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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

Committee Substitute for

SENATE BILL NO. 322

(By Mr. *Palumbo, et al*)



PASSED *March 17,* 1976

In Effect *ninety days from* Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/31/76

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ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 322

(MR. PALUMBO, MR. HAMILTON, MR. NELSON, MR. ROGERS,
MR. WILLIAMS and MR. WILLIS, *original sponsors*)

[Passed March 17, 1976; in effect ninety days from passage.]

AN ACT to repeal sections one-ff and one-gg, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one of said article, relating to providing for thirty-one judicial circuits; establishing the number of judges of each judicial circuit; providing for additional circuit court judges; relating to the expiration of the terms of office of all circuit court judges; establishing terms of office for newly created circuit court judges; providing legislative findings and declarations; relating to the holding of elections for circuit court judges; extending the time permitted for the filing of certificates of candidacy for newly created circuit court judges; and relating to terms of court.

Be it enacted by the Legislature of West Virginia:

That sections one-ff and one-gg, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section one of said article be amended and reenacted to read as follows:

ARTICLE 2. CIRCUIT COURTS; JUDGES.

§51-2-1. Judicial circuits; terms of office; legislative findings and declarations; elections; terms of court.

- 1 (a) The state shall be divided into the following
- 2 judicial circuits with the following number of judges,

3 which number shall include those judges of statutory
4 courts of record of limited jurisdiction who became
5 circuit court judges by virtue of the judicial reor-
6 ganization amendment to the West Virginia consti-
7 tution:

8 The counties of Brooke, Hancock and Ohio shall con-
9 stitute the first circuit and shall have four judges; the
10 counties of Marshall, Tyler and Wetzel shall constitute
11 the second circuit and shall have two judges; the coun-
12 ties of Doddridge, Pleasants and Ritchie shall consti-
13 tute the third circuit and shall have one judge; the
14 counties of Wood and Wirt shall constitute the fourth
15 circuit and shall have three judges; the counties of Cal-
16 houn, Jackson and Roane shall constitute the fifth cir-
17 cuit and shall have one judge; the county of Cabell shall
18 constitute the sixth circuit and shall have three judges;
19 the county of Logan shall constitute the seventh circuit
20 and shall have two judges; the county of McDowell shall
21 constitute the eighth circuit and shall have two judges;
22 the county of Mercer shall constitute the ninth circuit
23 and shall have two judges; the county of Raleigh shall
24 constitute the tenth circuit and shall have two judges;
25 the counties of Greenbrier, Monroe, Pocahontas and
26 Summers shall constitute the eleventh circuit and shall
27 have one judge; the county of Fayette shall constitute
28 the twelfth circuit and shall have two judges; the
29 county of Kanawha shall constitute the thirteenth cir-
30 cuit and shall have seven judges; the counties of Brax-
31 ton, Clay, Gilmer and Webster shall constitute the four-
32 teenth circuit and shall have two judges; the county
33 of Harrison shall constitute the fifteenth circuit and
34 shall have two judges; the county of Marion shall con-
35 stitute the sixteenth circuit and shall have two judges;
36 the county of Monongalia shall constitute the seven-
37 teenth circuit and shall have two judges; the county of
38 Preston shall constitute the eighteenth circuit and shall
39 have one judge; the counties of Barbour and Taylor shall
40 constitute the nineteenth circuit and shall have one
41 judge; the county of Randolph shall constitute the twen-
42 tieth circuit and shall have one judge; the counties of
43 Grant, Mineral and Tucker shall constitute the twenty-

44 first circuit and shall have two judges; the counties of
45 Hampshire, Hardy and Pendleton shall constitute the
46 twenty-second circuit and shall have one judge; the coun-
47 ties of Berkeley, Jefferson and Morgan shall constitute
48 the twenty-third circuit and shall have one judge; the
49 county of Wayne shall constitute the twenty-fourth cir-
50 cuit and shall have one judge; the counties of Lincoln
51 and Boone shall constitute the twenty-fifth circuit and
52 shall have two judges; the counties of Lewis and
53 Upshur shall constitute the twenty-sixth circuit and
54 shall have one judge; the county of Wyoming shall con-
55 stitute the twenty-seventh circuit and shall have one
56 judge; the county of Nicholas shall constitute the twenty-
57 eighth circuit and shall have one judge; the counties
58 of Mason and Putnam shall constitute the twenty-ninth
59 circuit and shall have two judges; the county of Mingo
60 shall constitute the thirtieth circuit and shall have one
61 judge; and the counties of Berkeley, Jefferson and
62 Morgan shall constitute the thirty-first circuit and shall
63 have one judge.

64 (b) The term of office of the additional circuit court
65 judge of each of the following judicial circuits created
66 and established by the provisions of subsection (a) of
67 this section, viz., the seventh, twelfth, thirteenth, four-
68 teenth, seventeenth, twenty-first, twenty-fifth and twen-
69 ty-ninth judicial circuits, shall commence on the first
70 day of January, one thousand nine hundred seventy-
71 seven, and shall end on the thirty-first day of De-
72 cember, one thousand nine hundred eighty-four.

