

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

Com. Sub. for
HOUSE BILL No. *821*

(By Mr. *Speaker, Mr. White*)



PASSED *March 11,* 1967

In Effect *July 1, 1967* Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE *3-20-67*

821

ENROLLED

Com. Sub. for House Bill No. 821

(By MR. SPEAKER, MR. WHITE)

[Passed March 11, 1967; in effect July 1, 1967.]

AN ACT to repeal article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article eleven, relating to the West Virginia human rights commission; making unlawful certain discriminatory practices; authorizing said commission to issue cease and desist orders; providing for hearings and judicial review; providing for the enforcement of such orders; and providing penalties.

Be it enacted by the Legislature of West Virginia:

That article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be re-

pealed, and a new article eleven be enacted in lieu thereof, to read as follows:

ARTICLE 11. HUMAN RIGHTS COMMISSION.

§5-11-1. Short title.

1 This article shall be known and may be cited and re-
2 ferred to as "The West Virginia Human Rights Act."

§5-11-2. Declaration of policy.

1 It is the public policy of the state of West Virginia to
2 provide all of its citizens equal opportunity for employ-
3 ment and equal access to places of public accommodations.
4 Equal opportunity in the areas of employment and
5 public accommodations is hereby declared to be a human
6 right or civil right of all persons without regard to race,
7 religion, color, national origin, age, sex or ancestry.

8 The denial of these rights to properly qualified per-
9 sons by reason of race, religion, color, national origin
10 or ancestry is contrary to the principles of freedom and
11 equality of opportunity and is destructive to a free and
12 democratic society.

§5-11-3. Definitions.

1 When used in this article:

2 (a) The term "person" means one or more individ-

3 uals, partnerships, associations, organizations, corpora-
4 tions, labor organizations, cooperatives, legal represen-
5 tatives, trustess, trustees in bankruptcy, receivers, and
6 other organized groups of persons;

7 (b) The term "commission" means the West Virginia
8 human rights commission;

9 (c) The term "director" means the executive direc-
10 tor of the commission;

11 (d) The term "employer" means the state, or any
12 political subdivision thereof, and any person employing
13 twenty-five or more persons within the state: *Provided,*
14 That such term shall not be taken, understood or con-
15 strued to include a private club;

16 (e) The term "employee" shall not include any in-
17 dividual employed by his parents, spouse, or child, or
18 in the domestic service of any person;

19 (f) The term "labor organization" includes any or-
20 ganization which exists for the purpose, in whole or in
21 part, for collective bargaining or for dealing with em-
22 ployers concerning grievances, terms or conditions of em-

23 ployment, or for other mutual aid or protection in rela-
24 tion to employment;

25 (g) The term "employment agency" includes any per-
26 son undertaking with or without compensation to pro-
27 cure, recruit, refer or place employees;

28 (h) The term "discriminate" or "discrimination"
29 means to exclude from, or fail or refuse to extend to, a
30 person equal opportunities because of race, religion, color,
31 national origin or ancestry, and includes to separate or
32 segregate;

33 (i) The term "unlawful discriminatory practices" in-
34 cludes only those practices specified in section nine of
35 this article;

36 (j) The term "place of public accommodations" means
37 any establishment or person, as defined herein, including
38 the state, or any political or civil subdivision thereof,
39 which offers its services, goods, facilities, or accommo-
40 dations to the general public, but shall not include any
41 accommodations which are in their nature private.

§5-11-4. Human rights commission continued; status, powers and objects.

1 The West Virginia human rights commission, hereto-
2 fore created, is hereby continued. The commission shall
3 have the powers and authority and shall perform the
4 functions and services as in this article prescribed and as
5 otherwise provided by law. The commission shall en-
6 courage and endeavor to bring about mutual under-
7 standing and respect among all racial, religious and eth-
8 nic groups within the state and shall strive to eliminate
9 all discrimination in employment and places of public
10 accommodations by virtue of race, religion, color, na-
11 tional origin or ancestry.

§5-11-5. Composition; appointment, terms and oath of members; expenses.

1 The commission shall be composed of nine members,
2 all residents and citizens of the state of West Virginia
3 and broadly representative of the several racial, religi-
4 ous and ethnic groups residing within the state, to be
5 appointed by the governor by and with the advice and
6 consent of the senate. Not more than five members of
7 the commission shall be members of the same political

8 party and at least one member but not more than three
9 members shall be from any one congressional district.

