

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

SENATE BILL NO. 562

(By Mr. Grathton, M. President, et al.)



PASSED April 9 1977

In Effect July 1, 1977 Passage



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

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That article nine, chapter five be repealed; that article one, chapter five be amended by adding thereto a new section, designated section twenty-seven; that sections two and three, article seventeen,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 LEGISLA-
TURE; BOARD OF PUBLIC WORKS; SALARY INCREASE
FOR STATE EMPLOYEES; STATE BUILDING COMMIS-
SION; SOCIAL SECURITY AGENCY; PUBLIC RECORDS
MANAGEMENT AND PRESERVATION ACT; WEST VIR-
GINIA 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
2 coordinated effort toward total and complete development
3 of its communities in order to provide for a better quality
4 of life for its citizens through improvement of government
5 services and sound economic growth, it is hereby found
6 and declared to be necessary: (1) To create an office of
7 economic and community development, within the office
8 of the governor; (2) to confer upon the governor and the
9 office the powers provided herein; and (3) to provide for
10 the rendering of mutual economic and community devel-
11 opment in a coordinated manner among the state, its
12 citizens and political subdivisions.

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

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

20 The director shall have general administrative super-
21 vision over the affairs of the office, and may employ such
22 personnel and make such expenditures within the appro-
23 priation or available funds therefor, as may be necessary
24 to carry out the purposes of the office.

25 The director shall, prior to the thirty-first day of Jan-
26 uary of each year, submit an annual report of activities
27 and expenditures to the governor, which report shall be
28 transmitted at the same time to members of the Legisla-
29 ture and shall be made available to the public.

30 The director shall promulgate rules and regulations to
31 carry out the purposes and programs of the office, to in-
32 clude generally the programs available, and the procedure
33 and eligibility of application relating to assistance under
34 such programs; these rules and regulations shall not be
35 subject to the provisions of chapter twenty-nine-a of this
36 code, but shall be filed with the secretary of state.

37 The West Virginia department of commerce is hereby
38 abolished and the governor shall, by executive order,
39 transfer to the office of economic and community develop-
40 ment or other state agencies, the functions, personnel and
41 property, with any liens relative thereto, of the depart-
42 ment of commerce, as he may deem necessary.

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

49 All existing contracts and obligations of the depart-
50 ment of commerce shall remain in full force and effect
51 and shall be performed by the governor.

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

§5-17-2. Composition of commission.

1 The "West Virginia Commission on Energy, Economy
2 and Environment," heretofore created and hereinafter
3 referred to as the "commission," is hereby continued.
4 The commission shall consist of nineteen members, as
5 follows: Nineteen members, herein referred to as govern-
6 ment representatives, who shall be the tax commissioner,
7 the commissioner of banking, the finance and adminis-
8 tration commissioner, the oil and gas conservation com-
9 missioner, the director of the department of mines, the
10 director of the department of natural resources, the
11 director of the geological and economic survey com-
12 mission, the director of the air pollution control com-
13 mission, the chairman of the public service commission,
14 a representative from the board of regents, and the gov-
15 ernor or his duly authorized representative; and eight
16 additional citizens of the state, herein referred to as
17 citizen representatives, no more than four of whom shall
18 belong to the same political party. The governor shall
19 appoint the eight citizen representative members of the
20 commission. The president of the Senate and the speaker
21 of the House of Delegates shall appoint two members

22 of the Legislature to serve as advisory representative
23 members of the commission.

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

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

CHAPTER 7.

COUNTY COURTS AND OFFICERS.

ARTICLE 13. ECONOMIC OPPORTUNITY PROGRAMS.

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

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

8 The economic opportunity advisory committee shall
9 consist of:

- 10 (a) The governor,
- 11 (b) The state superintendent of schools,
- 12 (c) The commissioner of agriculture,
- 13 (d) The commissioner of employment security,
- 14 (e) The commissioner of welfare,
- 15 (f) The commissioner of banking,
- 16 (g) The commissioner of labor,
- 17 (h) The director of the department of natural re-
18 sources,
- 19 (i) The commissioner of the department of highways,
- 20 (j) The director of mental health,
- 21 (k) The director of the department of health,
- 22 (l) The president of the Senate of West Virginia,

23 (m) The speaker of the House of Delegates of West
24 Virginia,

25 (n) The director of the division of vocational rehabili-
26 tation,

27 (o) One representative of the commission on aging,

28 (p) At least one representative, who shall be desig-
29 nated by the board of regents, from the state-supported
30 colleges and universities of West Virginia, or their desig-
31 nated representatives, temporary or permanent, and
32 such other members as the governor may appoint or the
33 committee may select by affirmative vote of a majority
34 of the members present and voting.

35 The committee shall meet upon call of the chairman.

CHAPTER 8.

MUNICIPAL LAW, MUNICIPALITIES AND COUNTIES; INTERGOVERNMENTAL RELATIONS.

ARTICLE 26. INTERGOVERNMENTAL RELATIONS—INTER- STATE REGIONAL PLANNING COMMISSIONS.