73 (c) Except as provided in subsections (a), (d) and
74 (e) of this section, the terms of office of all circuit court
75 judges in office on the effective date of this section, in-
76 cluding the terms of office of the judges of those statu-
77 tory courts of record of limited jurisdiction who became
78 circuit court judges by virtue of the judicial reorgan-
79 ization amendment to the West Virginia constitution,
80 shall expire on the thirty-first day of December, one
81 thousand nine hundred seventy-six. Thereafter, the
82 terms of office of such circuit court judges shall com-
83 mence on the first day of January, one thousand nine
84 hundred seventy-seven, and shall expire on the thirty-

85 first day of December, one thousand nine hundred eighty-
86 four.

87 (d) The terms of office of the judges of the first,
88 sixth, eighth, thirteenth and sixteenth judicial circuits
89 who became circuit court judges by virtue of the judicial
90 reorganization amendment to the West Virginia con-
91 stitution and who were, respectively, the judges of the
92 following statutory courts of record of limited juris-
93 diction, viz., intermediate court of Ohio county; domestic
94 relations court of Cabell county; intermediate court of
95 McDowell county; common pleas court of Kanawha
96 county (Division I); domestic relations court of Kanawha
97 county; and the criminal court of Marion county, shall
98 expire on the thirty-first day of December, one thousand
99 nine hundred eighty-four.

100 (e) The Legislature hereby finds and declares that
101 the purpose of this section is to implement the pro-
102 visions of the judicial reorganization amendment to the
103 West Virginia constitution, that the terms of office of
104 all circuit court judges, including the judges of statutory
105 courts of record of limited jurisdiction who became cir-
106 cuit court judges by virtue of the judicial reorganization
107 amendment to the West Virginia constitution, should
108 expire on the same date and such judges should be
109 elected at the same general election; that the legislative
110 intent in presenting said judicial reorganization amend-
111 ment to the voters of the state for ratification was that
112 no judge of a statutory court of record of limited juris-
113 diction who would become a circuit court judge by
114 virtue of said judicial reorganization amendment would
115 have his term of office decreased by the ratification of
116 said judicial reorganization amendment or be forced to
117 run for reelection any sooner than he otherwise would
118 have had to have run for reelection if said judicial re-
119 organization amendment had not been ratified; and that
120 said judicial reorganization amendment was ratified by
121 the voters of the state at the same general election at
122 which the judge of the former intermediate court of
123 Raleigh county and the judge of the former intermediate
124 court of Kanawha county were elected. Consistent with
125 such findings and declarations, the terms of office of

126 the judges of the tenth and thirteenth judicial circuits
127 who became circuit court judges by virtue of the judi-
128 cial reorganization amendment to the West Virginia
129 constitution, and who were, respectively, the judges of
130 the intermediate court of Raleigh county and the in-
131 termediate court of Kanawha county, which terms com-
132 menced the first day of January, one thousand nine
133 hundred seventy-five, shall expire on the thirty-first
134 day of December, one thousand nine hundred eighty-
135 four.

136 (f) The election of every circuit court judge whose
137 term of office begins on the first day of January, one
138 thousand nine hundred seventy-seven, and ends on the
139 thirty-first day of December, one thousand nine hundred
140 eighty-four, shall be held on the Tuesday next after the
141 first Monday in November, one thousand nine hundred
142 seventy-six, and every eighth year thereafter. The elec-
143 tion for all other circuit court judges shall be held on
144 the Tuesday next after the first Monday in November,
145 one thousand nine hundred eighty-four, and every eighth
146 year thereafter.

147 Notwithstanding the provisions of article five, chapter
148 three of this code, and in order to provide for the orderly
149 nomination and election of circuit court judges, the time
150 permitted for the filing of certificates of candidacy for
151 nomination to the additional circuit court judgeships
152 created and established by the provisions of subsection
153 (a) of this section, viz., the seventh, twelfth, thirteenth,
154 fourteenth, seventeenth, twenty-first, twenty-fifth and
155 twenty-ninth judicial circuits, is hereby extended to the
156 thirtieth day of March, solely for the year one thousand
157 nine hundred seventy-six. Such certificate shall be filed
158 with the secretary of state or the clerk of the circuit
159 court, as the case may be, not later than midnight,
160 eastern standard time, of that day, or, if mailed, shall
161 be postmarked before that hour.

162 (g) The terms of court of the circuit judges of the
163 counties aforesaid shall commence and be held as here-
164 inafter provided.

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

James L. Davis

Chairman Senate Committee

Clarence C. Christensen

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. P. Dillon, Jr.

Clerk of the Senate

W. Blankenship

Clerk of the House of Delegates

W. B. Whitton

President of the Senate

Lewis T. Thomas

Speaker House of Delegates

The within *approved* this the *29th*
day of *March*, 1976

Huba Shreve

Governor



PRESENTED TO THE
GOVERNOR

Date 3/24/76

Time 3:45 p.m.