

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 555

By Senator Tarr

[Introduced February 20, 2025; referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §8-12-1 and §8-12-2 of the Code of West Virginia, 1931, as
2 amended; and to amend the code by adding a new section, designated §8-12-2a, relating
3 to prohibiting public sector unions.

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

**ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED
RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND MUNICIPAL
OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.**

PART I. GENERAL CORPORATE POWERS OF MUNICIPALITIES.

§8-12-1. General corporate powers of all municipalities.

1 Except as otherwise provided in this chapter, every municipality shall have plenary power
2 and authority:

3 (1) To have and use a common seal;

4 (2) To contract and be contracted with, within the permissible scope of §8-12-2a;

5 (3) To institute, maintain and defend any civil action or other proceeding in any court;

6 (4) To take, purchase, hold and lease as lessee (on an annual fiscal year basis where tax
7 revenues are to be used to make the rental payments required under any such lease, with or
8 without an option to renew such lease each year for another such period), for any municipal
9 purpose, real or personal property within or without the corporate limits of the municipality, and to
10 acquire by condemnation real or personal property within or without the corporate limits of the
11 municipality for the purposes set forth in and in accordance with the provisions of chapter fifty-four
12 of this code, subject, however, to any limitations or qualifications set forth in this chapter eight; and

13 (5) To take by gift, donation, grant, bequest or devise and to hold and administer, real or
14 personal property within or without the corporate limits of the municipality, absolutely, in trust or
15 otherwise, for any public, charitable or municipal purpose, and to do all things necessary, useful,
16 convenient or incidental to carry out the purpose of such gift, donation, grant, bequest, devise or

17 trust, and to manage, sell, lease or otherwise dispose of the same in accordance with such terms
18 and conditions as may be prescribed by the donor, grantor or testator and accepted by the
19 municipality.

PART II. HOME RULE POWERS FOR CITIES.

§8-12-2. Home rule powers for all cities.

1 (a) In accordance with the provisions of the "Municipal Home Rule Amendment" to the
2 Constitution of this state, and in addition to the powers and authority granted by (i) such
3 Constitution, (ii) other provisions of this chapter, (iii) other general law, and (iv) any existing charter,
4 any city shall have plenary power and authority by charter provision not inconsistent or in conflict
5 with such Constitution, other provisions of this chapter or other general law, or by ordinance not
6 inconsistent or in conflict with such Constitution, other provisions of this chapter, other general law
7 or any existing charter, to provide for the government, regulation and control of the city's municipal
8 affairs, including, but not limited to, the following:

9 (1) The creation or discontinuance of departments of the city's government and the
10 prescription, modification or repeal of their powers and duties;

11 (2) The transaction of the city's business;

12 (3) The incurring of the city's obligations;

13 (4) The presentation, ascertainment, disposition and discharge of claims against the city;

14 (5) The acquisition, care, management and use of the city's streets, avenues, roads,
15 alleys, ways and property;

16 (6) The levy, assessment, collection and administration of such taxes and such special
17 assessments for benefits conferred, as have been or may be specifically authorized by the
18 Legislature;

19 (7) The operation and maintenance of passenger transportation services and facilities, if
20 authorized by the Public Service Commission, and if so authorized, such transportation system
21 may be operated without the corporate limits of such city, but may not be operated within the

corporate limits of another municipality without the consent of the governing body thereof;

(8) The furnishing of all local public services;

(9) The government, protection, order, conduct, safety and health of persons or property therein;

(10) The adoption and enforcement of local police, sanitary and other similar regulations;

and

(11) The imposition and enforcement of penalties for the violation of any of the provisions of its charter or of any of its ordinances.

(b) By charter provision, a civil service system may be provided for all or any class of city employees in addition to those classes for which a civil service system is made mandatory by general law.

(c) Any city is hereby authorized and empowered to require, for the purpose of inquiring into and investigating matters of concern to the city or its inhabitants, the attendance and testimony of witnesses and the production of evidence. In case of the failure or refusal of a witness to appear and testify or to produce evidence, the governing body may invoke the aid of the circuit court of the county in which the city or the major portion of the territory thereof is located. Upon proper showing, the circuit court shall issue an order requiring the witness to appear and give testimony and produce evidence concerning the matter in question. A person who fails or refuses to obey the order of the circuit court may be punished by the court as for contempt. A claim that any such testimony or evidence may tend to incriminate the person giving the testimony or evidence shall not excuse the witness, but such testimony or evidence shall not be used against the witness in any criminal prosecution.

(d) Any city is hereby authorized and empowered to provide for a sealer of weights and measures who shall exercise his or her powers in accordance with the provisions of article one, chapter forty-seven of this code.

(12) The municipalities right to transact business and incur obligations articulated in this

48 section are expressly limited by the prohibition articulated in §8-12-2a which prohibits enforcement
49 and nullifies any contract a municipality seeks to create with a labor union.

§8-12-2a. Prohibiting municipalities from contracting with labor unions, trade unions, or
labor organizations.

1 Any agreement or contract, between the governing authority of any city, town, county, or
2 other municipality, or between any agency, unit, or instrumentality thereof, or between any agency,
3 instrumentality, or institution of the State of West Virginia, and any labor union, trade union or labor
4 organization, as bargaining agent for any public employees of such city, town, county or other
5 municipality, or agency or instrumentality of government, is hereby declared to be against the
6 public policy of the state, illegal, unlawful, void and of no effect.

NOTE: The purpose of this bill is to prohibiting public sector unions from contracting with any municipality.

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