10 Members of the commission shall be appointed for
11 terms of three years commencing on the first day of July
12 of the year of their appointments, except that the nine
13 members first appointed hereunder shall be appointed
14 for terms of from one to three years, respectively, so
15 that the terms of three members of the commission will
16 expire on the thirtieth day of June of each succeeding
17 year thereafter. Upon the expiration of the initial terms,
18 all subsequent appointments shall be for terms of three
19 years each, except that appointments to fill vacancies
20 shall be for the unexpired term thereof. Members shall
21 be eligible for reappointment. Before assuming and
22 performing any duties as a member of the commission,
23 each commission member shall take and subscribe to the
24 official oath prescribed by section five, article four of
25 the constitution of West Virginia, which executed oath
26 shall be filed in the office of the secretary of state.

27 Each member of the commission shall receive a salary
28 of twenty-five dollars per day as compensation for his

29 services as such, and each member shall be reimbursed
30 for his reasonable and necessary travel expenses actu-
31 ally incurred in performance of his commission services.

§5-11-6. Commission organization and personnel.

1 As soon as practical after the first day of July of each
2 year, the governor shall call a meeting of the commis-
3 sion to be convened at the state capitol. The commis-
4 sion shall at such meeting organize by electing one of
5 its members as chairman of the commission and one
6 as vice-chairman thereof for a term of one year or until
7 their successors are elected and qualified. At such meet-
8 ing the commission shall also elect from its member-
9 ship such other officers as may be found necessary and
10 proper for its effective organization.

11 The governor shall, by and with the advice and con-
12 sent of the Senate, appoint an executive director to serve
13 at his will and pleasure. The executive director shall
14 serve as secretary of the commission. The executive
15 director shall have a college degree. He shall be selected
16 with particular reference to his training, experience and

17 qualifications for the position and shall be paid an an-
18 nual salary, payable in monthly installments, from any
19 appropriations made therefor. The commission, upon
20 recommendation of the executive director and in accord-
21 ance with the requirements of the civil service law, may
22 employ such personnel as may be necessary for the effec-
23 tive and orderly performance of the functions and serv-
24 ices of the commission.

25 The commission shall equip and maintain its offices at the
26 state capitol and shall hold its annual organizational meet-
27 ing there. The commission may hold other meetings dur-
28 ing the year at such times and places within the state as
29 may be found necessary. Any five members of the com-
30 mission shall constitute a quorum for the transaction of
31 business. Minutes of its meetings shall be kept by its
32 secretary.

33 The executive director and other commission person-
34 nel shall be reimbursed for necessary and reasonable
35 travel and subsistence expenses actually incurred in the
36 performance of commission services upon presentation
37 of properly verified expense accounts as prescribed by
38 law.

§5-11-7. Assistance to commission; legal services.

1 The commission may call upon other officers, depart-
2 ments and agencies of the state government to assist in
3 its hearings, programs and projects. The attorney gen-
4 eral of the state shall render legal services to the com-
5 mission upon request made by the commission or by
6 the chairman or the executive director thereof.

§5-11-8. Commission powers; functions; services.

1 The commission is hereby authorized and empowered:

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

8 (b) To enlist the cooperation of racial, religious and
9 ethnic units, community and civic organizations, indus-
10 trial and labor organizations and other identifiable
11 groups of the state in programs and campaigns devoted

12 to the advancement of tolerance, understanding and the
13 equal protection of the laws of all groups and peoples;

14 (c) To receive, investigate and pass upon complaints
15 alleging discrimination in employment or places of pub-
16 lic accommodations, because of race, religion, color, na-
17 tional origin or ancestry, and to initiate its own con-
18 sideration of any situations, circumstances or problems,
19 including therein any racial, religious or ethnic group
20 tensions, prejudice, disorder or discrimination reported
21 or existing within the state relating to employment and
22 places of public accommodations;

23 (d) To hold and conduct public and private hearings on
24 complaints, matters and questions before the commis-
25 sion and, in connection therewith, relating to discrimi-
26 nation in employment or places of public accommoda-
27 tions and during the investigation of any formal com-
28 plaint before the commission relating to employment or
29 places of public accommodations to:

