

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 342

(By Senator *Tankovich, Mr. President et al*)



PASSED March 8, 1986

In Effect 90 days from Passage



**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 342**

(SENATORS TONKOVICH, MR. PRESIDENT (BY REQUEST) AND  
HARMAN, *original sponsors*)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to powers of the department of commerce.

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

That section five, article one, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 1. DEPARTMENT OF COMMERCE.**

**§5B-1-5. General powers of the department.**

1 (a) The department of commerce shall have the author-  
2 ity and duty to:

3 (1) Promote, encourage and facilitate the expansion  
4 and development of markets for West Virginia products  
5 and services and the state's national and international  
6 image and prestige by any and all reasonable methods;

7 (2) Promote and encourage the location and develop-  
8 ment of new business in the state and the maintenance  
9 and expansion of existing business;

10 (3) Investigate and study conditions affecting West  
11 Virginia business, industry and commerce; collect and  
12 disseminate information, and engage in technical studies,  
13 scientific investigations, statistical research and educa-  
14 tional activities necessary or useful for the proper execu-  
15 tion of the powers and duties of the department;

16 (4) Plan and develop an effective economic informa-  
17 tion service that will directly assist business, education  
18 and labor and also encourage businesses outside the state  
19 to use industrial office facilities, professional, labor, finan-  
20 cial and recreational facilities, services and products from  
21 within the state;

22 (5) Encourage and develop commerce with other states  
23 and nations and devise methods of removing trade bar-  
24 riers that hamper the free flow of commerce between  
25 this and other states and nations and for these purposes  
26 cooperate with governmental, quasi-public and private  
27 organizations in formulating and promoting the adoption  
28 of compacts and agreements helpful to commerce and  
29 labor;

30 (6) Conduct or encourage research designed to further  
31 new and more extensive uses of the natural, human,  
32 professional, technical and other resources of the state  
33 with a view to the development of new products, indus-  
34 trial processes, services and markets;

35 (7) Compile periodically a census of business and  
36 industry in the state, in cooperation with other agencies,  
37 and analyze and publish the information in such form as  
38 to be most valuable to business and industry;

39 (8) Compile periodically a census of the crafts, trades,  
40 skills and occupations of all adult persons in the state, in  
41 cooperation with other agencies, and analyze and publish  
42 the information in such form as to be most valuable to  
43 business and industry;

44 (9) Study long-range trends and developments in the  
45 industries, commerce and economic health of the state,  
46 and analyze the reasons underlying such trends; study  
47 costs and other factors affecting successful operation and  
48 location of businesses within the state;

49 (10) Advertise and publicize the material, economic  
50 quality of life, recreational and other advantages of the  
51 state which render it a desirable place for commerce and  
52 residence;

53 (11) Collect, compile and distribute information and  
54 literature concerning the advantages and attractions of  
55 the state, its historic and scenic points of interest and the  
56 highway, transportation and other facilities of the state;

57 (12) Plan and carry out a program of information and  
58 publicity designed to attract to West Virginia tourists,  
59 visitors and other interested persons from outside the  
60 state;

61 (13) Initiate, promote and conduct, or cause to be  
62 conducted, research designed to further new and more  
63 extensive uses and consumption of natural and other  
64 resources and their by-products; and for such purposes,  
65 to enter into contracts and agreements with research  
66 laboratories maintained by educational or endowed in-  
67 stitutions in this state;

68 (14) Manage the state's park and recreation system  
69 for the benefit of the people of this state, and effectively  
70 promote and advertise the same to increase public knowl-  
71 edge and use thereof;

72 (15) To acquire for the state in the name of the depart-  
73 ment of commerce by purchase, lease or agreement, or  
74 accept or reject for the state, in the name of the depart-  
75 ment of commerce, gifts, donations, contributions, be-  
76 quests or devises of money, security or property, both  
77 real and personal, and any interest in such property, in-  
78 cluding lands and water, for state park or recreational  
79 areas for the purpose of providing public recreation:  
80 *Provided*, That any sale, exchange or transfer of such  
81 property shall be subject to the procedures of article one,  
82 chapter twenty of this code: *Provided, however*, That no  
83 lands or waters which, on or before December thirty-  
84 first, one thousand nine hundred eighty-five, were part of  
85 the state's system of parks, or which were held or used  
86 for recreational purposes, shall be subject to such sale,  
87 exchange or transfer, by the department of commerce.

88 *Provided further*, That nothing herein contained shall be  
89 construed to prevent the department of commerce from  
90 selling, transferring or conveying to any other department  
91 or agency of this state any lands or waters to which it  
92 has title and which was sold, conveyed or transferred to  
93 the department of commerce from the department or  
94 agency to which it is being sold, conveyed or transferred.

95 (16) Make recommendations to the governor and the  
96 Legislature of any legislation deemed necessary to facili-  
97 tate the carrying out of any of the foregoing powers and  
98 duties, and to exercise any other power that may be  
99 necessary or proper for the orderly conduct of the busi-  
100 ness of the department and the effective discharge of the  
101 duties of the department; and

102 (17) To cooperate and assist in the production of mo-  
103 tion pictures and television and other communications.

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

Bruce O. Williams  
Chairman Senate Committee

Floyd Fulber  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd P. Miles  
Clerk of the Senate

Donald L. Hogg  
Clerk of the House of Delegates

Dan Tomkonil  
President of the Senate

Joseph P. Allright  
Speaker House of Delegates

The within approved this the 25<sup>th</sup>  
day of March, 1986.

Rich A. Shaver Jr.  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/86

Time

11:04 a.m.

RECEIVED

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OFFICE OF THE  
SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86