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

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

§8-4C-2. Definition of region.

The term “region,” as used in this article, shall mean a
specific metropolitan interstate area designated by the
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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
other officers from among its members and shall establish
its own rules and bylaws, schedule of meetings and such
committees with such powers as it may deem necessary
to carry on its work.

Any such commission shall make a quarterly report to
the county court or tribunal in lieu thereof of each
county and to the governing body of each municipality
contributing to the financial support of such commission
containing an itemized account of its receipts and dis-
bursements during the preceding quarter. Such report
shall be made within thirty days after the end of each
quarter. At the end of each fiscal year, any such com-
mission shall arrange for an independent audit of its
financial affairs and within thirty days after the end
of such fiscal year, such commission shall furnish a copy
of the report of such audit to any such county court,
tribunal or governing body and shall cause a copy
thereof to be published as a Class I legal advertisement
in compliance with the provisions of article three, chapter
fifty-nine of this code, and the publication area for such
publication shall be each county and municipality which
contributed to the financial support of such commission.
§8-4C-4. Powers and duties of an interstate regional planning commission.

(a) An interstate regional planning commission may make studies, maps, plans and reports relative to the region and shall recommend procedures and policies to the appropriate authorities, based on physical, social, economic, and governmental conditions and trends, to promote the coordinated development of the region and the general health, welfare, convenience, and prosperity of the people of the region. Such planning and coordination may reflect the following planning criteria:

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

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

(3) The general circulation pattern for the region, including land, water and air transportation and communication facilities, and continuing comprehensive transportation planning;

(4) The general location, character, and extent of public and private works and facilities which are of area-
wide or regional, as distinguished from purely local, concern;

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

(b) The commission shall:

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

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

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

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

(5) Make recommendations to governmental bodies within such region for such action as are necessary and proper to further the coordinated development of the region;
(6) Conduct necessary investigations and research and cooperate with other public and private agencies or persons to conduct such investigations or research on planning problems affecting the region.

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

(a) Any political subdivision which becomes a member of any interstate regional planning commission may contract annually with said interstate regional planning commission to pay a proportionate part of the expense which is properly chargeable to the planning services rendered to such political subdivision, and any funds budgeted for interstate planning may be paid over by the local political subdivision to the interstate regional planning commission.

(b) An interstate regional planning commission may accept and use funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of any adjoining state, and from any county, municipal corporation, or other political subdivision of this or any adjoining state, including county, regional, municipal, or other planning commis-
sions of this or any adjoining state, or from private
sources, or services from departments, agencies, or in-
strumentalities of this state, and may contract with re-
spect thereto and provide such information and reports
as may be necessary to secure such financial or other aid.
Within the amounts thus agreed upon and appropriated
or otherwise received, any commission may employ such
engineers, planners, consultants, and other employees as
are necessary and may rent or own such space and make
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 TICCO
Chairman Senate Committee

CLAYTON C. DAVIDSON
Chairman House Committee

Originated in the House.

J. L. BLANKENSPIE
Clerk of the Senate

C. W. BACKUS
Clerk of the House of Delegates

HOWARD V. CASPER
President of the Senate

H. L. SABAT WHITE
Speaker of the House of Delegates

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

HUBERT O. SMITH
Governor
PRESENTED TO THE
GOVERNOR
Data  2/9/68
Time  11:40 AM

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SECRETARY OF STATE
STATE OF WEST VIRGINIA