30 (1) Issue subpoenas and subpoenas duces tecum upon
31 the concurrence of at least five members of the commis-
32 sion, administer oaths, take the testimony of any person

33 under oath, and make reimbursement for travel and other
34 reasonable and necessary expenses in connection with
35 such attendance;

36 (2) Furnish copies of public hearing records to par-
37 ties involved therein upon their payment of the rea-
38 sonable costs thereof to the commission;

39 (3) Delegate to a panel of three commission members
40 appointed by the chairman, the power and authority to
41 hold and conduct the hearings, as herein provided, but all
42 decisions and action growing out of or upon any such hear-
43 ings shall be reserved for determination by the commission;

44 (4) To enter into conciliation agreements;

45 (5) To apply to the circuit court of the county where
46 the respondent resides or transacts business for enforce-
47 ment of any conciliation agreement by seeking specific
48 performance of such agreement;

49 (6) To issue cease and desist orders against any per-
50 son found, after a public hearing, to have violated the
51 provisions of this article or the rules and regulations
52 of the commission;

53 (7) To apply to the circuit court of the county where

54 the respondent resides or transacts business for an or-
55 der enforcing any lawful cease and desist order issued
56 by the commission;

57 (e) To recommend to the governor and Legislature
58 policies, procedures, practices and legislation in mat-
59 ters and questions affecting human rights;

60 (f) To delegate to its executive director such pow-
61 ers, duties and functions as may be necessary and ex-
62 pedit in carrying out the objectives and purposes of
63 this article;

64 (g) To prepare a written report on its work, func-
65 tions and services for each year ending on the thirtieth
66 day of June and to deliver copies thereof to the governor
67 on or before the first day of December next thereafter;

68 (h) To do all other acts and deeds necessary and
69 proper to carry out and accomplish effectively the ob-
70 jects, functions and services contemplated by the pro-
71 visions of this article, including the promulgation of
72 rules and regulations in accordance with the provisions
73 of article three, chapter twenty-nine-a of this code, im-
74 plementing the powers and authority hereby vested in
75 the commission;

76 (i) To create such advisory agencies and concilia-
77 tion councils, local, regional, or statewide, as in its judg-
78 ment will aid in effectuating the purposes of this act, to
79 study the problem of discrimination in all or specific
80 fields or instances or discrimination because of race,
81 religion, color, national origin or ancestry; to foster,
82 through community effort or otherwise, good will, co-
83 operation and conciliation among the groups and ele-
84 ments of the population of this state, and to make rec-
85 ommendations to the commission for the development
86 of policies and procedures, and for programs of formal
87 and informal education, which the commission may rec-
88 ommend to the appropriate state agency. Such advisory
89 agencies and conciliation councils shall be composed of
90 representative citizens serving without pay. The com-
91 mission may itself make the studies and perform the
92 acts authorized by this subsection. It may, by voluntary
93 conferences with parties in interest, endeavor by con-
94 ciliation and persuasion to eliminate discrimination in
95 all the stated fields and to foster good will and cooper-
96 ation among all elements of the population of the state;

97 (j) To accept contributions from any person to as-

98 sist in the effectuation of the purposes of this section and
99 to seek and enlist the cooperation of private, charitable,
100 religious, labor, civic and benevolent organizations for
101 the purposes of this section;

102 (k) To issue such publications and such results of
103 investigation and research as in its judgment will tend
104 to promote good will and minimize or eliminate discrim-
105 ination: *Provided*, That the identity of the parties in-
106 volved shall not be disclosed.

§5-11-9. Unlawful discriminatory practices.

1 It shall be an unlawful discriminatory practice, un-
2 less based upon a bona fide occupational qualification,
3 or except where based upon applicable security regu-
4 lations established by the United States or the state of
5 West Virginia or its agencies or political subdivisions:

6 (a) For any employer to discriminate against an
7 individual with respect to compensation, hire, tenure,
8 terms, conditions or privileges of employment if the
9 individual is able and competent to perform the serv-
10 ices required;

11 (b) For any employer, employment agency or labor

12 organization, prior to the employment or admission to
13 membership, to (1) elicit any information or make or
14 keep a record of or use any form of application or ap-
15 plication blank containing questions or entries concern-
16 ing the race, religion, color, national origin or ancestry
17 of any applicant for employment or membership; (2)
18 print or publish or cause to be printed or published any
19 notice or advertisement relating to employment or mem-
20 bership indicating any preference, limitation, specifica-
21 tion or discrimination based upon race, religion, color,
22 national origin or ancestry; or (3) deny or limit, through
23 a quota system, employment or membership because of
24 race, religion, color, national origin or ancestry;

25 (c) For any labor organization because of the race,
26 religion, color, national origin or ancestry of any indi-
27 vidual to deny full and equal membership rights to any
28 individual or otherwise to discriminate against such in-
29 dividuals with respect to hire, tenure, terms, conditions
30 or privileges of employment or any other matter, di-
31 rectly or indirectly, related to employment;

32 (d) For an employer, labor organization, employment

33 agency or any joint labor-management committee con-
34 trolling apprentice training programs to:

35 (1) Select individuals for an apprentice training pro-
36 gram registered with the state of West Virginia on any
37 basis other than their qualifications as determined by
38 objective criteria which permit review;

39 (2) Discriminate against any individual with respect
40 to his right to be admitted to or participate in a guid-
41 ance program, an apprenticeship training program, on-
42 the-job training program, or other occupational train-
43 ing or retraining program.

44 (3) Discriminate against any individual in his pur-
45 suit of such programs or to discriminate against such
46 a person in the terms, conditions or privileges of such
47 programs;

48 (4) Print or circulate or cause to be printed or cir-
49 culated any statement, advertisement or publication, or
50 to use any form of application for such programs or to
51 make any inquiry in connection with such program
52 which expresses, directly or indirectly, discrimination or
53 any intent to discriminate, unless based upon a bona
54 fide occupational qualification;

55 (e) For any employment agency to fail or refuse
56 to classify properly, refer for employment or otherwise
57 to discriminate against any individual because of his
58 race, religion, color, national origin or ancestry;

59 (f) For any person being the owner, lessee, proprie-
60 tor, manager, superintendent, agent or employee of any
61 place of public accommodations to:

62 (1) Refuse, withhold from, or deny to any individual
63 because of his race, religion, color, national origin or
64 ancestry, either directly or indirectly, any of the accom-
65 modations, advantages, facilities, privileges, or services
66 of such place of public accommodations;

67 (2) Publish, circulate, issue, display, post or mail,
68 either directly or indirectly, any written or printed
69 communication, notice or advertisement to the effect that
70 any of the accommodations, advantages, facilities, privi-
71 leges, or services of any such place shall be refused,
72 withheld from or denied to any individual on account
73 of race, religion, color, national origin or ancestry, or
74 that the patronage or custom thereat of any individual,
75 belonging to or purporting to be of any particular race,

76 religion, color, national origin or ancestry is unwelcome,
77 objectionable, not acceptable, undesired or not solicited;

78 (g) For any person, employer, employment agency
79 or labor organization to:

80 (1) Engage in any form of threats or reprisal, or to
81 engage in, or hire, or conspire with others to commit
82 acts or activities of any nature, the purpose of which
83 is to harass, degrade, embarrass, or cause physical harm
84 or economic loss or to aid, abet, incite, compel, or coerce
85 any person to engage in any of the unlawful discrim-
86 inatory practices defined in this section;

87 (2) Willfully obstruct or prevent any person from
88 complying with the provisions of this article, or to re-
89 sist, prevent, impede or interfere with the commission
90 or any of its members or representatives in the perfor-
91 mance of duty under this article;

92 (3) Engage in any form of reprisal or otherwise dis-
93 criminate against any person because he has opposed
94 any practices or acts forbidden under this article or be-
95 cause he has filed a complaint, testified, or assisted in
96 any proceeding under this article;

§5-11-10. Procedures.

1 Any individual claiming to be aggrieved by an alleged
2 unlawful discriminatory practice shall make, sign and
3 file with the commission a verified complaint, which
4 shall state the name and address of the person, employer,
5 labor organization or employment agency alleged to
6 have committed the unlawful discriminatory practice
7 complained of, and which shall set forth the particu-
8 lars thereof and contain such other information as may
9 be required by the commission's rules and regulations.
10 The commission upon its own initiative, or the attorney
11 general, shall, in like manner, make, sign and file such
12 complaint. Any employer, whose employees, or some
13 of them, hinder or threaten to hinder compliance with
14 the provisions of this article, shall file with the commis-
15 sion a verified complaint, asking for assistance by con-
16 ciliation or other remedial action and, during such period
17 of conciliation or other remedial action, no hearings,
18 orders or other actions shall be held, made or taken by
19 the commission against such employer. Any complaint

20 filed pursuant to this article must be filed within sixty
21 days after the alleged act of discrimination.

