

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-9-79

Time 1:45 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

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ENROLLED

SENATE BILL NO. 305

(By Mr. Susman Mr. Williams et al)

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PASSED February 27 1979

In Effect July 1, 1979 Passage



No. 305

ENROLLED
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 305

(MR. SUSMAN, MR. WILLIAMS, MR. MCGRAW, MR. ROGERS,
MR. HAMILTON, MR. BAYLOR, MR. BENSON and MR. GAINER,
original sponsors)

[Passed February 27, 1979; in effect July 1, 1979.]

AN ACT to amend and reenact section one, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing by one the number of judges in both the tenth and eleventh judicial circuits; and providing for terms of office, initial appointment, and subsequent election of such new judges.

Be it enacted by the Legislature of West Virginia:

That section one, article two, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 judi-
2 cial circuits with the following number of judges, which
3 number shall include those judges of statutory courts of
4 record of limited jurisdiction who became circuit court
5 judges by virtue of the judicial reorganization amend-
6 ment to the West Virginia constitution:

7 The counties of Brooke, Hancock and Ohio shall con-
8 stitute the first circuit and shall have four judges; the
9 counties of Marshall, Tyler and Wetzel shall constitute
10 the second circuit and shall have two judges; the counties

11 of Doddridge, Pleasants and Ritchie shall constitute the
12 third circuit and shall have one judge; the counties of
13 Wood and Wirt shall constitute the fourth circuit and
14 shall have three judges; the counties of Calhoun, Jackson
15 and Roane shall constitute the fifth circuit and shall have
16 one judge; the county of Cabell shall constitute the sixth
17 circuit and shall have four judges; the county of Logan
18 shall constitute the seventh circuit and shall have two
19 judges; the county of McDowell shall constitute the
20 eighth circuit and shall have two judges; the county of
21 Mercer shall constitute the ninth circuit and shall have
22 two judges; the county of Raleigh shall constitute the
23 tenth circuit and shall have three judges; the counties of
24 Greenbrier, Monroe, Pocahontas and Summers shall con-
25 stitute the eleventh circuit and shall have two judges; the
26 county of Fayette shall constitute the twelfth circuit and
27 shall have two judges; the county of Kanawha shall con-
28 stitute the thirteenth circuit and shall have seven judges;
29 the counties of Braxton, Clay, Gilmer and Webster shall
30 constitute the fourteenth circuit and shall have two
31 judges; the county of Harrison shall constitute the fif-
32 teenth circuit and shall have two judges; the county of
33 Marion shall constitute the sixteenth circuit and shall
34 have two judges; the county of Monongalia shall consti-
35 tute the seventeenth circuit and shall have two judges;
36 the county of Preston shall constitute the eighteenth
37 circuit and shall have one judge; the counties of Barbour
38 and Taylor shall constitute the nineteenth circuit and
39 shall have one judge; the county of Randolph shall con-
40 stitute the twentieth circuit and shall have one judge;
41 the counties of Grant, Mineral and Tucker shall consti-
42 tute the twenty-first circuit and shall have two judges;
43 the counties of Hampshire, Hardy and Pendleton shall
44 constitute the twenty-second circuit and shall have one
45 judge; the counties of Berkeley, Jefferson and Morgan
46 shall constitute the twenty-third circuit and shall have
47 one judge; the county of Wayne shall constitute the
48 twenty-fourth circuit and shall have one judge; the
49 counties of Lincoln and Boone shall constitute the twen-
50 ty-fifth circuit and shall have two judges; the counties of
51 Lewis and Upshur shall constitute the twenty-sixth cir-

52 cuit and shall have one judge; the county of Wyoming
53 shall constitute the twenty-seventh circuit and shall have
54 one judge; the county of Nicholas shall constitute the
55 twenty-eighth circuit and shall have one judge; the
56 counties of Mason and Putnam shall constitute the
57 twenty-ninth circuit and shall have two judges; the
58 county of Mingo shall constitute the thirtieth circuit and
59 shall have one judge; and the counties of Berkeley, Jef-
60 ferson and Morgan shall constitute the thirty-first circuit
61 and shall have one judge.

62 (b) Except as hereinafter provided, the terms of office
63 of all circuit court judges in office on the effective date
64 of this section, including the terms of office of the judges
65 of those statutory courts of record of limited jurisdiction
66 who became circuit court judges by virtue of the judicial
67 reorganization amendment to the West Virginia constitu-
68 tion, shall expire on the thirty-first day of December, one
69 thousand nine hundred eighty-four. Thereafter, the terms
70 of office of such circuit court judges shall be for eight
71 years, the first commencing on the first day of January,
72 one thousand nine hundred eighty-five, and ending on the
73 thirty-first day of December, one thousand nine hundred
74 ninety-two. Subsequent terms of said judges shall be for
75 eight years. The first term of office of the fourth circuit
76 court judge of the sixth circuit created by the provisions
77 of said subsection (a) shall commence on the first day of
78 July, one thousand nine hundred seventy-seven, and shall
79 end on the thirty-first day of December, one thousand
80 nine hundred seventy-eight. The second term of office of
81 said sixth circuit court judge shall commence on the first
82 day of January, one thousand nine hundred seventy-nine,
83 and shall end on the thirty-first day of December, one
84 thousand nine hundred eighty-four. Subsequent terms of
85 office of said sixth circuit court judge shall be for eight
86 years. The first term of office of the third circuit court
87 judge of the tenth circuit created by the provisions of
88 said subsection (a) shall commence on the first day of
89 July, one thousand nine hundred seventy-nine, and shall
90 end on the thirty-first day of December, one thousand
91 nine hundred eighty. The second term of office of said
92 tenth circuit judge shall commence on the first day of

93 January, one thousand nine hundred eighty-one, and
94 shall end on the thirty-first day of December, one thou-
95 sand nine hundred eighty-four. Subsequent terms of
96 office of said tenth circuit court judge shall be for eight
97 years.

