

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-9-79

Time 1:45 p.m.

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1979



**ENROLLED**

SENATE BILL NO. 305

(By Mr. Susman, Mr. Stilliams, et al)



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*)

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

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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. Christman*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

*J. Dillough*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*H. C. Brothman*  
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. Rhyll*  
Governor



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