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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1971

ENROLLED

Committee Substitute

For
HOUSE BILL No. 11

Originating in the House Committee
(By Mr. on Redistricting)

PASSED November 4, 1971

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 11-22-71

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 1
(Originating in the House Committee on Redistricting)

[Passed November 4, 1971; in effect from passage.]

AN ACT to amend and reenact section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section two-a, all relating to the composition of the House of Delegates and legislative findings.

Be it enacted by the Legislature of West Virginia:

That section two, article two, chapter one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section two-a, all to read as follows:

ARTICLE 2. APPORTIONMENT OF REPRESENTATION.

§1-2-2. Apportionment of membership of House of Delegates.

1 The House of Delegates shall consist of one hundred
2 members, who shall be apportioned as follows:

3 The counties of Berkeley and Morgan shall form the
4 first delegate district and elect three delegates.

5 The counties of Grant and Tucker shall form the second
6 delegate district and elect one delegate.

7 The counties of Hardy and Pendleton shall form the
8 third delegate district and elect one delegate.

9 The counties of Pocahontas and Greenbrier shall form
10 the fourth delegate district and elect two delegates.

11 The counties of Pleasants and Tyler shall form the
12 fifth delegate district and elect one delegate.

13 The counties of Doddridge and Ritchie shall form the
14 sixth delegate district and elect one delegate.

15 The counties of Calhoun, Gilmer and Wirt shall form
16 the seventh delegate district and elect one delegate.

17 The counties of Clay and Nicholas shall form the eighth
18 delegate district and elect two delegates.

19 The counties of Randolph and Webster shall form the
20 ninth delegate district and elect two delegates.

21 The counties of Barbour, Boone, Braxton, Hampshire,
22 Jackson, Jefferson, Lewis, Lincoln, Mason, Mineral, Mon-
23 roe, Preston, Roane, Summers, Taylor, Upshur and Wetzel
24 shall have one delegate each.

25 The counties of Brooke, Hancock, Marshall, Mingo,
26 Putnam, Wayne and Wyoming shall have two delegates
27 each.

28 The counties of Fayette, Logan, Marion, McDowell and
29 Monongalia shall have three delegates each.

30 The counties of Harrison, Mercer, Ohio and Raleigh
31 shall have four delegates each.

32 The county of Wood shall have five delegates.

33 The county of Cabell shall have six delegates.

34 The county of Kanawha shall have thirteen delegates.

§1-2-2a. Legislative findings.

1 The Legislature of West Virginia hereby finds and de-
2 clares that:

3 (1) The words "population, to be ascertained by the
4 census of the United States," as used and referred to in
5 the constitution of West Virginia in regard to apportion-
6 ment of the House of Delegates, include only bona fide

7 residents of the state of West Virginia, counted at their
8 places of residence; the term does not include mere in-
9 habitants of the state, temporarily located therein.

10 (2) The population census taken by the United States
11 bureau of the census for the year one thousand nine hun-
12 dred seventy counted mere inhabitants of the state as if
13 they were bona fide residents, and thus did not conform
14 to the provisions of the constitution of the state of West
15 Virginia in regard to apportionment of the House of Dele-
16 gates. Therefore, the one thousand nine hundred seventy
17 census of population was taken, in part, in a form not
18 contemplated by the pertinent provisions of the consti-
19 tution of West Virginia.

20 (3) For purposes of apportionment of the House of
21 Delegates, accurate population counts for the year one
22 thousand nine hundred seventy for the state and coun-
23 ties of West Virginia, based on official United States
24 census statistics, but excluding persons counted in this
25 state who were not bona fide residents of this state and
26 who were merely physically present in this state on the
27 first day of April, one thousand nine hundred seventy,

28 and including those bona fide residents of West Virginia
29 who were temporarily absent from this state on the first
30 day of April, one thousand nine hundred seventy, and
31 reallocating to their resident counties those bona fide
32 residents of West Virginia who were present in the state
33 of West Virginia on the first day of April, one thousand
34 nine hundred seventy, but were not counted by the United
35 States bureau of census as residents of their resident
36 counties, are as follows:

37 The county of Barbour, 13,339; the county of Berkeley,
38 37,042; the county of Boone, 25,428; the county of Braxton,
39 12,874; the county of Brooke, 29,394; the county of Cabell,
40 103,520; the county of Calhoun, 7,155; the county of Clay,
41 9,421; the county of Doddridge, 6,477; the county of Fay-
42 ette, 48,127; the county of Gilmer, 6,405; the county of
43 Grant, 8,766; the county of Greenbrier, 32,697; the county
44 of Hampshire, 11,895; the county of Hancock, 40,319; the
45 county of Hardy, 8,996; the county of Harrison, 73,334; the
46 county of Jackson, 21,310; the county of Jefferson, 20,207;
47 the county of Kanawha, 232,091; the county of Lewis,
48 18,147; the county of Lincoln, 19,094; the county of Logan,

49 46,885; the county of McDowell, 51,462; the county of
50 Marion, 59,943; the county of Marshall, 38,276; the county
51 of Mason, 24,587; the county of Mercer, 62,069; the county
52 of Mineral, 22,926; the county of Mingo, 33,171; the county
53 of Monongalia, 51,888; the county of Monroe, 11,448; the
54 county of Morgan, 8,693; the county of Nicholas, 22,931;
55 the county of Ohio, 62,493; the county of Pendleton, 7,159;
56 the county of Pleasants, 7,426; the county of Pocahontas,
57 9,031; the county of Preston, 25,864; the county of Putnam,
58 28,104; the county of Raleigh, 70,435; the county of Ran-
59 dolph, 24,310; the county of Ritchie, 10,277; the county of
60 Roane, 14,301; the county of Summers, 13,428; the county
61 of Taylor, 14,080; the county of Tucker, 7,552; the county of
62 Tyler, 10,085; the county of Upshur, 17,749; the county of
63 Wayne, 38,199; the county of Webster, 9,954; the county of
64 Wetzel, 20,732; the county of Wirt, 4,206; the county of
✓ 65 Wood, 88,063; ^{and} the county of Wyoming, 30,617; the total
66 population of the state of West Virginia, 1,734,382.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James M. Beau
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Thomas M. Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

George B. ...
President of the Senate

Lewis N. McManis
Speaker House of Delegates

The within *approved* this the *22nd*
day of *November*, 1971.

Arch A. Shaffer
Governor

PRESENTED TO THE
GOVERNOR

Date 11/9/71
Time 1:10 p.m.