98 The first term of office of the second circuit court
99 judge of the eleventh circuit created by the provisions of
100 said subsection (a) shall commence on the first day of
101 July, one thousand nine hundred seventy-nine, and shall
102 end on the thirty-first day of December, one thousand
103 nine hundred eighty. The second term of office of said
104 eleventh circuit judge shall commence on the first day
105 of January, one thousand nine hundred eighty-one, and
106 shall end on the thirty-first day of December, one thou-
107 sand nine hundred eighty-four. Subsequent terms of
108 office of said eleventh circuit court judge shall be for
109 eight years.

110 (c) The Legislature hereby finds and declares that the
111 purpose of this section is to implement the provisions of
112 the judicial reorganization amendment of the West Vir-
113 ginia constitution; that the terms of office of all circuit
114 court judges, including the judges of statutory courts of
115 record of limited jurisdiction who became circuit court
116 judges by virtue of the judicial reorganization amend-
117 ment to the West Virginia constitution, should expire on
118 the same date and such judges should be elected at the
119 same general election; that the legislative intent in pre-
120 senting said judicial reorganization amendment to the
121 voters of the state for ratification was that no judge of a
122 statutory court of record of limited jurisdiction who
123 would become a circuit court judge by virtue of said
124 judicial reorganization amendment would have his term
125 of office decreased by the ratification of said judicial re-
126 organization amendment or be forced to run for reelection
127 any sooner than he otherwise would have had to have
128 run for reelection if said judicial reorganization amend-
129 ment had not been ratified; and that said judicial reorga-
130 nization amendment was ratified by the voters of the
131 state at the same general election at which the judge of
132 the former intermediate court of Raleigh County and the

133 judge of the former intermediate court of Kanawha
134 County were elected. Consistent with such findings
135 and declarations, the terms of office of the judges of the
136 tenth and thirteenth judicial circuits who became circuit
137 court judges by virtue of the judicial reorganization
138 amendment to the West Virginia constitution, and who
139 were, respectively, the judges of the intermediate court
140 of Raleigh County and the intermediate court of Kana-
141 wha County, which terms commenced the first day of
142 January, one thousand nine hundred seventy-five, shall
143 expire on the thirty-first day of December, one thousand
144 nine hundred eighty-four.

145 (d) The election of every circuit court judge, except
146 as hereinafter provided, shall be held on the Tuesday
147 next after the first Monday in November, one thousand
148 nine hundred eighty-four, and every eighth year there-
149 after. The fourth circuit court judge of the sixth circuit
150 created by the provisions of subsection (a) of this section
151 shall be appointed originally by the governor according
152 to the provisions of section three, article ten, chapter
153 three of this code. The first election of said sixth circuit
154 court judge shall be held on the Tuesday next after the
155 first Monday in November, one thousand nine hundred
156 seventy-eight. The election for the third term of said
157 sixth circuit court judge shall be held on the Tuesday
158 next after the first Monday in November, one thousand
159 nine hundred eighty-four, and every eighth year there-
160 after. The third circuit judge of the tenth circuit created
161 by the provisions of subsection (a) of this section shall
162 be appointed originally by the governor according to the
163 provisions of section three, article ten, chapter three of
164 this code. The first election of the third tenth circuit
165 court judge shall be held on the Tuesday next after the
166 first Monday in November, one thousand nine hundred
167 eighty. The election for the third term of said tenth
168 circuit court judge shall be held on the Tuesday next
169 after the first Monday in November, one thousand nine
170 hundred eighty-four, and every eighth year thereafter.
171 The second circuit judge of the eleventh circuit created
172 by the provisions of subsection (a) of this section shall

173 be appointed originally by the governor according to
174 the provisions of section three, article ten, chapter three
175 of this code. The first election of the second eleventh
176 circuit court judge shall be held on the Tuesday next
177 after the first Monday in November, one thousand nine
178 hundred eighty. The election for the third term of said
179 eleventh circuit court judge shall be held on the Tuesday
180 next after the first Monday in November, one thousand
181 nine hundred eighty-four, and every eighth year there-
182 after.

183 (e) The terms of court of the circuit judges of the
184 counties aforesaid shall commence and be held as herein-
185 after provided.

186 (f) On or before January one, one thousand nine hun-
187 dred eighty-three, the supreme court of appeals of West
188 Virginia shall submit to the Legislature a plan for re-
189 arranging the circuits created in subsection (a) of this
190 section.

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

James L. Davis
Chairman Senate Committee

Charles C. Chism
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

J. C. Dillough
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. C. Brooks
President of the Senate

Clide N. Lee, Jr.
Speaker House of Delegates

The within is approved this the 9
day of March, 1979.

John D. Rhyne
Governor



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GOV. OF STATE