

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for

HOUSE BILL No. 1563

(By Mr. Speaker, Mr. Kopp.)



PASSED March 10, 1978

In Effect - from - Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**

**H. B. 1563**

**(By MR. SPEAKER, MR. KOPP)**

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[Passed March 10, 1978; in effect from passage.]

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AN ACT to amend and reenact sections one, two, three, four, five, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the office of emergency services and the general powers of the governor.

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

That sections one, two, three, four, five, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. EMERGENCY SERVICES.**

**§15-5-1. Policy and purpose.**

1 In view of the existing and increasing possibility of the  
2 occurrence of disasters of unprecedented size and destructive-  
3 ness, resulting from enemy attack, sabotage or other hostile  
4 action, or from fire, flood, earthquakes or other natural  
5 or man-made causes and in order to insure that prepara-  
6 tions of this state will be adequate to deal with such disas-  
7 ters, and generally to provide for the common defense and to  
8 protect the public peace, health and safety and to preserve

9 the lives and property of the people of the state, it is hereby  
10 found and declared to be necessary: (1) To create a state  
11 emergency services agency and to authorize the creation of  
12 local and regional organizations for emergency services in the  
13 political subdivisions of the state; (2) to confer upon the  
14 governor, and upon the executive heads of governing bodies  
15 of the political subdivisions of the state the emergency powers  
16 provided herein; and (3) to provide for the rendering of  
17 mutual aid among the political subdivisions of the state and  
18 with other states and to cooperate with the federal govern-  
19 ment with respect to the carrying out of emergency service  
20 functions.

21 It is further declared to be the purpose of this article and the  
22 policy of the state that all emergency service functions of this  
23 state be coordinated to the maximum extent with the com-  
24 parable functions of the federal government including its  
25 various departments and agencies, of other states and localities  
26 and of private agencies of every type, so that the most effec-  
27 tive preparation and use may be made of the nation's man-  
28 power, resources and facilities for dealing with any disaster  
29 that may occur.

**§15-5-2. Definitions.**

1 As used in this article:

2 (a) "Emergency services" means the preparation for and  
3 the carrying out of all emergency functions, other than func-  
4 tions for which military forces are primarily responsible, to  
5 prevent, minimize and repair injury and damage resulting  
6 from disasters caused by enemy attack, sabotage or other na-  
7 tural or other man-made causes. These functions include, with-  
8 out limitation, fire-fighting services, police services, medical  
9 and health services, communications, radiological, chemical  
10 and other special weapons defense, evacuation of persons from  
11 stricken areas, emergency welfare services, emergency trans-  
12 portation, existing or properly assigned functions of plant pro-  
13 tection, temporary restoration of public utility services and  
14 other functions related to civilian protection, together with all  
15 other activities necessary or incidental to the preparation for  
16 and carrying out of the foregoing functions. Disaster includes

17 the imminent threat of disaster as well as its occurrence and  
18 any power or authority exercisable on account of a disaster may  
19 be exercised during the period when there is an imminent  
20 threat thereof.

21 (b) "Local organization for emergency services" means an  
22 organization created in accordance with the provisions of this  
23 article by state or local authority to perform local emergency  
24 service function.

25 (c) "Mobile support unit" means an organization for emer-  
26 gency services created in accordance with the provisions of this  
27 article by state or local authority to be dispatched by the gov-  
28 ernor to supplement local organizations for emergency services  
29 in a stricken area.

30 (d) "Political subdivision" means any county or municipal  
31 corporation in this state.

**§15-5-3. Office of Emergency services.**

1 There is hereby created within the office of the governor an  
2 office to be known as the office of emergency services. A di-  
3 rector of the office of emergency services, hereinafter called  
4 the director, shall be appointed by the governor in accordance  
5 with the provisions of section two-a, article seven, chapter six  
6 of this code. On and after the effective date of this article,  
7 the director of civil and defense mobilization referred to in  
8 said section two-a shall be known and designated as the  
9 director of emergency services.

10 The director, may employ such technical, clerical, steno-  
11 graphic and other personnel and fix their compensation and  
12 may make such expenditures within the appropriation therefor  
13 or from other funds made available to him for the purpose  
14 of providing emergency services as may be necessary to carry  
15 out the purpose of this article. Employees of the office of  
16 emergency services shall be members of the state civil service  
17 system and all appointments of the office, except those re-  
18 quired by law to be exempt, shall be a part of the classified  
19 service under the civil service system.

20 The director and other personnel of the office of emer-  
21 gency services shall be provided with appropriate office space,

22 furniture, equipment, supplies, stationery and printing in the  
23 same manner as provided for personnel of other state agencies.

24 The director, subject to the direction and control of the  
25 governor shall be executive head of the office of emergency  
26 services and shall be responsible to the governor for carrying  
27 out the program for emergency services in this state. He  
28 shall coordinate the activities of all organizations for emer-  
29 gency services within the state and maintain liaison with and  
30 cooperate with emergency service and civil defense agencies  
31 and organizations of other states and of the federal govern-  
32 ment and shall have such additional authority, duties and  
33 responsibilities authorized by this article as may be prescribed  
34 by the governor.

