

1 duties and responsibilities in a cost-effective, efficient and
2 timely manner;

3 (6) Continuing the Municipal Home Rule Pilot Program is in the
4 public interest; and

5 (7) Increasing the powers and duties of the Municipal Home
6 Rule Board will enhance the Municipal Home Rule Pilot Program.

7 (b) *Continuance of pilot program.* -- The Municipal Home Rule
8 Pilot Program is continued until July 1, 2019. The ordinances
9 enacted by the four participating municipalities pursuant to the
10 initial Municipal Home Rule Pilot Program are hereby authorized and
11 may remain in effect until the ordinances are repealed, but are
12 null and void if amended and such amendment is not approved by the
13 Municipal Home Rule Board: *Provided,* That any ordinance enacting
14 a Municipal Occupation tax is hereby null and void.

15 (c) *Authorizing participation.* -- Commencing July 1, 2013, ten
16 Class I, Class II and/or Class III municipalities, that are current
17 in payment of all state fees, may participate in the Municipal Home
18 Rule Pilot Program pursuant to the provisions of this section.

19 (d) *Municipal Home Rule Board.* -- The Municipal Home Rule
20 Board is hereby continued. The board members serving on the board
21 on July 1, 2012, may continue to serve, except that the chair of
22 the Senate Committee on Government Organization and the chair of
23 the House Committee on Government Organization shall be ex officio
24 nonvoting members. Effective July 1, 2013, the Municipal Home Rule

1 Board shall consist of the following seven voting members:

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

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

5 (3) One member representing the Business and Industry Council,
6 appointed by the Governor with the advice and consent of the
7 Senate;

8 (4) One member representing the largest labor organization in
9 the state, appointed by the Governor with the advice and consent of
10 the Senate;

11 (5) One member representing the West Virginia Chapter of
12 American Institute of Certified Planners, appointed by the Governor
13 with the advice and consent of the Senate;

14 (6) One member, appointed by the Governor with the advice and
15 consent of the Senate from a list of three names submitted by the
16 West Virginia Municipal League: *Provided*, That no current sitting
17 municipal official shall participate or vote on matters pertaining
18 to his or her municipality's selection, written plan or ordinance;
19 and

20 (7) One member, appointed by the Governor with the advice and
21 consent of the Senate from a list of three names submitted by the
22 West Virginia County Commissioners Association.

23 (e) *Board's powers and duties.* -- The Municipal Home Rule
24 Board has the following powers and duties:

1 (1) Review, evaluate, make recommendations and approve or
2 reject, by a majority vote of the board, each aspect of the written
3 plan submitted by a municipality;

4 (2) By a majority vote of the board, select, based on the
5 municipality's written plan, up to ten Class I, Class II and/or
6 Class III municipalities to participate in the Municipal Home Rule
7 Pilot Program;

8 (3) Review, evaluate, make recommendations, and approve or
9 reject, by a majority vote of the board, the amendments to the
10 written plans submitted by municipalities;

11 (4) Approve or reject, by a majority vote of the board, each
12 ordinance submitted by a participating municipality pursuant to its
13 written plan or its amendments to the written plan;

14 (5) Consult with any agency affected by the written plans or
15 the amendments to the written plans; and

16 (6) Perform any other powers or duties necessary to effectuate
17 the provisions of this section.

18 (f) *Written plan.* -- On or before June 1, 2014, a Class I,
19 Class II or Class III municipality desiring to participate in the
20 Municipal Home Rule Pilot Program shall submit a written plan to
21 the board stating in detail the following:

22 (1) The specific laws, acts, resolutions, policies, rules or
23 regulations which prevent the municipality from carrying out its
24 duties in the most cost-efficient, effective and timely manner;

1 (2) The problems created by the laws, acts, resolutions,
2 policies, rules or regulations;

3 (3) The proposed solutions to the problems, including all
4 proposed changes to ordinances, acts, resolutions, rules and
5 regulations: *Provided*, That the specific municipal ordinance
6 instituting the solution does not have to be included in the
7 written plan; and

8 (4) A written opinion, by an attorney licensed to practice in
9 West Virginia, stating that the proposed written plan is
10 constitutional and does not violate the provisions of this section.

