

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

Committee Substitute for

HOUSE BILL No. 1633

(By Mrs. Neal & Mr. Shillet)



PASSED April 2, 1977

In Effect ninety days from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1633
(By MRS. NEAL and MR. SHIFLET)

[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.

1 The West Virginia beautification commission is hereby
2 created to preserve and enhance the beauty of the state
3 by planting and nurturing native and improved flora on
4 public property and to coordinate and provide assistance
5 to county beautification councils in the performance of
6 their duties as provided in section three-w, article one,
7 chapter seven of this code. Said commission shall be a
8 public corporation which shall be an agency of the state
9 of West Virginia, and, as such, may sue and be sued. The
10 commission shall consist of the commissioner of the West
11 Virginia department of highways, the commissioner of the
12 West Virginia department of agriculture and three additional
13 members appointed by the governor, by and with the advice
14 and consent of the Senate, for terms of two, four and six years,
15 respectively. The successor of each such appointed member
16 shall be appointed for a term of six years in the same manner

17 the original appointments were made except that any person
18 appointed to fill a vacancy occurring prior to the expiration
19 of the term for which his predecessor was appointed shall be
20 appointed only for the remainder of such term. Each board
21 member shall serve until the appointment and qualification of
22 his successor.

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

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

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

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§5-18-3. Commission powers.

1 The powers of the commission are to:

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

6 (2) Promote highway beautification measures;

7 (3) Cooperate and work with federal, state and local
8 governmental officers, units, activities and agencies in the
9 promotion and attainment of the purposes of the commis-
10 sion;

11 (4) Enlist the cooperation of civic and community or-
12 ganizations, industrial and commercial organizations, labor
13 organizations and other identifiable groups in order to develop
14 and implement programs which further the purposes of the
15 commission;

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

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

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

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

33 (9) Conduct research in regard to flora as may be adapt-
34 able or usable to carry out the purposes of this act and to
35 conduct experiments in carrying out such research; and

36 (10) Seek and gather information and data necessary for
37 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.**

1 The commission and the West Virginia University school

2 of agriculture and forestry shall cooperate in all respects in
3 carrying out the purposes of this section, and such school of
4 agriculture and forestry shall provide direction and assistance
5 to the commission and to county beautification councils and
6 to the extent that plantings, seeds and other horticultural
7 products are available, may allocate the same without cost
8 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.**

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

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

21 County commissions may appropriate to such councils
22 such funds as the county commissions deem appropriate.
23 Councils may receive and expend appropriations for the pur-
24 poses herein indicated and may, likewise, receive and expend

25 appropriations, gifts, grants or contributions from the state of
26 West Virginia, the federal government, or any agency of either,
27 and from any other person, corporation or entity of whatever
28 nature.

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

James L. Davis
Chairman Senate Committee

Dorene C. Chutkan
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. O'Connell
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. F. Bratterton
President of the Senate

Donald L. Kopp
Speaker House of Delegates

The within *is approved* this the *12*
day of *April*, 1977.

John D. R. R. R. R.
Governor

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APR 7 5 12 PM '77
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date April 12, 1977
Time 9:00 p.m.

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OFFICE
SECY. OF STATE