

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 603

(By Senators HALMAN & FELTON)

PASSED MARCH 11, 1988

In Effect 90 days from Passage



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(BY SENATORS HARMAN AND FELTON)

[Passed March 11, 1988; in effect ninety days from passage.]

AN ACT to reform, alter and modify the county commission of the county of Preston, so as to make the same composed of three commissioners, in all respects as provided by section thirteen, article nine of the constitution of West Virginia.

Be it enacted by the Legislature of West Virginia:

PRESTON COUNTY COMMISSION.

§1. Declaration of legislative findings.

1 The Legislature hereby finds and declares that, by a
2 petition presented to the county commission of the county
3 of Preston, at least ten percent of the registered voters of
4 said county have requested the reformation, alteration and
5 modification of the county commission of said county
6 pursuant to the provisions of section thirteen, article nine of
7 the constitution, so as to make the county commission
8 composed of three commissioners as provided by section
9 nine, article nine of the constitution, elected by the voters of
10 said county and to hold their office in the manner provided
11 in section ten of said article. The language of the petition
12 therefor is set out as follows:
13 “PETITION TO REFORM, ALTER AND MODIFY THE

14 TRIBUNAL IN LIEU OF THE COUNTY COMMISSION OF
15 PRESTON COUNTY NOW COMPOSED OF EIGHT (8)
16 COMMISSIONERS ELECTED BY THE VOTERS OF THE
17 MAGISTERIAL DISTRICT WHEREIN THE
18 COMMISSIONER RESIDES, AND TO PROVIDE FOR A
19 COUNTY COMMISSION CONSISTING OF THREE (3)
20 COMMISSIONERS ELECTED BY THE VOTERS OF
21 PRESTON COUNTY IN THE MANNER PROVIDED IN
22 ARTICLE IX, SECTIONS 9 AND 10 OF THE
23 CONSTITUTION OF WEST VIRGINIA.

24 TO THE COUNTY COMMISSION OF PRESTON
25 COUNTY:

26 We, the undersigned citizens, residents and registered
27 legal voters of Preston County, West Virginia, hereby
28 petition the County Commission of Preston County
29 pursuant to Article IX, Section 13 of the Constitution of
30 West Virginia, to reform, alter and modify the tribunal in
31 lieu of the County Commission of Preston County created
32 pursuant to Chapter X of the 1887 Acts of the West Virginia
33 Legislature, and to request the Legislature of the State of
34 West Virginia, at its next regular session, to enact an act
35 reforming, altering and modifying the tribunal in lieu of the
36 County Commission of Preston County, and establish in lieu
37 thereof another tribunal for the transaction of the business
38 required to be performed by the tribunal now acting in lieu
39 of the County Commission of Preston County, such act to
40 take effect upon the assent of the voters of Preston County
41 and to provide for a County Commission consisting of three
42 (3) Commissioners elected by the voters of Preston County
43 in the manner provided in Article IX, Sections 9 and 10 of
44 the Constitution of West Virginia."

45 The Legislature further finds and declares that, by a
46 letter dated the sixteenth day of April, one thousand nine
47 hundred eighty-seven, the county commission of the county
48 of Preston has verified that the petition is proper and has
49 requested the Legislature to so reform, alter and modify
50 said county commission, as required by the provisions of
51 section thirteen, article nine of the constitution of this state.
52 The Legislature further finds and declares that it fulfills the
53 mandatory requirements of said petition and of said section
54 thirteen of the constitution by the provisions of this act.

§2. Reformation, alteration and modification of the county commission of the county of Preston; composition; application of laws.

1 That on and after the first day of January, one thousand
2 nine hundred ninety-one, the county commission of the
3 county of Preston shall be composed of three
4 commissioners, and shall be in all respects such county
5 commission, with such powers, duties and responsibilities,
6 as is provided for under sections nine, ten and eleven, article
7 nine of the constitution of this state, and all of the
8 provisions of the constitution and general laws of this state,
9 relating to county commissions composed of three
10 commissioners shall apply to said county commission.

§3. Election of county commissioners; terms of office; exception.

1 At the general election to be held in the year one thousand
2 nine hundred ninety, there shall be elected by the voters of
3 the county of Preston three commissioners of said county
4 commission, no two of whom shall be residents of the same
5 magisterial district, and county commissioners shall hold
6 their office for a term of six years, except that at the first
7 meeting of said commissioners elected in the year one
8 thousand nine hundred ninety, they shall designate by lot,
9 or otherwise in such manner as they may determine, one of
10 their number, who shall hold his office for a term of two
11 years, one for four years and one for six years so that one
12 shall be elected every two years. If two or more persons
13 residing in the same district shall receive the greater
14 number of votes cast at any election then only the one of
15 such persons receiving the highest number shall be declared
16 elected, and the person living in another district, who shall
17 receive the next highest number of votes, shall be declared
18 elected.

§4. Submission to voters of question of reformation, alteration and modification of the county commission.

1 At the general election to be held in the year one thousand
2 nine hundred eighty-eight, the question of assent to or
3 rejection of the creation by reformation, alteration and
4 modification of the county commission as is provided by
5 this act shall be submitted to the voters of the county of

6 Preston voting at such election. Notice of such election on
7 the question shall be given by publication of this act in each
8 weekly or daily newspaper as a Class II-O legal
9 advertisement in compliance with the provisions of article
10 three, chapter fifty-nine of the code of West Virginia, one
11 thousand nine hundred thirty-one, as amended, in said
12 county once in each week for two successive weeks
13 immediately preceding said election. Said election shall be
14 conducted and the result ascertained and declared as
15 provided by law for general elections. The board of ballot
16 commissioners of said county shall place upon, and at the
17 foot of, the official ballot to be voted at the general election,
18 under the heading "Ballot on Modification of the County
19 Commission," a summary of the purpose of such ballot and
20 the words "For modification of the county commission" and
21 "Against modification of the county commission," and the
22 same shall be printed in form and content as follows:

23 "Ballot on Modification of the County Commission

24 To reform, alter and modify the County Commission of
25 Preston County, now composed of eight commissioners
26 elected by the voters of the magisterial district wherein the
27 commissioner resides, and to provide for a county
28 commission composed of three commissioners, no two of
29 which may reside in the same magisterial district, elected
30 by the voters of the county at large in the manner provided
31 in sections nine and ten of the Constitution of West Virginia.

32 ☐ For modification of the county commission.

33 ☐ Against modification of the county commission."

§5. Effect of result of vote on modification of the county commission.

1 If a majority of the votes cast upon the question be for
2 modification of the county commission, this act shall be and
3 remain in full force and effect; but, if a majority of said
4 votes be against modification of said county commission,
5 said act shall be void and of no further force and effect.

§6. Repeal of inconsistent provisions.

1 So much and such parts of chapter ten, of the acts of the
2 Legislature of West Virginia, one thousand eight hundred
3 eighty-seven, as are inconsistent herewith, are hereby
4 repealed.

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

Samuel A. Alcorn
.....
Chairman Senate Committee

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

Originated in the Senate.

In effect ninety days from passage.

Isabel C. Wallis
.....
Clerk of the Senate

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

Sam Tankership
.....
President of the Senate

Robert C. R. R.
.....
Speaker House of Delegates

The within *approved* this the *28th*
March
day of 1988.

Ann A. Phares
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 4:21 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE