

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965



ENROLLED

*Committee Substitute For*  
HOUSE BILL No. 718

(By Mr. Boiansky)



PASSED March 12, 1965

In Effect ninety days from Passage



FILED IN THE OFFICE OF  
JOE F. BOGGETT  
SECRETARY OF STATE  
THIS DATE 3-19-65

#718

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 718**  
(Originating in the Committee on the Judiciary)

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[Passed March 12, 1965; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one and three, article nine, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend said article by adding thereto a new section, designated section two-a, all relating to the department of commerce.

*Be it enacted by the Legislature of West Virginia:*

That sections one and three, article nine, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section two-a, all to read as follows:

**Article 9. Department of Commerce.**

**Section 1. Department Created; Appointment, Term**

**2 and Compensation of Commissioner; Divisions of Depart-**

**3 ment; Powers and Duties of Commissioner and Division**

**4 Directors.**—There is hereby created in the state govern-

5 ment a department of commerce and the office of com-

6 missioner of commerce. The commissioner shall be the

7 chief executive officer of the department and shall be

8 appointed by the governor by and with the advice and

9 consent of the senate for a term of four years, which term

10 shall run concurrently with the term of the governor

11 or until said commissioner's successor is appointed and

12 qualified. The annual compensation of the commissioner

13 shall be fixed by the governor, but not in excess of four-

14 teen thousand dollars. There shall be in the department

15 of commerce a planning and research division, an indus-

16 trial development division, and a travel development

17 division. Each division shall be headed by a director,

18 who shall be appointed by the commissioner of com-

19 merce, to serve at the will and pleasure of the commis-

20 sioner of commerce. Each division director shall be

21 qualified in his respective field by special training and  
22 experience. The director of the planning and research  
23 division shall be trained and have experience in the  
24 field of state, local or national economic planning. The  
25 director of the industrial development division shall be  
26 trained and have experience in the field of industrial  
27 development. The director of the travel development  
28 division shall be trained and have experience in the field  
29 of travel development.

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

**Sec. 2-a. Approval of Agreements and Contracts.—**

2 All agreements and/or contracts of the department of  
3 commerce by and with any federal, state, county or mu-  
4 nicipal departments or agencies and any other groups

5 which are in harmony with the purposes of this article,  
6 which said agreements and/or contracts necessitate the  
7 expenditure by the department of commerce of funds  
8 shall prior to the execution thereof by the department of  
9 commerce be submitted to the purchasing division for  
10 the approval by the director of said purchasing division  
11 of the department of finance and administration as to  
12 substance.

**Sec. 3. General Powers and Duties of Department.—**

2 The department of commerce shall have the authority  
3 and, within the limits of available funds, it shall be its  
4 duty to:

5 (1) Investigate, study and undertake ways and means  
6 of promoting and encouraging the prosperous develop-  
7 ment and protection of the legitimate interests and wel-  
8 fare of West Virginia business, industry and commerce,  
9 within and outside the state.

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

12 (3) Promote and encourage the expansion and develop-  
13 ment of markets for West Virginia products.

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

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

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

27 (7) Compile, collect and periodically make available  
28 scientific indices and other information relating to cur-  
29 rent business conditions.

30 (8) Encourage and develop commerce with other states  
31 and devise methods of removing trade barriers that  
32 hamper the free flow of commerce between this and other  
33 states, and for these purposes cooperate with interstate  
34 commissions engaged in formulating and promoting the

35 adoption of interstate compacts and agreements helpful  
36 to business, industry and commerce.

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

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

45 (11) Compile periodically a census of the crafts,  
46 trades, skills and occupations of all adult persons in the  
47 state, in cooperation with other agencies, and analyze  
48 and publish the information in such form as to be most  
49 valuable to business and industry.

50 (12) Study long-range trends and developments in  
51 the industries of the state, and analyze the reasons un-  
52 derlying such trends; study costs and other factors affect-  
53 ing successful operation of businesses within the state.

54 (13) Advertise and publicize the material, economic  
55 and other advantages of the state which render it a de-  
56 sirable place for business and residence.