11 (g) *Public hearing on written plan.* -- Prior to submitting its
12 written plan to the board, the municipality shall:

13 (1) Hold a public hearing on the written plan;

14 (2) Provide notice at least thirty days prior to the public
15 hearing by a Class II legal advertisement;

16 (3) Make a copy of the written plan available for public
17 inspection at least thirty days prior to the public hearing; and

18 (4) After the public hearing, adopt an ordinance authorizing
19 the municipality to submit a written plan to the Municipal Home
20 Rule Board after the proposed ordinance has been read two times.

21 (h) *Selection of municipalities.* -- On or after June 1, 2014,
22 by a majority vote, the Municipal Home Rule Board may select from
23 the municipalities that submitted written plans and were approved
24 by the Board by majority vote, up to ten Class I, Class II and/or

1 Class III municipalities to participate in the Municipal Home Rule
2 Pilot Program.

3 (i) *Ordinance, act, resolution, rule or regulation.* -- After
4 being selected to participate in the Municipal Home Rule Pilot
5 Program and prior to enacting an ordinance, act, resolution, rule
6 or regulation based on the written plan, the municipality shall:

7 (1) Hold a public hearing on the proposed ordinance, act,
8 resolution, rule or regulation;

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

11 (3) Make a copy of the proposed ordinance, act, resolution,
12 rule or regulation available for public inspection at least thirty
13 days prior to the public hearing;

14 (4) After the public hearing, submit the comments, either in
15 audio or written form, to the Municipal Home Rule Board;

16 (5) Obtain approval, from the Municipal Home Rule Board by a
17 majority vote, for the proposed ordinance, act, resolution, rule or
18 regulation; and

19 (6) After obtaining approval from the Municipal Home Rule
20 Board, read the proposed ordinance, act, resolution, rule or
21 regulation at least two times.

22 (j) *Powers and duties of Municipalities.* -- The municipalities
23 participating in the Municipal Home Rule Pilot Program have the
24 authority to pass an ordinance, act, resolution, rule or

1 regulation, under the provisions of this section, that is not
2 contrary to:

3 (1) The provisions of this section; and

4 (2) The municipality's written plan.

5 (k) *Prohibited acts.* -- The municipalities participating in
6 the Municipal Home Rule Pilot Program do not have the authority to
7 pass an ordinance, act, resolution, rule or regulation, under the
8 provisions of this section, that affects:

9 (1) The Constitutions of the United States or West Virginia;

10 (2) Federal law, or crimes and punishment;

11 (3) Chapters sixty-a, sixty-one and sixty-two of this code, or
12 state crimes and punishment;

13 (4) Pensions or retirement plans;

14 (5) Annexation;

15 (6) Taxation;

16 (7) Tax increment financing;

17 (8) Environmental laws;

18 (9) Extraction of natural resources; and

19 (10) Persons or property outside the boundaries of the
20 municipality.

21 (l) *Amendments to written plans.* -- A municipality selected to
22 participate in the Municipal Home Rule Pilot Program may amend its
23 written plan at any time.

24 (m) *Reporting requirements.* -- Commencing December 1, 2015,

1 and each year thereafter, each participating municipality shall
2 give a progress report to the Municipal Home Rule Board, and
3 commencing January 1, 2016, and each year thereafter, the Municipal
4 Home Rule Board shall give a summary report of all the
5 participating municipalities to the Joint Committee on Government
6 and Finance.

7 (n) *Termination of the pilot program.* -- The Municipal Home
8 Rule Pilot Program terminates on July 1, 2019. No ordinance, act,
9 resolution, rule or regulation may be enacted by a participating
10 municipality after July 1, 2019, pursuant to the provisions of this
11 section. An ordinance, act, resolution, rule or regulation enacted
12 by a participating municipality under the provisions of this
13 section during the period of the Municipal Home Rule Pilot Program
14 shall continue in full force and effect until repealed, but is null
15 and void if it is amended and such amendment is not approved by the
16 Municipal Home Rule Board.

NOTE: The purpose of this bill is to continue the Municipal Home Rule Pilot Program and provides legislative findings. The bill authorizes certain municipalities to participate in the program. The bill further changes the membership of the Municipal Home Rule Board. The bill establishes the powers and duties of the board. The bill further establishes the written plan requirements for a municipality desiring to participate in the Municipal Home Rule Pilot Program and that there shall be a public hearing on the written plan. The bill establishes ordinance requirements for municipalities. The bill further provides the powers and duties of the participating municipalities. The bill prohibits certain acts by participating municipalities. The bill provides that municipalities may amend the written plans. The bill also provides reporting requirements for each participating municipality and

provides a termination date of the pilot program.

This section has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.