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

1 Any municipality or county or any two or more munici-
2 palities or counties, or any combination thereof, may
3 cooperate with the political subdivisions of other states
4 bordering on this state for the purpose of creating, by
5 an agreement, an interstate regional planning commis-
6 sion, whenever such political subdivisions comprise a
7 region which would benefit from cooperative planning.
8 The agreement entered into by the several political sub-
9 divisions shall specify the extent of the region included
10 within the jurisdiction of the interstate regional planning
11 commission; and shall fix the membership comprising
12 the commission, the terms of office and method of ap-
13 pointment of the members thereof, the duration of the
14 commission, the method for terminating the commission,
15 the method of disposal of all property belonging to the
16 commission, the distribution of the proceeds, and the
17 apportionment of the costs of maintaining the planning
18 commission to be borne respectively by the various politi-

19 cal subdivisions included within the agreement, such
 20 apportionment to be based on the population of the
 21 various participating political subdivisions. Any such
 22 agreement shall be executed on behalf of any municipi-
 23 pality by the governing body thereof and on behalf of
 24 a county by the county commission.

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

§8-26-2. "Region" defined.

1 The term "region," as used in this article, shall mean
 2 a specific metropolitan interstate area designated by the
 3 proper federal agency pursuant to the "Demonstration
 4 Cities and Metropolitan Development Act of 1966" and
 5 any amendments thereto, as well as all other interstate
 6 areas which would benefit from cooperative planning.
 7 Before any area in this state is included within an inter-
 8 state region for interstate planning, it shall be approved
 9 by the governor: *Provided*, That no territory within any
 10 municipality or county not having a planning commis-
 11 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.

1 The West Virginia commission on manpower, tech-
 2 nology and training is continued. The commission shall
 3 consist of fifteen members to be appointed by the gov-
 4 ernor by and with the advice and consent of the Senate
 5 and seven ex officio members. The governor shall appoint
 6 five members who represent the employer interest of

7 the state, five members who represent labor organiza-
8 tions, and five members who represent the general public.
9 The ex officio members shall be the commissioners of the
10 state departments of agriculture, employment security,
11 labor and welfare, and the state directors of mines, the
12 division of vocational education and the division of voca-
13 tional rehabilitation.

§21-8-8. Studies by other departments.

1 The state departments of employment security, mines,
2 labor and education shall cooperate with the commission
3 in conducting studies, in making surveys and in per-
4 forming similar activities whenever such is authorized
5 under the laws, rules and regulations under which said
6 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.**

1 There is continued an arts and humanities council to
2 be known as "the West Virginia arts and humanities
3 council," to consist of fifteen members, to be appointed
4 by the governor, by and with the advice and consent of
5 the Senate, from among the citizens of the state. The
6 members of the council shall elect the council chairman
7 and such other officers as it deems necessary. The mem-
8 bers shall serve a term beginning the first day of July,
9 one thousand nine hundred sixty-seven, five to serve for
10 a term of one year, five to serve for a term of two years,
11 and the remaining five to serve for a term of three
12 years. The successors of the members initially appointed
13 as provided herein, shall be appointed for a term of
14 three years each in the same manner as the members
15 initially appointed under this article, except that any
16 person appointed to fill a vacancy occurring prior to the
17 expiration of the term for which his predecessor was
18 appointed shall be appointed for the remainder of such

19 term. Each member shall serve until the appointment
20 and qualification of his successor.

21 No member shall receive any salary for his services,
22 but each shall be reimbursed for actual and necessary
23 expenses incurred by him in the performance of his
24 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-chair- man; quorum.

1 (a) There is continued as a governmental instrumen-
2 tality of the state of West Virginia, a public body
3 corporate to be known as the West Virginia housing
4 development fund.

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

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

20 (d) Upon organization of the housing development
21 fund, the governor shall appoint, by and with the advice
22 and consent of the Senate, the seven private directors
23 to take office and to exercise all powers thereof imme-
24 diately, with two each appointed for terms of two years
25 and three years, and with three each appointed for terms
26 of four years, respectively, as the governor shall desig-
27 nate; at the expiration of said terms and for all succeed-

28 ing terms, the governor shall appoint a successor to the
29 office of private director for a term of four years in each
30 case.

31 (e) In cases of any vacancy in the office of a private
32 director, such vacancy shall be filled by appointment by
33 the governor for the unexpired term.

34 (f) The governor may remove any private director
35 whom he may appoint in case of incompetency, neglect
36 of duty, gross immorality, or malfeasance in office; and
37 he may declare his office vacant and may appoint a
38 person for such vacancy as provided in other cases of
39 vacancy.

40 (g) The chairman and vice-chairman of the board of
41 directors shall be designated by the governor from
42 among the directors.

43 (h) Six members of the board of directors shall con-
44 stitute a quorum. No vacancy in the membership of the
45 board shall impair the right of a quorum to exercise all
46 the rights and perform all the duties of the board of
47 directors.

48 (i) No action shall be taken by the board of directors
49 except upon the affirmative vote of at least six of the
50 directors.

51 (j) The directors, including the chairman, vice-chair-
52 man and the treasurer of the board of directors, and the
53 secretary of the board of directors, shall receive no com-
54 pensation for their services but shall be entitled to their
55 reasonable and necessary expenses actually incurred in
56 discharging their duties under this article.

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

James L. Davis
Chairman Senate Committee

Clarence T. Chestnut
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1977.

J. C. Dillon, Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. C. Brotherton, Jr.
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within is approved this the 27

day of April, 1977.

John D. Ralston
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
APR 18 4 05 PM '77
OFFICE OF THE GOVERNOR

Date April 27, 1977
Time 12:20 p.m.

OFFICE
REGY. OF STATE

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