

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1941

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ENROLLED

SENATE BILL No. 152

(By Mr. Randolph, Mr. President)

PASSED March 7 1941

In Effect 90 days from Passage



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(BY MR. RANDOLPH, MR. PRESIDENT)

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AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article ten, creating a state planning board and prescribing its powers and duties.

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

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article ten, to read as follows:

**Article 10. State Planning Board.**

Section 1. *State Planning Board; Number of Members;*

2 *How Appointed.* There is hereby created a "State Planning

3 Board," hereinafter referred to as the board, to consist of  
4 twelve members, five of whom shall be appointed by the  
5 Governor, by and with the advice and consent of the  
6 Senate.

Sec. 2. *Ex Officio Members; Five Who Hold No Public*  
2 *Office.* Seven members of the board shall be members,  
3 ex officio, namely: the commissioner of agriculture, the  
4 director of conservation, the state geologist, the state road  
5 commissioner, the state commissioner of health, the state  
6 superintendent of schools, and the chairman of the public  
7 service commission.

8 Five members of the board shall be chosen from citizens  
9 of the state who hold no public office of profit within the  
10 state, other than membership in the Legislature or upon  
11 the faculty of any state institution of higher learning.

Sec. 3. *Terms of Members.* The members ex officio of  
2 the board shall hold office during their tenure as state  
3 officers by virtue of which they are members of the  
4 board.

5 The terms of the remaining five members shall be for  
6 four years, and until their successors are appointed and

7 qualified. The first of the five members appointed shall  
8 serve for a period of one year; the second, for a period  
9 of two years; the third, for a period of three years; the  
10 fourth and fifth, for a period of four years. Thereafter,  
11 all such appointments shall be made for a term of four  
12 years, except that in case of a vacancy the appointment  
13 shall be made to fill the unexpired term.

Sec. 4. *Compensation of Members.* The Governor shall  
2 designate an appointed member as chairman of the board.  
3 All members shall serve without compensation, but shall  
4 be allowed such reasonable expenses as may be incurred  
5 in the immediate discharge of their duties as members  
6 of the board. Such expenses shall be met out of any  
7 funds available for the purpose, and shall be paid upon  
8 certification of the chairman of the board, in such manner  
9 as the expenses of other state officials are paid.

Sec. 5. *Offices of Board.* The board shall be supplied  
2 with necessary office space in the state capitol or in some  
3 other state office building. It shall meet upon the call  
4 of the chairman and upon such other call and at such  
5 other times as it may determine. A majority of the

6 members shall constitute a quorum for the transaction  
7 of business.

Sec. 6. *Rules of Board.* The board shall provide rules  
2 for the conduct of its proceedings. It shall keep perma-  
3 nent and complete public records of its meetings, hear-  
4 ings, orders and decisions. It may employ an executive  
5 secretary or secretary-engineer who shall be qualified  
6 by special training and experience in the field of state,  
7 local or national planning, and may employ such other  
8 technical and clerical assistants as may be required. It  
9 may fix their compensation, subject to the personnel  
10 classification and salary schedules provided by law, and  
11 may within the limits of the funds available, incur any  
12 other expenses necessary to the effective discharge of its  
13 powers and duties.

14 The board may request the assistance and advice of  
15 other state departments and agencies in making its  
16 studies and in formulating its plans.

Sec. 7. *Duties of Board.* The board shall prepare and  
2 from time to time perfect a state master plan for the

3 physical, social and economic development of the state,  
4 and shall prepare and keep current a proposed long-term  
5 program of major state improvements relating to the  
6 comprehensive development of the natural and artificial  
7 resources of the state. The board also may, and at the  
8 request of the Governor shall:

9 (1) Advise with the various federal, state and local  
10 authorities, and particularly with out-of-state and intra-  
11 state planning authorities, as to ways and means of co-  
12 ordinating all plans for the physical development of the  
13 state, including plans for highways, airways and air  
14 terminals, parkways, parks, water supply developments,  
15 flood control, land use, recreation area and forest reserva-  
16 tions, and any other plans, projects or programs that may  
17 be related to the purposes of this act.

18 (2) Make studies of rural land utilization with a view  
19 to determining areas suitable for field crops, reforesta-  
20 tion, watershed protection, reclamation, recreation, sum-  
21 mer residence and industrial and urban expansion.

22 (3) Collect and publish information and prepare and  
23 publish maps pertaining to soil conditions, land use and  
24 classification, population distribution, schools, parks,  
25 playgrounds, ports, waterways, parkways, highways,  
26 roads, traffic, transportation, water supply, drainage, flood  
27 control, water power resources, sewage, building and  
28 housing conditions, and other matters relating to the  
29 comprehensive physical development of the state, and  
30 make such recommendations to the Governor and to the  
31 Legislature as it may deem advisable.

32 (4) Collect and publish information pertaining to the  
33 development and utilization of the mineral and other  
34 natural resources of the state, and foster research therein.

35 (5) Make studies, collect and publish information per-  
36 taining to the industrial and commercial development of  
37 the state.

Sec. 8. *Public Hearings on Plans.* Before submitting  
2 any plan, or partial plan, to the Governor and the Legis-  
3 lature, the board may hold public hearings thereon. The  
4 state master plan, or any part thereof, when approved by

5 the Governor and endorsed by concurrent resolution of  
6 the Legislature, shall become the "Official State Plan," or  
7 a part thereof.

Sec. 9. *Board May Enter into Agreements.* The board  
2 may enter into agreements with counties or municipalities  
3 of the state for the promotion of, and for the rendering  
4 of consultative services with respect to, the planning of  
5 the county or municipality. The agreement may provide  
6 that the county or municipality shall pay part or all of the  
7 expense of such services.

Sec. 10. *Board May Expend Funds.* The board is au-  
2 thorized to spend any funds made available for the pur-  
3 poses of this act, and to accept and use funds provided for  
4 the purposes of this act by the government of the United  
5 States in accordance with federal requirements and under  
6 such conditions as the laws of this state may provide.

Sec. 11. *Report of Board.* The board shall submit a  
2 report of progress to the Governor and to the Legisla-  
3 ture in January of each year, in addition to such other  
4 recommendations, studies and plans as it may submit from  
5 time to time.



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

E. H. M. Kown  
Chairman Senate Committee

Leon Rice  
Chairman House Committee

Originated in the Senate

Takes effect 90 days from passage

W. Lee Watter  
Clerk of the Senate

Jeff  
Clerk of the House of Delegates

Byron B. Randolph  
President of the Senate

Malcolm R. Arnold  
Speaker House of Delegates

The within approved this the 14  
day of March, 1941.

Matthew M. Neely  
Governor.

Filed in the office of the Secretary of State  
of West Virginia. MAR 17 1941  
Wm. S. O'BRIEN,  
Secretary of State