ENROLLED

Senate Bill No. 563

(By Mr. Brotherton, Mr. President, Mr. Palumbo and Mr. Hamilton)

[Passed April 9, 1977; in effect July 1, 1977.]

AN ACT to repeal article nine, chapter five; to amend article one, chapter five by adding thereto a new section, designated section twenty-seven; to amend and reenact sections two and three, article seventeen, chapter five; to amend and reenact section three, article thirteen, chapter seven; to amend and reenact sections one and two, article twenty-six, chapter eight; to amend and reenact sections two and eight, article eight, chapter twenty-one; to amend and reenact section one, article seventeen, chapter twenty-nine; and to amend and reenact section four, article eighteen, chapter thirty-one, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to providing a statement of legislative policy and purpose; creating an office of economic and community development in the office of the governor; providing for the appointment of a director of such office; specifying effective date; providing for functions, duties, responsibilities, programs and personnel; abolishing former department of commerce; providing for annual reports; providing for transferring of records and property of former department of commerce; providing for continuation of contracts and obligations; relating to the composition of the West Virginia commission on energy, economy and environment; providing for the governor to appoint citizen representative members of the commission on energy, economy and environment; relating to the duties and composition of the economic opportunity
Enr. S. B. No. 563] 2

advisory committee; providing for one representative of the commission on aging to serve on the economic opportunity advisory committee; relating to the representation on interstate regional planning commissions and relating to approval for an area’s inclusion in an interstate region; relating to membership on and cooperation with the West Virginia commission on manpower, technology and training; relating to the arts and humanities council; and relating to the board of directors of the West Virginia housing development fund.

Be it enacted by the Legislature of West Virginia:

That article nine, chapter five be repealed; that article one, chapter five be amended by adding thereto a new section, designated section twenty-seven; that sections two and three, article seventeen, chapter five be amended and reenacted; that section three, article thirteen, chapter seven be amended and reenacted; that sections one and two, article twenty-six, chapter eight be amended and reenacted; that sections two and eight, article eight, chapter twenty-one be amended and reenacted; that section one, article seventeen, chapter twenty-nine be amended and reenacted; and that section four, article eighteen, chapter thirty-one be amended and reenacted, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all to read as follows:

CHAPTER 5.
GENERAL POWERS AND DUTIES OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; ITEMIZATION OF PROPOSED APPROPRIATIONS IN BUDGET BILL SUBMITTED BY GOVERNOR TO LEGISLATURE; BOARD OF PUBLIC WORKS; SALARY INCREASE FOR STATE EMPLOYEES; STATE BUILDING COMMISSION; SOCIAL SECURITY AGENCY; PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT; WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT; HUMAN RIGHTS COMMISSION; WEST VIRGINIA ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES’ AND TEACHERS’ RECIPROCAL SERVICE CREDIT ACT; WHITE CANE LAW; WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT; WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.
ARTICLE 1. THE GOVERNOR.

§5-1-27. Records and property of department of commerce transferred.

1 Because of the importance to this state of a unified and coordinated effort toward total and complete development of its communities in order to provide for a better quality of life for its citizens through improvement of government services and sound economic growth, it is hereby found and declared to be necessary: (1) To create an office of economic and community development, within the office of the governor; (2) to confer upon the governor and the office the powers provided herein; and (3) to provide for the rendering of mutual economic and community development in a coordinated manner among the state, its citizens and political subdivisions.

2 Effective the first day of July, one thousand nine hundred seventy-seven, there is hereby created within the office of the governor a new office of economic and community development.

3 A director of the office of economic and community development, hereinafter called the director, shall be appointed by the governor.

4 The director shall have general administrative supervision over the affairs of the office, and may employ such personnel and make such expenditures within the appropriation or available funds therefor, as may be necessary to carry out the purposes of the office.

5 The director shall, prior to the thirty-first day of January of each year, submit an annual report of activities and expenditures to the governor, which report shall be transmitted at the same time to members of the Legislature and shall be made available to the public.

6 The director shall promulgate rules and regulations to carry out the purposes and programs of the office, to include generally the programs available, and the procedure and eligibility of application relating to assistance under such programs; these rules and regulations shall not be subject to the provisions of chapter twenty-nine-a of this code, but shall be filed with the secretary of state.
The West Virginia department of commerce is hereby abolished and the governor shall, by executive order, transfer to the office of economic and community development or other state agencies, the functions, personnel and property, with any liens relative thereto, of the department of commerce, as he may deem necessary.

All books, papers, maps, charts, plans, literature and other records and all equipment and property in the possession of the department of commerce or of any officer or employee thereof, upon the effective date of this section shall be turned over or delivered to the office of the governor.

All existing contracts and obligations of the department of commerce shall remain in full force and effect and shall be performed by the governor.

ARTICLE 17. WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT.

§5-17-2. Composition of commission.

The “West Virginia Commission on Energy, Economy and Environment,” heretofore created and hereinafter referred to as the “commission,” is hereby continued. The commission shall consist of nineteen members, as follows: Nineteen members, herein referred to as government representatives, who shall be the tax commissioner, the commissioner of banking, the finance and administration commissioner, the oil and gas conservation commissioner, the director of the department of mines, the director of the department of natural resources, the director of the geological and economic survey commission, the director of the air pollution control commission, the chairman of the public service commission, a representative from the board of regents, and the governor or his duly authorized representative; and eight additional citizens of the state, herein referred to as citizen representatives, no more than four of whom shall belong to the same political party. The governor shall appoint the eight citizen representative members of the commission. The president of the Senate and the speaker of the House of Delegates shall appoint two members
of the Legislature to serve as advisory representative members of the commission.

§5-17-3. Terms of citizen representative members; vacancies.

The citizen representative members shall be appointed for terms of one year each, and shall serve until their successors have been appointed and have qualified. Any vacancy as to a citizen representative member shall be filled by appointment by the governor for the unexpired term of such citizen representative member.

CHAPTER 7.
COUNTY COURTS AND OFFICERS.

ARTICLE 13. ECONOMIC OPPORTUNITY PROGRAMS.

§7-13-3. Economic opportunity advisory committee.

To assist in the promotion and development of community action program organizations, and other phases of the federal Economic Opportunity Act of 1964, the governor may consult with and request reports from a governor's economic opportunity advisory committee, on which the governor, or his designated representative, shall sit as chairman.

The economic opportunity advisory committee shall consist of:

(a) The governor,
(b) The state superintendent of schools,
(c) The commissioner of agriculture,
(d) The commissioner of employment security,
(e) The commissioner of welfare,
(f) The commissioner of banking,
(g) The commissioner of labor,
(h) The director of the department of natural resources,
(i) The commissioner of the department of highways,
(j) The director of mental health,
(k) The director of the department of health,
(l) The president of the Senate of West Virginia,
(m) The speaker of the House of Delegates of West Virginia,
(n) The director of the division of vocational rehabilitation,
(o) One representative of the commission on aging,
(p) At least one representative, who shall be designated by the board of regents, from the state-supported colleges and universities of West Virginia, or their designated representatives, temporary or permanent, and such other members as the governor may appoint or the committee may select by affirmative vote of a majority of the members present and voting.

The committee shall meet upon call of the chairman.

CHAPTER 8.
MUNICIPAL LAW, MUNICIPALITIES AND COUNTIES; INTERGOVERNMENTAL RELATIONS.

ARTICLE 26. INTERGOVERNMENTAL RELATIONS—INTERSTATE REGIONAL PLANNING COMMISSIONS.

§8-26-1. Creation of commission; state may be ex officio member.

Any municipality or county or any two or more municipalities or counties, or any combination thereof, may cooperate with the political subdivisions of other states bordering on this state for the purpose of creating, by an agreement, an interstate regional planning commission, whenever such political subdivisions comprise a region which would benefit from cooperative planning. The agreement entered into by the several political subdivisions shall specify the extent of the region included within the jurisdiction of the interstate regional planning commission; and shall fix the membership comprising the commission, the terms of office and method of appointment of the members thereof, the duration of the commission, the method for terminating the commission, the method of disposal of all property belonging to the commission, the distribution of the proceeds, and the apportionment of the costs of maintaining the planning commission to be borne respectively by the various politi-
cal subdivisions included within the agreement, such
apportionment to be based on the population of the
various participating political subdivisions. Any such
agreement shall be executed on behalf of any munici-
pality by the governing body thereof and on behalf of
a county by the county commission.

The state of West Virginia may be an ex officio member
of any such interstate regional planning commission
formed under the provisions of this article. The governor
or a representative designated by him shall represent the
state in the deliberations of any interstate regional plan-
ing commission or its agencies or instrumentalities but
this state shall not be a voting member of any interstate
regional planning commission or any agency or instru-
mentality thereof.

§8-26-2. “Region” defined.

The term “region,” as used in this article, shall mean
a specific metropolitan interstate area designated by the
proper federal agency pursuant to the “Demonstration
Cities and Metropolitan Development Act of 1966” and
any amendments thereto, as well as all other interstate
areas which would benefit from cooperative planning.
Before any area in this state is included within an inter-
state region for interstate planning, it shall be approved
by the governor: Provided, That no territory within any
municipality or county not having a planning commis-
sion shall be included in an interstate area.

CHAPTER 21.
LABOR.

ARTICLE 8. WEST VIRGINIA COMMISSION ON MANPOWER,
TECHNOLOGY AND TRAINING.

§21-8-2. Composition of commission.

The West Virginia commission on manpower, tech-
nology and training is continued. The commission shall
consist of fifteen members to be appointed by the gov-
ernor by and with the advice and consent of the Senate
and seven ex officio members. The governor shall appoint
five members who represent the employer interest of
§21-8-8. Studies by other departments.

The state departments of employment security, mines, labor and education shall cooperate with the commission in conducting studies, in making surveys and in performing similar activities whenever such is authorized under the laws, rules and regulations under which said departments operate.

CHAPTER 29.
MISCELLANEOUS BOARDS AND OFFICERS.

ARTICLE 17. THE WEST VIRGINIA ARTS AND HUMANITIES COUNCIL.

§29-17-1. Composition; appointment and terms of members; organization; reimbursement for expenses.

There is continued an arts and humanities council to be known as “the West Virginia arts and humanities council,” to consist of fifteen members, to be appointed by the governor, by and with the advice and consent of the Senate, from among the citizens of the state. The members of the council shall elect the council chairman and such other officers as it deems necessary. The members shall serve a term beginning the first day of July, one thousand nine hundred sixty-seven, five to serve for a term of one year, five to serve for a term of two years, and the remaining five to serve for a term of three years. The successors of the members initially appointed as provided herein, shall be appointed for a term of three years each in the same manner as the members initially appointed under this article, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such
term. Each member shall serve until the appointment
and qualification of his successor.

No member shall receive any salary for his services,
but each shall be reimbursed for actual and necessary
expenses incurred by him in the performance of his
duties.

CHAPTER 31.
CORPORATIONS.

ARTICLE 18. WEST VIRGINIA HOUSING DEVELOPMENT FUND.

§31-18-4. Composition; board of directors; appointment, term,
etc., of private members; chairman and vice-chairman; quorum.

(a) There is continued as a governmental instrumentality of the state of West Virginia, a public body corporate to be known as the West Virginia housing development fund.

(b) The housing development fund is created and established to serve a public corporate purpose and to act for the public benefit and as a governmental instrumentality of the state of West Virginia, to act on behalf of the state and its people in improving and otherwise promoting their health, welfare and prosperity.

(c) The housing development fund shall be governed by a board of directors, consisting of eleven members, four of whom shall be the governor or his designated representative, the attorney general, the secretary of state, and the state treasurer, as public directors, and seven of whom shall be chosen from the general public residing in the state, as private directors. No more than four of the private directors shall be from the same political party.

(d) Upon organization of the housing development fund, the governor shall appoint, by and with the advice and consent of the Senate, the seven private directors to take office and to exercise all powers thereof immediately, with two each appointed for terms of two years and three years, and with three each appointed for terms of four years, respectively, as the governor shall designate; at the expiration of said terms and for all succeed-
ing terms, the governor shall appoint a successor to the
office of private director for a term of four years in each
case.
(e) In cases of any vacancy in the office of a private
director, such vacancy shall be filled by appointment by
the governor for the unexpired term.
(f) The governor may remove any private director
whom he may appoint in case of incompetency, neglect
of duty, gross immorality, or malfeasance in office; and
he may declare his office vacant and may appoint a
person for such vacancy as provided in other cases of
vacancy.
(g) The chairman and vice-chairman of the board of
directors shall be designated by the governor from
among the directors.
(h) Six members of the board of directors shall con-
stitute a quorum. No vacancy in the membership of the
board shall impair the right of a quorum to exercise all
the rights and perform all the duties of the board of
directors.
(i) No action shall be taken by the board of directors
except upon the affirmative vote of at least six of the
directors.
(j) The directors, including the chairman, vice-chair-
man and the treasurer of the board of directors, and the
secretary of the board of directors, shall receive no com-
pensation for their services but shall be entitled to their
reasonable and necessary expenses actually incurred in
discharging their duties under this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Davis
Chairman Senate Committee

L. E. Vodicka
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. W. Tillotson, Jr.
Clerk of the Senate

W. D. Lusk
Clerk of the House of Delegates

C. M. Garvin
President of the Senate

Donald L. Vinnup
Speaker House of Delegates

The within ______________________ approved ______________________ this the 20th day of _______1977.

John D. Bolger
Governor