

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 39

(By Mr. Comm. Sub for)

PASSED March 7th 1961

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia March 11, 1961
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 39

(Originating in the Committee on the Judiciary.)

[Passed March 7, 1961; 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the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article designated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;*

2 *Divisions.*—There is hereby created in the state govern-
3 ment a department of commerce and the office of com-
4 missioner of commerce. The commissioner shall be the
5 chief executive officer of the department and shall be ap-
6 pointed by the governor by and with the advice and con-
7 sent of the senate for a term of four years, which term
8 shall run concurrently with the term of the governor or
9 until said commissioner's successor is appointed and
10 qualified. The annual compensation of the commissioner
11 shall be fixed by the governor, but not in excess of four-
12 teen thousand dollars. There shall be in the department
13 of commerce a planning and research division, an indus-
14 trial development division, and a travel development
15 division. Each division shall be headed by a director, who

16 shall be appointed by the commissioner of commerce, to
17 serve at the will and pleasure of the commissioner of
18 commerce. Each division director shall be qualified in
19 his respective field by special training and experience.
20 The director of the planning and research division shall
21 be trained and have experience in the field of state, local
22 or national economic planning. The director of the in-
23 dustrial development division shall be trained and have
24 experience in the field of industrial development. The
25 director of the travel development division shall be
26 trained and have experience in the field of travel de-
27 velopment.

28 The commissioner of commerce shall have control and
29 supervision of the department of commerce and shall be
30 responsible for the work of each of its divisions. Under
31 the control and supervision of the commissioner of com-
32 merce, each division director shall be responsible for the
33 work of his division. The commissioner of commerce shall
34 have the authority to employ such assistants as may be
35 necessary for the efficient operation of the department.

Sec. 2. *Advisory Board; Expenses.*—There is hereby

2 established an advisory board for the department of com-
3 merce. The board shall be composed of seven members
4 appointed by the governor for terms of four years and
5 until their successors are appointed and qualified. There
6 shall be at least one member appointed from each con-
7 gressional district, and not more than four members shall
8 be of the same political party. The first two members
9 appointed shall serve for a period of one year; the second
10 two for a period of two years; the next two for a period
11 of three years; and the remaining member for a period
12 of four years. Thereafter, all such appointments shall
13 be made for a term of four years, except that in case of
14 a vacancy, the appointment shall be made to fill the un-
15 expired term. The members of the board shall be citizens
16 and residents of the state, selected with special reference
17 to their training and experience in relation to the princi-
18 pal activities required of the department of commerce,
19 and for their ability and fitness to perform their duties
20 within the purposes of this article. The board shall serve
21 the department of commerce in an advisory capacity only.
22 It shall have the authority and it shall be its duty:

23 (1) To advise with the commissioner of commerce con-
24 cerning all administrative rules and regulations to be
25 issued by the department.

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

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

33 (4) To advise with the commissioner of commerce on
34 any other matters applicable to the department of com-
35 merce if requested by the governor.

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

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

4 (1) Investigate, study and undertake ways and means

5 of promoting and encouraging the prosperous develop-
6 ment and protection of the legitimate interests and wel-
7 fare of West Virginia business, industry and commerce,
8 within and outside the state.

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

11 (3) Promote and encourage the expansion and de-
12 velopment of markets for West Virginia products.

13 (4) Promote and encourage the location and develop-
14 ment of new business in the state and the maintenance
15 and expansion of existing business.

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

22 (6) Plan and develop an effective business information
23 service that will directly assist West Virginia industry
24 and also encourage industries outside the state to use
25 business facilities within the state.

26 (7) Compile, collect and periodically make available
27 scientific indices and other information relating to current
28 business conditions.

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

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

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

44 (10-a) Compile periodically a census of the crafts,
45 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.

67 (16) Accept and expend, without the necessity of ap-
68 propriation by the Legislature, any gift or grant of money
69 made to the department for any or all of the purposes
70 specified in this section.

71 (17) Publish information as an aid to planning on both
72 community and state levels and provide planning assist-
73 ance and do planning work, including surveys, land use,
74 studies, urban renewal plans, technical services and other
75 elements of comprehensive planning programs, in and for
76 any counties, cities, towns and regions and, for this pur-
77 pose, to accept and utilize any funds, personnel or other
78 assistance made available by the federal government or
79 any of its agencies, or made available from any other
80 source, public or private, and, notwithstanding the pro-
81 visions of any other law and for the purposes of receiving
82 and using federal planning grants for providing urban
83 planning assistance, to serve as the official state planning
84 agency of the state and, to these ends, to enter into
85 agreements or contracts regarding the acceptance or
86 utilization of such funds or assistance for any of the pur-
87 poses authorized by this article.