22 After the filing of any complaint, or whenever there
23 is reason to believe that an unlawful discriminatory
24 practice has been committed, the commission shall make
25 a prompt investigation in connection therewith.

26 If it shall be determined after such investigation that
27 no probable cause exists for substantiating the allega-
28 tions of the complaint, the commission shall, within ten
29 days from such determination, cause to be issued and
30 served upon the complainant written notice of such de-
31 termination, and the said complainant or his attorney
32 may, within ten days after such service, file with the
33 commission a written request for a meeting with the
34 commission to show probable cause for substantiating
35 the allegations of the complaint. If it shall be determined
36 after such investigation or meeting that probable cause
37 exists for substantiating the allegations of the complaint,
38 the commission shall immediately endeavor to eliminate
39 the unlawful discriminatory practices complained of by
40 conference, conciliation and persuasion. The members

41 of the commission and its staff shall not disclose
42 what has transpired in the course of such endeavors:
43 *Provided*, That the commission may publish the facts
44 in the case of any complaint which has been dismissed,
45 and the terms of conciliation when the complaint has
46 been adjusted, without disclosing the identity of the par-
47 ties involved.

48 In case of failure so to eliminate such practice or in
49 advance thereof, if in the judgment of the commission
50 circumstances so warrant, the commission shall cause
51 to be issued and served a written notice, together with
52 a copy of such complaint as the same may have been
53 amended, in the manner provided by law for the service of
54 summons in civil actions, requiring the person, employer,
55 labor organization or employment agency named in such
56 complaint, hereinafter referred to as respondent, to an-
57 swer the charges of such complaint at a hearing before the
58 commission in the county of residence of the respondent,
59 at a time and place to be specified in such notice: *Pro-*
60 *vided, however*, That said written notice be served at least
61 thirty days prior to the time set for the hearing.

62 The case in support of the complaint shall be presented
63 before the commission by one of its attorneys or agents.
64 The respondent may file a written, verified answer to the
65 complaint and appear at such hearing in person or other-
66 wise; with or without counsel, and submit testimony and
67 evidence. Except as provided in the immediately preced-
68 ing proviso, all of the pertinent provisions of article five,
69 chapter twenty-nine-a of this code shall apply to and gov-
70 ern the hearing and the administrative procedures in con-
71 nection with and following such hearing, with like effect
72 as if the provisions of said article five were set forth in
73 extenso in this section.

74 If, after such hearing and consideration of all of the
75 testimony, evidence and record in the case, the com-
76 mission shall find that a respondent has engaged in or
77 is engaging in any unlawful discriminatory practice as
78 defined in this article, the commission shall issue and
79 cause to be served on such respondent an order to cease
80 and desist from such unlawful discriminatory practice
81 and to take such affirmative action, including, but not
82 limited to, hiring, reinstatement or upgrading of em-

83 ployees, with or without back pay, admission or restora-
84 tion to membership in any respondent labor organization,
85 or the admission to full and equal enjoyment of the serv-
86 ices, goods, facilities, or accommodations offered by any
87 respondent place of public accommodations, denied in
88 violation of this article, as in the judgment of the commis-
89 sion, will effectuate the purposes of this article, and in-
90 cluding a requirement for report of the manner of com-
91 pliance. Such order shall be accompanied by findings of
92 fact and conclusions of law as specified in section three,
93 article five, chapter twenty-nine-a of this code.

94 If, after such hearing and consideration of all of the
95 testimony, evidence and record in the case, the commis-
96 sion shall find that a respondent has not engaged in such
97 unlawful discriminatory practice, the commission shall
98 state its findings of fact and conclusions of law as afore-
99 said and shall issue and cause to be served on the com-
100 plainant an order dismissing the said complaint as to
101 such respondent.

102 A copy of its order shall be delivered in all cases by
103 the commission to the complainant, the respondent, the

104 attorney general and to such other public officers as the
105 commission may deem proper. Any such order shall
106 not be enforceable except as provided in section eleven
107 of this article.

§5-11-11. Enforcement of cease and desist orders.

