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Home-rule pilot project awaits governor's OK

Measure passes in Legislature; last hour

BY GARY GRAY

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A bill that could expand powers for Morgantown and other municipalities is awaiting Gov. Joe Manchin's signature.

The Legislature passed the Municipal Home Rule Pilot Program, an experiment aimed at judging how cities would handle their own affairs with less state control, in the final minutes of the regular session last weekend.

Up to five cities could be involved in the test, and Morgantown is positioned to become one of them, said Sen. Michael Olive-rio, D-Monongalia.

"The driving force for me is that Morgantown used to compete with Charleston and Wheeling," he said. "But today, Morgantown is competing against other cities in Maryland and Pennsylvania. We're competing, in part, for research dollars."

The origin of this new opportunity came quietly last year inside Morgantown City Council chambers, when members adopted a resolution urging the West Vir-

ginia Municipal League to lobby the Legislature to allow Morgantown to become the "test city."

Expectations at the time were hopeful though guarded, considering the numerous legislative sessions that had come and gone with home rule dropping by the wayside.

Things didn't fall completely Morgantown's way with the bill's passage. But for the first time in a long time, expanded home rule was given serious consideration, including support from Manchin.

"There has been a lot of apprehension by legislators in the past about the loss of state control," said Councilman Don Spencer, who figuratively pitched his tent in Charleston to follow the bill's progress. "It was our resolution that got things going. Cities in West Virginia are in very different situations. Everybody has their own particular situations — their own particular needs."

Spencer said Delegate Barbara Fleischauer, D-Monongalia, gave an exceptional speech regarding home rule on the House floor Saturday night.

"I pointed out that the West Virginia Legislature had established constitutional home rule

for municipalities in 1936 following a statewide referendum," Fleischauer said Wednesday. "The vote was 150,370 for and 59,580 against. I said [to House members], 'What's the problem?' We voted on this a long time ago and it shows the people of West Virginia support this."

Fleischauer said opposition to the bill came mainly from legislators' way of the state losing its control over local governments.

"I think there was some fear that there was already too much control in peoples' lives by local government," she said. "But this is an experiment, and it doesn't hurt to try it out. If there's problems, we can fix them."

The bill amended, for a period of five years, a state code passed in 1913, which limits certain municipal powers.

Home Rule is a delegation of power from the state to its subunits of governments (counties, municipalities, towns or villages). Home rule creates local autonomy and limits the degree of state interference in local affairs.

Today, Morgantown can enact local ordinances without the state's blessing only if West Virginia law says so. But city officials say local problems, such as sprawl, congestion and an overabundance of rental properties, need to be quickly addressed.

The pilot program authorizes a board to choose up to five cities to begin the test in 2008. At the end of the fourth year, state auditors will compile reports for review by the panel and the Legislature after the fifth year, 2013.

Morgantown would need to develop a written plan stating specific plans and policies to be put in place.

A seven-member Municipal Home Rule Board will approve or disapprove those plans. The board includes the governor, West Vir-

ginia Development Office executive director, Senate Committee on Government Organization chair, House Committee on Government Organization chair, a representative of the business and industry council, a representative of the largest labor organization in the state, and a state-certified planner.

The first legislative step came after Spencer talked to Sen. Edwin Bowman, D-Hancock, Senate Government Organization Committee chair and sponsor of the bill.

Bowman said he spoke with Manchin about the matter and the governor agreed expanded home rule might help limit the growth of state government.

"I told him [Spencer] I would not introduce a home-rule bill especially for Morgantown," Bowman said. "But I decided to introduce legislation to allow cities to apply to be pilot cities."

The committee voted unanimously to move an amended version of Bowman's bill to the Senate; the first vote early last week passed unanimously.

After some scrutiny and several changes by a conference committee of senators and delegates, the Senate recast its vote, followed by the House. The Senate count only had to be taken once, since it previously had passed the bill. But three readings were required on the House floor, Thursday, Friday and Saturday.

One major change by the committee was the elimination of a need for a citywide referendum to approve participation.

"To my pleasant surprise, there's been strong support from the entire Democratic caucus that we should attempt to experiment with granting municipalities expanded home rule," Bowman said. "Hopefully, the lesson we'll learn is, this is a good thing."