

**H. B. 2957**

(By Delegates Azinger, A. Evans and Romine)  
[Introduced March 18, 2013; referred to the  
Committee on Political Subdivisions then Government  
Organizations.]

A BILL to amend the Code of West Virginia, 1931, as amended,  
by adding thereto a new section, designated §7-1-1c relating  
to county commissions generally; authorizing a pilot program  
to increase powers of county self government; the County Home  
Rule Pilot Program; legislative findings; authorizing certain  
counties to participate in the program; creating a County  
Home Rule Board; stating the powers and duties of the board  
and membership; written plan requirements for counties;  
ordinance requirements for counties; powers and duties of the  
participating counties; prohibiting certain acts by  
participating counties; amending the written plan;  
termination date of the pilot program; reporting requirements;  
and the effect of ordinances passed by the counties  
participating in the pilot program.

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

1 That the Code of West Virginia, 1931, as amended, be amended  
2 by adding thereto a new section, designated §7-1-1c, to read as  
3 follows:

4 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

5 §7-1-1c. Pilot program to increase powers of county self  
6 government.

7 (a) The Legislature finds and declares that:

8 (1) The future economic progress for the State of West  
9 Virginia is directly related to the success of its counties in that  
10 stronger counties will make for a stronger West Virginia;

11 (2) Counties face numerous challenges managing their budgets  
12 and delivering services required by federal or state law or  
13 demanding by their constituents;

14 (3) Counties are sometimes restricted by state statutes,  
15 policies, rules and responsibilities that prevent them from  
16 carrying out their duties and responsibilities in a cost-effective,  
17 efficient and timely manner; and

18 (4) Authorizing pilot counties and metro governments in West  
19 Virginia to exercise broad-based home rule will allow the  
20 Legislature the opportunity to evaluate the viability of allowing  
21 counties to have broad-based state home rule to improve urban and  
22 state development.

23 (b) It is the intent of the Legislature in enacting this  
24 section to establish a framework for counties within which new

1 ideas can be explored to see if they can or should be implemented  
2 on a statewide basis.

3 (c) Effective July 1, 2013, there is hereby created a pilot  
4 program to be known as the County Home Rule Pilot Program  
5 authorizing five selected counties to enact any ordinances, acts,  
6 resolutions, rules and regulations not contrary to the  
7 Constitutions of the United States or West Virginia, federal law or  
8 chapters sixty-a, sixty-one and sixty-two of this code.

9 (d) To be eligible to participate in the County Home Rule  
10 Pilot Program the applicant shall:

11 (1) Be a county government: Provided, That a county  
12 considering consolidation or establishing a metro government may  
13 have no more than two years from the date it is selected for the  
14 pilot program to complete its consolidation or metro government  
15 process or its participation in the pilot program will terminate at  
16 the end of the two-year period; and

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

18 (A) The specific laws, policies, rules or regulations which  
19 prevent the county from carrying out its duties in the most cost-  
20 efficient, effective and timely manner;

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

23 (C) The proposed solutions to the problems, including all  
24 proposed changes to ordinances, acts, resolutions, rules and

1 regulations.

2 (e) Effective July 1, 2013, there is hereby created a County  
3 Home Rule Board consisting of the following seven members:

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

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

7 (3) The Chair of the Senate Committee on Government  
8 Organization or a designee as a nonvoting member;

9 (4) The Chair of the House of Delegates Committee on  
10 Government Organization or a designee as a nonvoting member;

11 (5) One member shall be a representative of the Business and  
12 Industry Council;

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

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

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

19 (1) Reviewing, evaluating and making recommendations to the  
20 proposed plans submitted by eligible counties and/or metro  
21 governments;

22 (2) Consulting with state agencies affected by the proposed  
23 plans;

24 (3) Selecting counties and/or metro governments to participate

1 in the pilot program;

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

4 (5) Authorizing amendments to approved plans.

5 (g) On or before January 1, 2014, an eligible county and/or  
6 metro government wanting to participate in the pilot program shall  
7 submit a written plan as described in subdivision (2), subsection  
8 (d) of this section to the board.

9 (h) Prior to submitting a written plan, the county shall:

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

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

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

16 (4) After the public hearing, adopt a county ordinance  
17 authorizing the county to submit a proposed written plan to the  
18 County Home Rule Board after the proposed county ordinance has been  
19 read two times.

20 (i) On or before June 1, 2014, the board shall select by a  
21 majority vote of the board at least one, but not more than five  
22 counties and/or metro governments to participate in the pilot  
23 program.

24 (j) The pilot counties and/or metro governments selected to

1 participate in the pilot program shall have the following powers:

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

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

13 (k) Before July 1, 2017, the Joint Committee on Government and  
14 Finance shall conduct a performance review on the pilot program and  
15 the participating counties and/or metro governments. The review  
16 shall include the following:

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

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

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

23 (4) Any other issues considered relevant.

24 (1) On or before January 1, 2018, the Joint Committee on

1 Government and Finance shall report to the Joint Committee on  
2 Government Organization the findings of the performance review.

3 (m) The pilot program terminates on July 1, 2018.

4 (n) No ordinances, acts, resolutions, rules or regulations may  
5 be enacted by a municipality or metro government after July 1,  
6 2018, pursuant to the provisions of this section, unless otherwise  
7 authorized by the Legislature.

NOTE: The purpose of this bill is to authorize a pilot program to increase powers of county self government or a County Home Rule Pilot Program.

This section is new; therefore, it has been completely underscored.