35 The director shall have the power to acquire in the name  
36 of the state by purchase, lease or gift, real property and rights  
37 or easements necessary or convenient to construct thereon the  
38 necessary building or buildings for housing an emergency  
39 services control center.

40 The office of emergency planning in the department of  
41 finance and administration is hereby abolished and its func-  
42 tions, personnel and property transferred to the office of  
43 emergency services. The department of civil and defense  
44 mobilization is hereby abolished and its functions, personnel  
45 and property transferred to the office of emergency services.

**§15-5-4. Emergency services advisory council.**

1 There is hereby created an emergency services advisory  
2 council, hereinafter called the council, which shall consist of  
3 seven members to be appointed by the governor. The council  
4 shall advise the governor and the director on all matters per-  
5 taining to emergency services. The governor shall serve as  
6 chairman of the council and the members thereof shall serve  
7 without compensation but shall be reimbursed for the rea-  
8 sonable and necessary expenses actually incurred in the per-  
9 formance of their duties.

**§15-5-5. General powers of the governor.**

1 The governor shall have general direction and control of the  
2 office of emergency services and shall be responsible for the

3 carrying out of the provisions of this article and, in the event  
4 of disaster beyond local control, may assume direct opera-  
5 tional control over all or any part of the emergency service  
6 functions within this state.

7 In performing his duties under this article, the governor is  
8 authorized to cooperate with the federal government, other  
9 states and private agencies in all matters pertaining to the  
10 provision of emergency services for this state and the nation.

11 In performing his duties under this article to effect its  
12 policy and purpose, the governor is further authorized and  
13 empowered:

14 (1) To make, amend and rescind the necessary orders, rules  
15 and regulations to carry out the provisions of this article within  
16 the limits of the authority conferred upon him herein, with  
17 due consideration of the plans of the federal government.

18 (2) To prepare a comprehensive plan and program for the  
19 provision of emergency service<sup>of</sup> in this state, such plan and  
20 program to be integrated into and coordinated with compar-  
21 able plans of the federal government and of other states to the  
22 fullest possible extent, and to coordinate the preparation of  
23 such plans and programs by the political subdivisions of this  
24 state, such plans to be integrated into and coordinated with  
25 the state plan and program to the fullest possible extent.

26 (3) In accordance with such state plan and program, to pro-  
27 cure supplies and equipment, to institute training and public  
28 information programs, to take all other preparatory steps in-  
29 cluding the partial or full mobilization of emergency service  
30 organizations in advance of actual disaster and to insure the  
31 furnishing of adequately trained and equipped emergency ser-  
32 vice personnel in time of need.

33 (4) To make such studies and surveys of industries, re-  
34 sources and facilities in this state as may be necessary to  
35 ascertain the capabilities of the state for providing emergency  
36 services and to plan for the most efficient emergency use  
37 thereof.

38 (5) On behalf of the state, to enter into mutual aid arrange-

39 ments with other states and to coordinate mutual aid plans be-  
40 tween political subdivisions of this state.

41 (6) To delegate the administrative authority vested in him  
42 under this article, to provide for the delegation or transfer or  
43 both of the authority vested in the director under the provisions  
44 of this article, to any other person as the governor in his  
45 discretion may direct, and to provide for the subdelegation  
46 of any such authority.

47 (7) To appoint, in cooperation with local authorities,  
48 metropolitan area directors when practicable.

49 (8) To cooperate with the president and the heads of the  
50 armed forces, the civil defense agency of the United States and  
51 other appropriate federal officers and agencies and with the  
52 officers and agencies of other states in matters pertaining to  
53 the civil defense of the state and nation, including the direc-  
54 tion and control of (a) blackouts and practice blackouts,  
55 air raid drills, mobilization of emergency service and civil de-  
56 fense forces and other tests and exercises; (b) warnings and  
57 signals for drills or attacks and the mechanical devices to be  
58 used in connection therewith; (c) the effective screening or  
59 extinguishing of all lights and lighting devices and appliances;  
60 (d) shutting off water mains, gas mains, electric power con-  
61 nections and the suspension of all other utility services; (e) the  
62 conduct of civilians and the movement and cessation of move-  
63 ment of pedestrians and vehicular traffic during, prior and  
64 subsequent to drills or attack; (f) public meetings or gather-  
65 ings; and (g) the evacuation and reception of the civilian  
66 population.

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

James L. Davis  
Chairman Senate Committee

Clarence C. Cothran Jr.  
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. C. Willson Jr.  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

M. G. Burkholder  
President of the Senate

Donald L. Zopp  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1978.

John D. Rhyne  
Governor



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MAR 20 9 57 AM '78

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar. 30, 1978

Time 9:40 A.M.

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OFFICE  
SECY. OF STATE