encourage and develop commerce with other states and devise methods of removing trade barriers that hamper the free flow of commerce between this and other states, and for these purposes cooperate with interstate commissions engaged in formulating and promoting the adoption of interstate compacts and agreements helpful to business, industry and commerce.

(9) Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the state, with a view to the development of new products and industrial processes.

(10) Compile periodically a census of business and industry in the state, in cooperation with other agencies, and analyze and publish the information in such form as to be most valuable to business and industry.

(10-a) Compile periodically a census of the crafts, trades, skills and occupations of all adult persons in the
46 state, in cooperation with other agencies, and analyze
47 and publish the information in such form as to be most
48 valuable to business and industry.
49 (11) Study long-range trends and developments in
50 the industries of the state and analyze the reasons under-
51 lying such trends; study costs and other factors affecting
52 successful operation of businesses within the state.
53 (12) Advertise and publicize the material, economic
54 and other advantages of the state which render it a de-
55 sirable place for business and residence.
56 (13) Collect, compile and distribute information and
57 literature concerning the advantages and attractions of
58 the state, its historic and scenic points of interest, and the
59 highway, transportation and other facilities of the state.
60 (14) Plan and carry out a program of information and
61 publicity designed to attract to West Virginia tourists,
62 visitors and other interested persons from outside the
63 state.
64 (15) Encourage and cooperate with other public and
65 private organizations or groups in their efforts to publicize
66 the attractions and industrial advantages of the state.
(16) Accept and expend, without the necessity of appropriation by the Legislature, any gift or grant of money made to the department for any or all of the purposes specified in this section.

(17) Publish information as an aid to planning on both community and state levels and provide planning assistance and do planning work, including surveys, land use, studies, urban renewal plans, technical services and other elements of comprehensive planning programs, in and for any counties, cities, towns and regions and, for this purpose, to accept and utilize any funds, personnel or other assistance made available by the federal government or any of its agencies, or made available from any other source, public or private, and, notwithstanding the provisions of any other law and for the purposes of receiving and using federal planning grants for providing urban planning assistance, to serve as the official state planning agency of the state and, to these ends, to enter into agreements or contracts regarding the acceptance or utilization of such funds or assistance for any of the purposes authorized by this article.
(18) Enter into agreements with federal and state departments or agencies, including those of other states, and any other groups which are in harmony with the purposes of this article, as well as with counties or municipalities of this state, for the promotion of and for the rendering of consultive service with respect to the planning of the county or municipality, and the agreement may provide that the county or municipality shall pay part or all of the expense of such service. In this connection, the department of commerce is hereby expressly authorized to participate in the federal planning assistance programs as set forth in the "Federal Housing Act of 1954", as amended, and any subsequent acts, to give planning assistance to municipalities, whatever their size, and metropolitan and regional areas, and any other areas now or hereafter engaged in such activity; and to accept, on behalf of said municipalities, metropolitan and regional areas, funds provided by the government of the United States in accordance with the aforesaid "Federal Housing Act of 1954", as amended. Also the department of commerce shall be the official state
government department to administer and supervise
any provisions of a federal area redevelopment act and
is expressly authorized to participate in any federal
area redevelopment act within the limits of the funds
that are or may be made available for such purposes.
The above duties are specifically assigned to the planning
and research division within said department of com-
merce.

(19) Initiate, promote and conduct, or cause to be con-
ducted, research designed to further new and more ex-
tensive uses and consumption of natural and other re-
sources and their by-products; and for such purposes, to
enter into contracts and agreements with research labora-
tories maintained by educational or endowed institutions
in this state, and to expend appropriations to the depart-
ment for such purposes.

(20) Prepare and maintain a comprehensive plan for
the physical, social, and economic development of the
state, and the department shall prepare and keep current
a proposed long-range program of major state improve-
ments relating to the comprehensive development of
natural and artificial resources of this state, and shall cooperate with existing federal and state departments and other agencies or groups in perfecting and promoting the aforesaid comprehensive plan.

(21) Assist voluntary county or regional councils or groups in order to help effectuate the purposes of this article on a local level.

(22) Make recommendations to the governor and the legislature of any legislation deemed necessary to facilitate the carrying out of any of the foregoing powers and duties, and to exercise any other power that may be necessary or proper for the orderly conduct of the business of the department and the effective discharge of the duties of the department.

Sec. 4. Authority of Governor.—The governor is hereby authorized to direct by executive order as may be necessary to effectuate the purposes of this article, but not inconsistent with the provisions of this article: The transfer to the department of commerce of such records and equipment, the performance by the department of such additional functions and duties and the discontinuance of
such functions of any other state officer or agency as may be necessary to effectuate the purposes of this article.

Sec. 5. West Virginia Industrial Publicity Commission and Economic Development Agency Abolished; Records and Equipment Transferred; Existing Contracts; Funds.—

(a) The West Virginia industrial publicity commission and the economic development agency are hereby abolished, as of the effective date of this article, and the terms of the members of the aforesaid commission and of the aforesaid agency now holding office, and the employment of all officers and employees of the aforesaid commission and of the aforesaid agency, shall expire and terminate upon that date.

(b) All books, papers, maps, charts, plans, literature and other records, and all equipment in the possession of the West Virginia industrial publicity commission and of the economic development agency upon the effective date of this article, or of any member, officer or employee thereof, shall be delivered or turned over to the department of commerce.

(c) All existing contracts and obligations of the West
Virginia industrial publicity commission and the economic
development agency shall remain in full force and effect
and shall be performed by the department of commerce.
(d) The unexpended balance existing on the effective
date of this article in any appropriation made to the West
Virginia industrial publicity commission and the economic
development agency is hereby transferred and appro-
priated to the department of commerce, for the fiscal
period ending the thirtieth day of June, one thousand nine
hundred sixty-one, for the purpose of carrying out the
powers and duties of the West Virginia industrial pub-
licity commission and the economic development agency
transferred to the department of commerce by this article,
and for the payment of any bills or encumbrances in-
curred by the West Virginia industrial publicity commis-
sion and the economic development agency prior to, and
remaining unpaid on, the effective date of this article.

Sec. 6. Statutory References.—Whenever any statute
of the state refers to an officer or agency of the state whose
functions and duties are by this article transferred to
another officer or agency of the state, the reference shall
be understood to be made to the officer or agency, as the case may be, to which the functions and duties have been transferred.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from the passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approval of this the day of March, 1961.

Governor