

H. B. 4305

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(By Delegates Fragale, Iaquinta, Diserio
and Jones)

[Introduced January 24, 2014; referred to the
Committee on Political Subdivisions then Government
Organizations.]

A BILL to amend and reenact §8-33-3 of the Code of West Virginia,
1931, as amended, relating to exempting municipalities with
populations of less than five thousand from the requirement
that no more than two thirds of the total number of members of
a building commission board be from the same political party.

Be it enacted by the Legislature of West Virginia:

That §8-33-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 33. INTERGOVERNMENTAL RELATIONS -- BUILDING COMMISSIONS.

**§8-33-3. Authority vested in board; composition of board;
appointment; qualifications and terms of members;
vacancies; reimbursement of expenses.**

All property, powers and duties and the management and control
of each commission shall be vested in a board consisting of
representatives appointed by the governmental body or bodies

1 creating and establishing such commission. In the case of a
2 municipal building commission or a county building commission such
3 board shall consist of not less than three nor more than five
4 members and in the case of a municipal-county building commission
5 each participating municipality shall appoint two members and each
6 participating county shall appoint three members. All members of
7 any board shall be appointed for terms of five years. Prior to
8 making the initial appointments to the board, the governmental body
9 or bodies shall make such initial appointments so that
10 approximately one fifth of the total number of members of the board
11 shall be appointed for a term of one year, approximately one fifth
12 of the total number of members of the board shall be appointed for
13 a term of two years, approximately one fifth of the total number of
14 members of the board shall be appointed for a term of three years,
15 approximately one fifth of the total number of members of the board
16 shall be appointed for a term of four years, and approximately one
17 fifth of the total number of members of the board shall be
18 appointed for a term of five years. As the term of each such
19 initial appointee expires the successor to fill the vacancy created
20 by such expired term shall be appointed for a term of five years.

21 The ordinance or order creating a building commission may
22 provide for the manner of appointments to the membership of such
23 commission by the governmental body creating such commission,
24 which, in the case of a county, shall be the county commission or

1 other tribunal in lieu thereof and, in the case of a municipality,
2 shall be the governing body thereof.

3 If any member of any board die, resign or for any reason cease
4 to be a member of the board, the governmental body which such
5 member represented shall appoint another individual to fill the
6 unexpired portion of the term of such member. No more than two
7 thirds of the total number of members of the board of each
8 commission shall be from the same political party and no member of
9 any such board shall hold any office (other than the office of
10 notary public) or employment under the United States of America,
11 the State of West Virginia, any county or political subdivision
12 thereof, or any political party: Provided, That municipalities with
13 populations of less than five thousand are exempt from the
14 requirement that no more than two thirds of the total number of
15 members of the board of each commission be from the same political
16 party. All members of any board shall be residents of the
17 municipality or county for which appointed. No member of any board
18 shall receive any compensation for his or her services as such, but
19 each member shall be reimbursed by the commission for any
20 reasonable and necessary expenses actually incurred in the
21 discharge of his or her duties as a member of the board.

NOTE: The purpose of this bill is to exempt municipalities

with populations of less than five thousand from the requirement that no more than two thirds of the total number of members of a building commission board be from the same political party.

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