WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1633

(By Mrs. Neal i Mr. Siflet)

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PASSED April 2, 1977

In Effect ninety days from Passage
AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen; and to amend article one, chapter seven of said code by adding thereto a new section, designated section three-w, all relating to creating a state beautification commission; appointment of members; organization of commission; payment of expenses of commission members; employment of coordinator by commission and his compensation and powers; employment of personnel by coordinator; setting forth powers of commission; authorizing county commissions to establish county beautification councils; and setting forth duties of such councils.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article eighteen; and that article one, chapter seven of said code be amended by adding thereto a new section, designated section three-w, all to read as follows:
CHAPTER 5. GENERAL POWERS AND DUTIES OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; ITEMIZATION OF PROPOSED APPROPRIATIONS IN BUDGET BILL, SUBMITTED BY GOVERNOR TO LEGISLATURE; BOARD OF PUBLIC WORKS; SALARY INCREASE FOR STATE EMPLOYEES; STATE BUILDING COMMISSION, SOCIAL SECURITY AGENCY; PUBLIC RECORDS MANAGEMENT AND PRESERVATION ACT; DEPARTMENT OF COMMERCE; WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT; DISQUALIFICATION FOR PUBLIC RETIREMENT PLAN BENEFITS; HUMAN RIGHTS COMMISSION; WEST VIRGINIA ANTIQUITIES COMMISSION; PUBLIC EMPLOYEES’ AND TEACHERS’ RECIPROCAL SERVICE CREDIT ACT; WHITE CANE LAW; WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT; WEST VIRGINIA COMMISSION ON ENERGY, ECONOMY AND ENVIRONMENT; WEST VIRGINIA BEAUTIFICATION COMMISSION.

ARTICLE 18. WEST VIRGINIA BEAUTIFICATION COMMISSION.

§5-18-1. West Virginia beautification commission created; appointment of members; organization; expenses.

The West Virginia beautification commission is hereby created to preserve and enhance the beauty of the state by planting and nurturing native and improved flora on public property and to coordinate and provide assistance to county beautification councils in the performance of their duties as provided in section three-w, article one, chapter seven of this code. Said commission shall be a public corporation which shall be an agency of the state of West Virginia, and, as such, may sue and be sued. The commission shall consist of the commissioner of the West Virginia department of highways, the commissioner of the West Virginia department of agriculture and three additional members appointed by the governor, by and with the advice and consent of the Senate, for terms of two, four and six years, respectively. The successor of each such appointed member shall be appointed for a term of six years in the same manner.
the original appointments were made except that any person
appointed to fill a vacancy occurring prior to the expiration
of the term for which his predecessor was appointed shall be
appointed only for the remainder of such term. Each board
member shall serve until the appointment and qualification of
his successor.

One of the three citizen members of the commission
shall be designated by the governor to serve as the chair-
person of said commission. The chairperson shall preside
at meetings of the commission and may call meeting of the
commission at such times and places as the chairperson deems
appropriate. The chairperson shall perform such other duties
and responsibilities as such commission may direct. Each mem-
ber of the commission shall be reimbursed for all reasonable
and necessary expenses actually incurred in the performance of
his duties as a member of the commission.

§5-18-2. Employment of coordinator; his compensation and powers;
employment of personnel.

The commission shall employ a coordinator of the commis-
sion, fix his salary and instruct him regarding his duties and
authority under this article. The coordinator is hereby em-
powered and it shall be his duty to execute and carry out, ad-
minister and enforce the provisions of this article in the manner
provided herein and carry out the directions, rules and regula-
tions of the commission. The coordinator may, subject to the
approval of the commission, employ such personnel as may be
necessary for the effective and orderly performance of the
functions and services of the commission. The coordinator
and other commission personnel shall be reimbursed for all
reasonable and necessary expenses actually incurred in the
authorized commission services.


The powers of the commission are to:

(1) Evaluate and assess county beautification council
policies and their impact upon aesthetic qualities of the
landscape within the counties of the state and the environ-
ment and make recommendations thereon;
(2) Promote highway beautification measures;

(3) Cooperate and work with federal, state and local governmental officers, units, activities and agencies in the promotion and attainment of the purposes of the commission;

(4) Enlist the cooperation of civic and community organizations, industrial and commercial organizations, labor organizations and other identifiable groups in order to develop and implement programs which further the purposes of the commission;

(5) Delegate to the coordinator powers necessary for the effective and orderly performance of his duties;

(6) For the purposes of this article, accept contributions and gifts and seek and accept aid, grants and other financial assistance from any source whatsoever;

(7) Expend and distribute funds and property for the functions and purposes of the commission as are appropriated for the commission by the Legislature, or which are contributed by a gift, grant or otherwise for the purposes of such commission. The commission may allocate and disburse aid to county beautification councils established pursuant to the provisions of section three-w, article one, chapter seven of this code, for use by the county beautification councils in accordance with state law and guidelines and directions prescribed for such beautification councils;

(8) Contract with other parties in order to effectuate the purposes of the commission;

(9) Conduct research in regard to flora as may be adaptable or usable to carry out the purposes of this act and to conduct experiments in carrying out such research; and

(10) Seek and gather information and data necessary for the formulation of beautification policies.

§5-18-4. Commission and West Virginia University school of agriculture and forestry to cooperate in carrying out purposes of article.

The commission and the West Virginia University school
of agriculture and forestry shall cooperate in all respects in
carrying out the purposes of this section, and such school of
agriculture and forestry shall provide direction and assistance
to the commission and to county beautification councils and
to the extent that plantings, seeds and other horticultural
products are available, may allocate the same without cost
to such commission and councils.

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3w. Authority to establish county beautification councils;
authority of county commissions to appropriate moneys;
county commissions not obligated for debts of coun-
cils, expenditures of funds by councils.

In addition to all other powers and duties now conferred by
law upon county commissions, county commissions are hereby
authorized and empowered to establish county beautification
councils which shall be composed of such number of persons
with such organizational requirements and limitations as the
county commission creating any such council may direct.
Such councils shall be deemed to be agencies of the county
commissions; however, county commissions shall not be ob-
ligated for any debt or obligation which may be created by
such councils. The councils are empowered to employ such
persons as are necessary to accomplish the undertakings as-
sumed by them.

Each council shall be charged with the duty of improving
the aesthetic qualities of the landscape within the county, and
to such intent and purpose the councils may, with the approval
of the commissioner of the West Virginia department of high-
ways, engage in the planting, cultivation and maintenance of
shrubs, trees and other plants on highway property and rights-
of-way at such places and under such condition as may be
established by said commissioner.

County commissions may appropriate to such councils
such funds as the county commissions deem appropriate.
Councils may receive and expend appropriations for the pur-
poses herein indicated and may, likewise, receive and expend
appropriations, gifts, grants or contributions from the state of
West Virginia, the federal government, or any agency of either,
and from any other person, corporation or entity of whatever
nature.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J. Russell  
Clerk of the Senate

Clerk of the House of Delegates

W. H. Battle  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within was approved this the 12th day of April, 1977.

Governor