88 (18) Enter into agreements with federal and state
89 departments or agencies, including those of other states,
90 and any other groups which are in harmony with the
91 purposes of this article, as well as with counties or munic-
92 palities of this state, for the promotion of and for the
93 rendering of consultive service with respect to the
94 planning of the county or municipality, and the agree-
95 ment may provide that the county or municipality shall
96 pay part or all of the expense of such service. In this
97 connection, the department of commerce is hereby ex-
98 pressly authorized to participate in the federal planning
99 assistance programs as set forth in the "Federal Housing
100 Act of 1954", as amended, and any subsequent acts, to
101 give planning assistance to municipalities, whatever their
102 size, and metropolitan and regional areas, and any
103 other areas now or hereafter engaged in such activity;
104 and to accept, on behalf of said municipalities, metro-
105 politan and regional areas, funds provided by the govern-
106 ment of the United States in accordance with the afore-
107 said "Federal Housing Act of 1954", as amended. Also
108 the department of commerce shall be the official state

109 government department to administer and supervise
110 any provisions of a federal area redevelopment act and
111 is expressly authorized to participate in any federal
112 area redevelopment act within the limits of the funds
113 that are or may be made available for such purposes.
114 The above duties are specifically assigned to the planning
115 and research division within said department of com-
116 merce.

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

125 (20) Prepare and maintain a comprehensive plan for
126 the physical, social, and economic development of the
127 state, and the department shall prepare and keep current
128 a proposed long-range program of major state improve-
129 ments relating to the comprehensive development of

130 natural and artificial resources of this state, and shall
131 cooperate with existing federal and state departments
132 and other agencies or groups in perfecting and promoting
133 the aforesaid comprehensive plan.

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

137 (22) Make recommendations to the governor and the
138 legislature of any legislation deemed necessary to facili-
139 tate the carrying out of any of the foregoing powers and
140 duties, and to exercise any other power that may be
141 necessary or proper for the orderly conduct of the busi-
142 ness of the department and the effective discharge of the
143 duties of the department.

Sec. 4. *Authority of Governor.*—The governor is hereby
2 authorized to direct by executive order as may be neces-
3 sary to effectuate the purposes of this article, but not
4 inconsistent with the provisions of this article: The trans-
5 fer to the department of commerce of such records and
6 equipment, the performance by the department of such
7 additional functions and duties and the discontinuance of

8 such functions of any other state officer or agency as may
9 be necessary to effectuate the purposes of this article.

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

4 (a) The West Virginia industrial publicity commission
5 and the economic development agency are hereby
6 abolished, as of the effective date of this article, and the
7 terms of the members of the aforesaid commission and of
8 the aforesaid agency now holding office, and the employ-
9 ment of all officers and employees of the aforesaid com-
10 mission and of the aforesaid agency, shall expire and
11 terminate upon that date.

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

19 (c) All existing contracts and obligations of the West

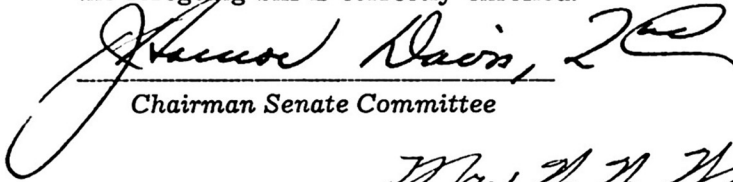
20 Virginia industrial publicity commission and the economic
21 development agency shall remain in full force and effect
22 and shall be performed by the department of commerce.

23 (d) The unexpended balance existing on the effective
24 date of this article in any appropriation made to the West
25 Virginia industrial publicity commission and the economic
26 development agency is hereby transferred and appro-
27 priated to the department of commerce, for the fiscal
28 period ending the thirtieth day of June, one thousand nine
29 hundred sixty-one, for the purpose of carrying out the
30 powers and duties of the West Virginia industrial pub-
31 licity commission and the economic development agency
32 transferred to the department of commerce by this article,
33 and for the payment of any bills or encumbrances in-
34 curred by the West Virginia industrial publicity commis-
35 sion and the economic development agency prior to, and
36 remaining unpaid on, the effective date of this article.

Sec. 6. *Statutory References.*—Whenever any statute
2 of the state refers to an officer or agency of the state whose
3 functions and duties are by this article transferred to
4 another officer or agency of the state, the reference shall

5 be understood to be made to the officer or agency, as the
6 case may be, to which the functions and duties have been
7 transferred.

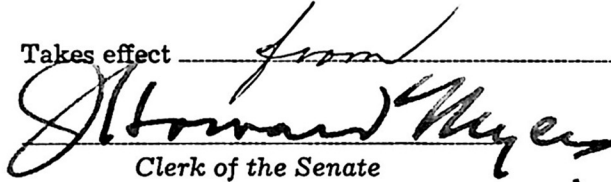
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

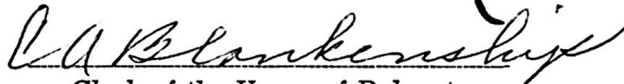

Chairman Senate Committee

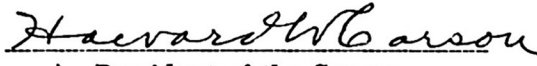

Chairman House Committee

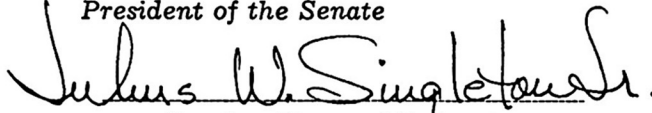
Originated in the Senate.

Takes effect from passage.

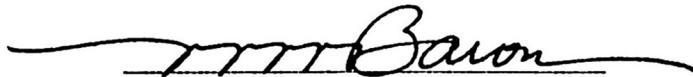

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within approved this the eleventh
day of March, 1961.


Governor

