

1 **Senate Bill No. 506**

2 (By Senators Snyder, Unger and Kessler (Acting President))

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4 [Introduced February 14, 2011; referred to the Committee on
5 Government Organization; and then to the Committee on Finance.]

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10 A BILL to amend and reenact §8-1-5a of the Code of West Virginia,
11 1931, as amended, relating to increasing the number of
12 municipalities that may participate in the Municipal Home Rule
13 Pilot Program; providing that if the two legislative members
14 of the Municipal Home Rule Board permit designees to sit in
15 their place, those persons sit ex officio; and extending
16 certain deadline dates.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §8-1-5a of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted to read as follows:

20 **ARTICLE 1. PURPOSE AND SHORT TITLE; DEFINITIONS; GENERAL**
21 **PROVISIONS; CONSTRUCTION.**

22 **§8-1-5a. Pilot program to increase powers of municipal self**
23 **government.**

24 (a) The Legislature finds and declares that:

1 (1) The future economic progress for the State of West
2 Virginia is directly related to the success of its municipalities
3 in that stronger municipalities will make for a stronger West
4 Virginia;

5 (2) Municipalities face numerous challenges managing their
6 budgets and delivering services required by federal or state law or
7 demanded by their constituents;

8 (3) Municipalities are sometimes restricted by state statutes,
9 policies, rules and responsibilities that prevent them from
10 carrying out their duties and responsibilities in a cost-effective,
11 efficient and timely manner; and

12 (4) Authorizing pilot municipalities and metro governments in
13 West Virginia to exercise broad-based home rule will allow the
14 Legislature the opportunity to evaluate the viability of allowing
15 municipalities to have broad-based state home rule to improve urban
16 and state development.

17 (b) It is the intent of the Legislature in enacting this
18 section to establish a framework for municipalities within which
19 new ideas can be explored to see if they can or should be
20 implemented on a statewide basis.

21 (c) Effective July 1, 2007, there is hereby created a pilot
22 program to be known as the Municipal Home Rule Pilot Program
23 authorizing ~~five~~ seven selected Class I, Class II and/or Class III
24 municipalities and/or metro governments the authority to enact any

1 ordinances, acts, resolutions, rules and regulations not contrary
2 to the Constitutions of the United States or West Virginia, federal
3 law or chapters sixty-a, sixty-one and sixty-two of this code.

4 (d) To be eligible to participate in the Municipal Home Rule
5 Pilot Program the applicant shall:

6 (1) Be a Class I, Class II and/or Class III municipality
7 and/or a metro government: *Provided*, That a municipality
8 considering consolidation or establishing a metro government shall
9 have no more than two years from the date it is selected for the
10 pilot program to complete its consolidation or metro government
11 process or its participation in the pilot program will terminate at
12 the end of the two-year period; and

13 (2) Have a written plan stating in detail the following:

14 (A) The specific laws, policies, rules or regulations which
15 prevent the municipality from carrying out its duties in the most
16 cost-efficient, effective and timely manner;

17 (B) The problems created by the laws, policies, rules or
18 regulations; and

19 (C) The proposed solutions to the problems, including all
20 proposed changes to ordinances, acts, resolutions, rules and
21 regulations.

22 (e) Effective July 1, 2007, there is hereby created a
23 Municipal Home Rule Board consisting of the following seven
24 members:

1 (1) The Governor, or a designee, who shall serve as chair;

2 (2) The Executive Director of the West Virginia Development
3 Office or a designee;

4 (3) The chair of the Senate Committee on Government
5 Organization or a designee sitting ex officio;

6 (4) The chair of the House of Delegates Committee on
7 Government Organization or a designee sitting ex officio;

8 (5) One member shall be a representative of the business and
9 Industry Council;

10 (6) One member shall be a representative of the largest labor
11 organization in the state; and

12 (7) One member shall be a representative of the West Virginia
13 Chapter of American Institute of Certified Planners.

14 (f) The board has the powers necessary to implement the
15 provisions of this section, including the following:

16 (1) Reviewing, evaluating and making recommendations to the
17 proposed plans submitted by eligible municipalities and/or metro
18 governments;

19 (2) Consulting with state agencies affected by the proposed
20 plans;

21 (3) Selecting municipalities and/or metro governments to
22 participate in the pilot program;

23 (4) Approving the plans of recommended pilot program
24 participants, as submitted or as modified; and

1 (5) Authorizing amendments to approved plans.

2 (g) On or before January 1, ~~2008~~ 2013, an eligible
3 municipality and/or metro government wanting to participate in the
4 pilot program shall submit a written plan as described in
5 subdivision (2), subsection (d) of this section to the board.

6 (h) Prior to submitting a written plan, the municipality
7 shall:

8 (1) Conduct a public hearing on the proposed written plan;

9 (2) Provide at least thirty days' notice of the public hearing
10 by a Class II legal advertisement;

11 (3) Make a copy of the proposed written plan available for
12 public inspection at least thirty days prior to the public hearing;
13 and

14 (4) After the public hearing, adopt a municipal ordinance
15 authorizing the municipality to submit a proposed written plan to
16 the Municipal Home Rule Board after the proposed municipal
17 ordinance has been read two times.

18 (i) On or before June 1, ~~2008~~ 2013, the board shall select by
19 a majority vote of the board at least one, but not more than ~~five~~
20 ten municipalities and/or metro governments to participate in the
21 pilot program.

22 (j) The pilot municipalities and/or metro governments selected
23 to participate in the pilot program shall have the following
24 powers:

1 (1) The authority to pass any ordinances, acts, resolutions,
2 rules and regulations not contrary to the Constitutions of the
3 United States or West Virginia, federal law or chapters sixty-a,
4 sixty-one and sixty-two of this code as specified in their written
5 and approved plans: *Provided*, That the pilot municipalities may
6 not adopt any ordinance, rule, regulation or resolution or take any
7 action that would create a defined contribution employee pension or
8 retirement plan for its employees currently covered by a defined
9 benefit pensions plan; and

10 (2) Any other powers necessary to implement the provisions of
11 its approved plan.

12 (k) Before July 1, ~~2012~~ 2016, the Joint Committee on
13 Government and Finance shall conduct a performance review on the
14 pilot program and the participating municipalities and/or metro
15 governments. The review shall include the following:

16 (1) An evaluation of the effectiveness of expanded home rule
17 on the participating municipalities and/or metro governments;

18 (2) A recommendation as to whether the expanded home rule
19 should be continued, reduced, expanded or terminated;

20 (3) A recommendation as to whether any legislation is
21 necessary; and

22 (4) Any other issues considered relevant.

23 (1) On or before January 1, ~~2013~~ 2016, the Joint Committee on
24 Government and Finance shall report to the Joint Committee on

1 Government Organization the findings of the performance review.

2 (m) The pilot program terminates on July 1, ~~2013~~ 2017.

3 (n) No ordinances, acts, resolutions, rules or regulations may
4 be enacted by a municipality or metro government after July 1, ~~2013~~
5 2017, pursuant to the provisions of this section, unless otherwise
6 authorized by the Legislature.

NOTE: The purpose of this bill is to increase the number of municipalities that may participate in the Municipal Home Rule Pilot Program. The bill provides that if the chair of the Senate Committee on Government Organization or the chair of the House of Delegates Committee on Government Organization who serve as members of the Municipal Home Rule Board permit a designee to sit in his or her place, that person sits *ex officio*. The bill also extends certain deadline dates.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.