

No: 746

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

SENATE BILL NO. 746

*(Originating in the Committee
[redacted] on the Judiciary)*



PASSED March 12 1987

In Effect ninety days from Passage



ENROLLED
Senate Bill No. 746

(Originating in the Committee on the Judiciary)

[Passed March 12, 1987; in effect ninety days from passage.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-three, relating to the West Virginia boundary commission act; short title; legislative findings and intent; definitions; West Virginia boundary commission created; appointment; terms in office; expenses; powers and duties.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-three, to read as follows:

ARTICLE 23. WEST VIRGINIA BOUNDARY COMMISSION.

§29-23-1. Definitions.

- 1 As used in this article:
- 2 (a) The term "boundary line dispute" means any
- 3 property line of the state, county or a municipality that is in
- 4 question as to its specific physical location.
- 5 (b) The term "West Virginia Geological and Economic
- 6 Survey" means that entity established by article two,
- 7 chapter twenty-nine of this code.

§29-23-2. West Virginia boundary commission created; appointment; terms in office; expenses; powers and duties.

1 (a) There is hereby created a boundary commission
2 which shall consist of three members, who shall be residents
3 and citizens of the state, all of whom shall have experience
4 involving map reading or surveying. The commission
5 members shall investigate state, county and municipal
6 boundary disputes when requested to do so by the governor
7 or Legislature. The commission members shall be
8 appointed by the governor, by and with the advice and
9 consent of the Senate, no later than the first day of July, one
10 thousand nine hundred eighty-seven. No more than two
11 members may belong to the same political party. The
12 commission members shall serve a term concurrent with
13 that of the governor's term in office. Commission members
14 may be reappointed to additional terms.

15 (b) Members shall be reimbursed for reasonable and
16 necessary expenses incurred in fulfilling the duties and
17 responsibilities of the commission.

18 (c) The commission shall have the authority to:

19 (1) Establish a boundary line which shall be presumed
20 correct unless proven otherwise in a court of law;

21 (2) Employ a surveyor or professional engineer licensed
22 in this state to survey such boundary;

23 (3) Contract for the placement of monuments to identify
24 any boundary line in dispute, such monuments to be
25 handset by a licensed surveyor;

26 (4) Seek the assistance of the West Virginia geological
27 and economic survey to identify the location of any
28 boundary line in dispute and the recommended placement
29 of marker locations;

30 (5) Meet with similar commissions or bodies of any of
31 the several states contiguous with this state, whose purpose
32 in their respective states is to establish state boundary lines
33 coterminous with the boundary of the state of West Virginia
34 and submit findings and recommendations to the
35 Legislature, applicable to the location of any particular
36 boundary segment in question;

37 (6) Recommend to the Legislature that appropriate
38 legislation be enacted, establishing the true boundary line
39 at those portions of the state boundary that are in dispute

40 with another state or whose location is uncertain: *Provided,*
41 That the contiguous state agrees with the recommendation;
42 (7) Recommend to the Legislature, where no agreement
43 can be attained with another state as to the actual location
44 of any portion of this state's boundary line, proper
45 legislation to direct that the attorney general proceed under
46 the constitution of the United States with litigation to
47 adjudicate the exact and true location of any boundary line
48 in dispute or whose precise location is unascertainable; and
49 (8) Prepare an annual report to the Legislature and
50 governor, by the first day of the legislative session,
51 concerning commission activities, recommendations and
52 other necessary information.

Handwritten signatures and initials, including "S. B. No. 746" and "Enr. S. B. No. 746".

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

[Signature]
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jodd C. Wells
.....
Clerk of the Senate

Donald L. Hogg
.....
Clerk of the House of Delegates

Sanford
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *approved* this the *19th*
March day of 1987.

Arch A. Prange, Jr.
.....
Governor



PRESENTED TO THE
GOVERNOR

Date 3/16/57

Time 3:25 p.m.