

WEST VIRGINIA LEGISLATURE

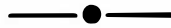
REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 274

(By Mr. Kincaid and Mr. Ransom)



PASSED February 2, 1968

In Effect from Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE 2-16-68

274

ENROLLED

House Bill No. 274

(By MR. KINCAID and MR. RANSON)

[Passed February 2, 1968; in effect from passage.]

AN ACT to amend chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article four-c, relating to the creation of interstate regional planning commissions, definition of regions, qualifications of members of commissions, prescribing powers and duties of commissions, authorizing county courts and municipalities to enter into interstate regional planning agreements with other political subdivisions of any states bordering on West Virginia and providing for contributions to the cost of maintaining such planning commissions.

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 4C. INTERSTATE REGIONAL PLANNING
COMMISSION.**

§8-4C-1. Creation of interstate planning commission.

1 Any county of this state or any municipality thereof
2 or any two or more counties or municipalities, or
3 any combination thereof, may cooperate with political
4 subdivisions of other states bordering on West Virginia
5 for the purpose of creating by an agreement, an inter-
6 state regional planning commission, whenever such politi-
7 cal subdivisions comprise a region which would benefit
8 from cooperative planning. The agreement entered into
9 by the several political subdivisions shall specify the
10 extent of the region included within the jurisdiction of
11 the interstate planning commission, fix the membership
12 comprising the commission; the terms of office and method
13 of appointment of the members thereof, the duration of
14 the commission, the method for terminating the com-
15 mission, the method of disposal of all property belonging

16 to the commission, and the distribution of the proceeds;
17 and the apportionment of the costs of maintaining the
18 planning commission to be borne respectively by the
19 various political subdivisions included within the agree-
20 ment, such apportionment to be based on the population
21 of the various participating political subdivisions. Any
22 such agreement shall be executed on behalf of a county
23 by the county court or tribunal in lieu thereof, as the
24 case may be, and on behalf of any municipality by the
25 governing body thereof.

26 The state of West Virginia may be an ex officio member
27 of any such interstate regional planning commission
28 formed under the provisions of this article. The commis-
29 sioner of commerce or a representative designated by him
30 shall represent the state in the deliberations of any inter-
31 state regional planning commission or its agencies or in-
32 strumentalities but the state of West Virginia shall not
33 be a voting member of any interstate regional planning
34 commission or any agency or instrumentality thereof.

§8-4C-2. Definition of region.

1 The term "region," as used in this article, shall mean a
2 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 commissioner of the department of commerce:
10 *Provided, That* no territory within any municipality or
11 county not having a planning commission shall be in-
12 cluded in the interstate area.

§8-4C-3. Qualification of members.

1 Any member of an interstate regional planning com-
2 mission may hold any other public office, appointive or
3 elective, if not prohibited by some other statute or con-
4 stitutional provision, and a member thereof may also
5 serve as a member of a county, municipal or regional plan-
6 ning commission. The members of the commission shall
7 serve without compensation but may be reimbursed
8 for all reasonable and necessary expenses actually in-
9 curred in the discharge of their duties on the commis-
10 sion. The commission shall elect its own chairman or

11 other officers from among its members and shall establish
12 its own rules and bylaws, schedule of meetings and such
13 committees with such powers as it may deem necessary
14 to carry on its work.

15 Any such commission shall make a quarterly report to
16 the county court or tribunal in lieu thereof of each
17 county and to the governing body of each municipality
18 contributing to the financial suport of such commission
19 containing an itemized account of its receipts and dis-
20 bursements during the preceding quarter. Such report
21 shall be made within thirty days after the end of each
22 quarter. At the end of each fiscal year, any such com-
23 mission shall arrange for an independent audit of its
24 financial affairs and within thirty days after the end
25 of such fiscal year, such commission shall furnish a copy
26 of the report of such audit to any such county court,
27 tribunal or governing body and shall cause a copy
28 thereof to be published as a Class I legal advertisement
29 in compliance with the provisions of article three, chapter
30 fifty-nine of this code, and the publication area for such
31 publication shall be each county and municipality which
32 contributed to the financial support of such commission.

§8-4C-4. Powers and duties of an interstate regional planning commission.

1 (a) An interstate regional planning commission may
2 make studies, maps, plans and reports relative to the
3 region and shall recommend procedures and policies to
4 the appropriate authorities, based on physical, social,
5 economic, and governmental conditions and trends, to pro-
6 mote the coordinated development of the region and the
7 general health, welfare, convenience, and prosperity of
8 the people of the region. Such planning and coordination
9 may reflect the following planning criteria:

10 (1) Goals, objectives, standards, and principals for the
11 development of the region;

12 (2) The distribution and intensity of general land use
13 and open space;

14 (3) The general circulation pattern for the region,
15 including land, water and air transportation and com-
16 munication facilities, and continuing comprehensive trans-
17 portation planning;

18 (4) The general location, character, and extent of
19 public and private works and facilities which are of area-

20 wide or regional, as distinguished from purely local, con-
21 cern;

22 (5) Long-range programming and financing of capital
23 projects and facilities.

24 (b) The commission shall:

25 (1) Review plans and proposals for projects and
26 programs of interstate or regional significance which may
27 be proposed by others;

28 (2) Review and make recommendations concerning
29 administrative and regulatory measures to implement
30 area-wide or regional plans;

31 (3) Review and make recommendations concerning
32 effective utilization of such federal and state assistance
33 as may be available on a regional basis or as may have a
34 regional impact;

35 (4) Collect, analyze, and report on statistics and
36 other information concerning traffic, housing, population,
37 and social, economic, and physical conditions of the
38 region;

39 (5) Make recommendations to governmental bodies
40 within such region for such action as are necessary and
41 proper to further the coordinated development of the
42 region;

43 (6) Conduct necessary investigations and research
44 and cooperate with other public and private agencies
45 or persons to conduct such investigations or research on
46 planning problems affecting the region.

§8-4C-5. Appropriations, receipts and expense.

1 (a) Any political subdivision which becomes a mem-
2 ber of any interstate regional planning commission may
3 contract annually with said interstate regional planning
4 commission to pay a proportionate part of the expense
5 which is properly chargeable to the planning services
6 rendered to such political subdivision, and any funds
7 budgeted for interstate planning may be paid over by
8 the local political subdivision to the interstate regional
9 planning commission.

10 (b) An interstate regional planning commission may
11 accept and use funds, grants, and services from the fed-
12 eral government or its agencies, from departments, agen-
13 cies, and instrumentalities of any adjoining state, and
14 from any county, municipal corporation, or other political
15 subdivision of this or any adjoining state, including
16 county, regional, municipal, or other planning commis-

17 sions of this or any adjoining state, or from private
18 sources, or services from departments, agencies, or in-
19 strumentalities of this state, and may contract with re-
20 spect thereto and provide such information and reports
21 as may be necessary to secure such financial or other aid.
22 Within the amounts thus agreed upon and appropriated
23 or otherwise received, any commission may employ such
24 engineers, planners, consultants, and other employees as
25 are necessary and may rent or own such space and make
26 such purchases as it deems necessary to its use.

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

William Tompo
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Myers
Clerk of the Senate

C. G. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Lobar White
Speaker of the House of Delegates

The within approved this the 14
day of February, 1968.

Harold C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/9/68

Time 11:40 AM

RECEIVED

FEB 16 1 03 PM '68

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA