

1 in that stronger municipalities will make for a stronger West
2 Virginia;

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

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

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

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

19 (c) Effective July 1, 2007, there is hereby created a pilot
20 program to be known as the Municipal Home Rule Pilot Program
21 authorizing ~~five selected Class I, Class II and/or Class III~~
22 municipalities and/or metro governments the authority to enact any
23 ordinances, acts, resolutions, rules and regulations not contrary
24 to the Constitutions of the United States or West Virginia, federal

1 law or chapters sixty-a, sixty-one and sixty-two of this code.

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

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

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

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

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

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

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

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

24 (2) The Executive Director of the West Virginia Development

1 Office or a designee;

2 (3) The chair of the Senate Committee on Government
3 Organization or a designee;

4 (4) The chair of the House of Delegates Committee on
5 Government Organization or a designee;

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

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

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

12 (f) The board has the powers necessary to implement ~~the~~
13 ~~provisions of~~ this section, including the following:

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

17 (2) Consulting with state agencies affected by the proposed
18 plans;

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

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

23 (5) Authorizing amendments to approved plans.

24 (g) On or before January 1, ~~2008, an eligible~~ 2014, a

1 municipality and/or metro government wanting to participate in the
2 pilot program shall submit a written plan as described in
3 subdivision (2), subsection (d) of this section to the board.

4 (h) Prior to submitting a written plan, the municipality
5 shall:

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

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

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

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

16 (i) On or before June 1, ~~2008~~ 2014, the board ~~shall~~ may select
17 by a majority vote of the board ~~at least one, but not more than~~
18 ~~five~~ municipalities and/or metro governments to participate in the
19 pilot program.

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

23 (1) The authority to pass any ordinances, acts, resolutions,
24 rules and regulations not contrary to the Constitutions of the

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

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

10 (k) Before July 1, ~~2012~~ 2018, the Joint Committee on
11 Government and Finance shall conduct a performance review on the
12 pilot program and the participating municipalities and/or metro
13 governments. The review shall include the following:

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

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

18 (3) A recommendation as to whether any legislation is
19 necessary; and

20 (4) Any other issues considered relevant.

21 (1) On or before January 1, ~~2013~~ 2019, the Joint Committee on
22 Government and Finance shall report to the Joint Committee on
23 Government Organization the findings of the performance review.

24 (m) The pilot program terminates on July 1, ~~2013~~ 2019.

1 (n) No ordinances, acts, resolutions, rules or regulations may
2 be enacted by a municipality or metro government after July 1, ~~2013~~
3 2019, pursuant to ~~the provisions of~~ this section, unless otherwise
4 authorized by the Legislature.

NOTE: The purpose of this bill is to make all municipalities eligible to participate in the Municipal Home Rule Pilot Program. The bill extends certain dates.

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