1 In the event any person shall fail to obey a lawful
2 cease and desist order of the commission, the commis-
3 sion may seek an order of the circuit court for its en-
4 forcement, in a proceeding as provided in this section.
5 Such proceeding shall be brought in the circuit court of
6 the county wherein any person required in the order
7 to cease and desist from an unlawful discriminatory
8 practice or to take other affirmative action resides or trans-
9 acts business. Such proceeding shall be initiated by the
10 filing of a petition in such court, together with a written
11 transcript of the entire record of the hearing before
12 the commission. Notice of the filing of such petition to-
13 gether with a copy thereof shall be served upon the re-
14 spondent in the manner provided by law for the service
15 of summons in civil actions; no hearing shall be held on
16 such petition within twenty days of the date of service

17 thereof on the respondent. The court may grant such
18 temporary relief or restraining order as it deems just and
19 proper, and shall make and enter upon the pleadings, testi-
20 mony, and proceedings set forth in such transcript an
21 order enforcing, modifying, and enforcing as so modi-
22 fied, or setting aside in whole or in part the order of
23 the commission. All such proceedings shall be heard and
24 determined by the court. The jurisdiction of the circuit
25 court shall be exclusive and its judgment and order shall
26 be final, subject to review by the supreme court of appeals.

§5-11-12. Local human relations commissions.

1 (a) The legislative body of a political subdivision
2 may, by ordinance or resolution, authorize the estab-
3 lishment or membership in and support of a local human
4 relations commission. The number and qualifications
5 of the members of any local commission and their terms
6 and method of appointment or removal shall be such
7 as may be determined and agreed upon by the legisla-
8 tive body, except that no such member shall hold office
9 in any political party.

10 (b) The legislative body of any political subdivision
11 shall have the authority to appropriate funds, in such
12 amounts as may be deemed necessary, for the purpose

13 of contributing to the operation of a local commission.

14 (c) The local commission shall have the power to
15 appoint such employees and staff, as it may deem neces-
16 sary, to fulfill its purpose.

§5-11-13. Exclusiveness of remedy.

1 Nothing contained in this article shall be deemed to
2 repeal or supersede any of the provisions of any exist-
3 ing or hereafter adopted municipal ordinance, municipi-
4 pal charter or of any law of this state relating to dis-
5 crimination because of race, religion, color, national or-
6 igin or ancestry, but as to acts declared unlawful by
7 section nine of this article the procedure herein pro-
8 vided shall, when invoked, be exclusive and the final
9 determination therein shall exclude any other action,
10 civil or criminal, based on the same grievance of the
11 complainant concerned. If such complainant institutes
12 any action based on such grievance without resorting
13 to the procedure provided in this article, he may not
14 subsequently resort to the procedure herein. In the
15 event of a conflict between the interpretation of a pro-
16 vision of this article and the interpretation of a similar
17 provision contained in any municipal ordinance author-

18 ized by charter, the interpretation of the provision in
19 this article shall apply to such municipal ordinance.

§5-11-14. Penalty.

1 Any person who shall willfully resist, prevent, impede
2 or interfere with the commission, its members, agents
3 or agencies in the performance of duties pursuant to
4 this article, or shall willfully violate a final order of the
5 commission, shall be guilty of a misdemeanor, and, upon
6 conviction thereof, shall be punished by a fine of not
7 less than one hundred dollars nor more than five hun-
8 dred dollars, or by imprisonment not exceeding thirty
9 days, or by both such fine and imprisonment, in the dis-
10 cretion of the court, but seeking judicial review of an
11 order shall not be deemed to be such willful conduct.

5-11-15. Construction severability.

1 The provisions of this article shall be liberally con-
2 strued to accomplish its objectives and purposes. If any
3 provision of this article be held invalid or unconstitu-
4 tional by any court of competent jurisdiction, such in-
5 validity or unconstitutionality shall not affect or invali-
6 date the other provisions hereof, all of which are de-
7 clared and shall be construed to be separate and severable.

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

William Tampus
Chairman Senate Committee

Clayton C Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1967.

Hammond Hughes
Clerk of the Senate

C A Blankenships
Clerk of the House of Delegates

Howard W. Cannon
President of the Senate

H. Lahan White
Speaker House of Delegates

The within approved this the 17
day of March, 1967.

Hubert C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/62

Time 11:08 a.m.