

No: 1128

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

HOUSE BILL No. 1128

(By ~~MR.~~ *Del. Love + Del. Mastrantoni*)



Passed *February 18,* 1986

In Effect *Ninety Days From* Passage

ENROLLED
H. B. 1128

(By DELEGATE LOVE and DELEGATE MASTRANTONI)

[Passed February 18, 1986; in effect ninety days from passage.]

AN ACT to amend and reenact sections five and six, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to municipal planning commission membership requirements; county planning commission membership requirements.

Be it enacted by the Legislature of West Virginia:

That sections five and six, article twenty-four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 24. PLANNING AND ZONING.

§8-24-5. Municipal planning commission generally.

1 A municipal planning commission shall consist of not
2 less than five nor more than fifteen individuals, the
3 exact number to be specified in the ordinance creating
4 such commission, all of whom shall be freeholders and
5 residents of the municipality, who shall be qualified by
6 knowledge and experience in matters pertaining to the
7 development of the municipality, who shall include
8 representatives of business, industry and labor, and who
9 shall be nominated by the administrative authority and
10 confirmed by the governing body of the municipality or
11 appointed by the governing body where the administra-
12 tive authority and governing body are the same. At least

13 three fifths of all of the members must have been
14 residents of the municipality for at least one year prior
15 to nomination and confirmation or appointment. One
16 member of the commission shall also be a member of
17 the governing body of the municipality and one member
18 shall also be a member of the administrative depart-
19 ment of the municipality, the term of these two
20 members to be coextensive with the term of office to
21 which they have been elected or appointed, unless the
22 governing body and administrative authority of the
23 municipality at the first regular meeting of the commis-
24 sion each year designate others to serve as the munici-
25 pality's representatives. The remaining members of the
26 commission first selected shall serve respectively for
27 terms of one year, two years and three years, divided
28 equally or as nearly equally as possible between these
29 terms. Thereafter, members shall be selected for terms
30 of three years each. Vacancies shall be filled for the
31 unexpired term only, in the same manner as original
32 selections are made. Members of the commission shall
33 serve without compensation, but shall be reimbursed for
34 all reasonable and necessary expenses actually incurred
35 in the performance of their official duties.

§8-24-6. County planning commission generally.

1 A county planning commission shall consist of not less
2 than five nor more than fifteen individuals, the exact
3 number to be specified in the ordinance creating such
4 commission, all of whom shall be freeholders and
5 residents of the county, who shall be qualified by
6 knowledge and experience in matters pertaining to the
7 development of the county, who shall include represen-
8 tatives of business, industry, labor and farming, and
9 who shall be appointed by the county commission. At
10 least three fifths of all of the members must have been
11 residents of the county for at least one year prior to
12 appointment. One member of the commission shall also
13 be a member of the county commission, the term of such
14 member to be coextensive with the term of office to
15 which he has been elected, unless the county commission
16 at the first regular meeting of the commission each year
17 appoints another member to serve as its representative.

18 The remaining members of the commission first
19 appointed shall serve respectively for terms of one year,
20 two years and three years, divided equally or as nearly
21 equally as possible between these terms. Thereafter,
22 members shall be appointed for terms of three years
23 each. Vacancies shall be filled by appointment by the
24 county commission for the unexpired term only.
25 Members of the commission shall serve without compen-
26 sation, but shall be reimbursed for all reasonable and
27 necessary expenses actually incurred in the perfor-
28 mance of their official duties. An individual may at the
29 same time serve as a member of a municipal planning
30 commission and as a member of a county planning
31 commission.

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

Robert O. Levine
.....
Chairman Senate Committee

Floyd Fuller
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jedd C. Willis
.....
Clerk of the Senate

Donald L. Hoyle
.....
Clerk of the House of Delegates

Russ Tambini
.....
President of the Senate

Joseph P. Albright
.....
Speaker of the House of Delegates

The within *approved* this the *1st*
March day of, 1986.

Arthur H. Moore Jr.
.....
Governor

GOVERNOR

Date 3/25/86

Time 2:47 p.m.

SECRETARIAT OF STATE
1906 MAR -6 AM 9 19

FILE IN THE OFFICE OF
SECRETARY OF STATE
WEST VIRGINIA
THIS DATE 3/6/86