57 (14) Collect, compile and distribute information and  
58 literature concerning the advantages and attractions of  
59 the state, its historic and scenic points of interest, and  
60 the highway, transportation and other facilities of the  
61 state.

62 (15) Plan and carry out a program of information  
63 and publicity designed to attract to West Virginia tourists,  
64 visitors and other interested persons from outside the  
65 state.

66 (16) Encourage and cooperate with other public and  
67 private organizations or groups in their efforts to pub-  
68 lize the attractions and industrial advantages of the  
69 state.

70 (17) Accept and extend, without the necessity of ap-  
71 propriation by the Legislature, any gift or grant of money  
72 made to the department for any or all of the purposes  
73 specified in this section.

74 (18) Publish information as an aid to planning on  
75 both community and state levels, and provide planning  
76 assistance and do planning work, including surveys,  
77 land use, studies, urban renewal plans, technical services



78 and other elements of comprehensive planning programs,  
79 in and for any counties, cities, towns and regions; and,  
80 for this purpose, to accept and utilize any funds, per-  
81 sonnel or other assistance made available by the federal  
82 government or any of its agencies, or made available from  
83 any other source, public or private; and, notwithstanding  
84 the provisions of any other law and for the purposes  
85 of receiving and using federal planning grants for pro-  
86 viding urban planning assistance, to serve as the official  
87 state planning agency of the state and, to these ends,  
88 to enter into agreements or contracts regarding the ac-  
89 ceptance or utilization of such funds or assistance for  
90 any of the purposes authorized by this article.

91 (19) Enter into agreements with federal and state  
92 departments or agencies, including those of other states,  
93 and any other groups which are in harmony with the  
94 purposes of this article, as well as with counties or mu-  
95 nicipalities of this state, for the promotion of and for  
96 the rendering of consultive service with respect to the  
97 planning of the county or municipality, and the agree-  
98 ment may provide that the county or municipality shall

99 pay part or all of the expense of such service. In this  
100 connection, the department of commerce is hereby ex-  
101 pressly authorized to participate in the federal planning  
102 assistance programs as set forth in the "Federal Housing  
103 Act of 1954," as amended, and any subsequent acts, to  
104 give planning assistance to municipalities, whatever their  
105 size, and metropolitan and regional areas, and any other  
106 areas now or hereafter engaged in such activity; and to  
107 accept, on behalf of said municipalities, metropolitan and  
108 regional areas, funds provided by the government of the  
109 United States in accordance with the aforesaid "Federal  
110 Housing Act of 1954," as amended. Also, the department  
111 of commerce shall be the official state government de-  
112 partment to administer and supervise any provisions of  
113 a federal area redevelopment act, and is expressly au-  
114 thorized to participate in any federal area redevelopment  
115 act within the limits of the funds that are or may be  
116 made available for such purposes.

117 (20) Initiate, promote and conduct, or cause to be con-  
118 ducted, research designed to further new and more exten-  
119 sive uses and consumption of natural and other resources

120 and their by-products; and for such purposes, to enter into  
121 contracts and agreements with research laboratories main-  
122 tained by educational or endowed institutions in this state,  
123 and to expend appropriations to the department for such  
124 purposes.

125 (21) 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 and  
132 other agencies or groups in perfecting and promoting the  
133 aforesaid comprehensive plan.

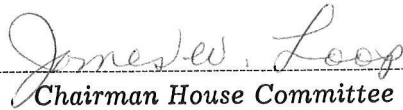
134 (22) Assist voluntary county or regional councils or  
135 groups in order to help effectuate the purposes of this  
136 article on a local level.

137 (23) 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.

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

  
Chairman Senate Committee

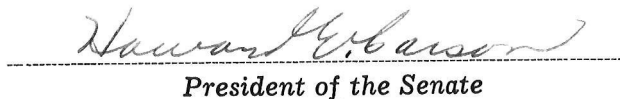
  
Chairman House Committee

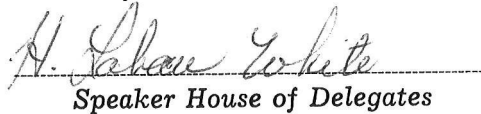
Originated in the House.

Takes effect ninety days 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 19  
day of March, 1965.

  
Governor