WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 603

(By Senators HARMON & HERTON)

PASSED March 11, 1988
In Effect 90 days from Passage
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Senate Bill No. 603
(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 petition presented to the county commission of the county of Preston, at least ten percent of the registered voters of said county have requested the reformation, alteration and modification of the county commission of said county pursuant to the provisions of section thirteen, article nine of the constitution, so as to make the county commission composed of three commissioners as provided by section nine, article nine of the constitution, elected by the voters of said county and to hold their office in the manner provided in section ten of said article. The language of the petition therefor is set out as follows:

“PETITION TO REFORM, ALTER AND MODIFY THE
TRIBUNAL IN LIEU OF THE COUNTY COMMISSION OF PRESTON COUNTY NOW COMPOSED OF EIGHT (8) COMMISSIONERS ELECTED BY THE VOTERS OF THE MAGISTERIAL DISTRICT WHEREIN THE COMMISSIONER RESIDES, AND TO PROVIDE FOR A COUNTY COMMISSION CONSISTING OF THREE (3) COMMISSIONERS ELECTED BY THE VOTERS OF PRESTON COUNTY IN THE MANNER PROVIDED IN ARTICLE IX, SECTIONS 9 AND 10 OF THE CONSTITUTION OF WEST VIRGINIA.

TO THE COUNTY COMMISSION OF PRESTON COUNTY:

We, the undersigned citizens, residents and registered legal voters of Preston County, West Virginia, hereby petition the County Commission of Preston County pursuant to Article IX, Section 13 of the Constitution of West Virginia, to reform, alter and modify the tribunal in lieu of the County Commission of Preston County created pursuant to Chapter X of the 1887 Acts of the West Virginia Legislature, and to request the Legislature of the State of West Virginia, at its next regular session, to enact an act reforming, altering and modifying the tribunal in lieu of the County Commission of Preston County, and establish in lieu thereof another tribunal for the transaction of the business required to be performed by the tribunal now acting in lieu of the County Commission of Preston County, such act to take effect upon the assent of the voters of Preston County and to provide for a County Commission consisting of three (3) Commissioners elected by the voters of Preston County in the manner provided in Article IX, Sections 9 and 10 of the Constitution of West Virginia.”

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

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

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

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

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

At the general election to be held in the year one thousand nine hundred eighty-eight, the question of assent to or rejection of the creation by reformation, alteration and modification of the county commission as is provided by this act shall be submitted to the voters of the county of
Preston voting at such election. Notice of such election on
the question shall be given by publication of this act in each
weekly or daily newspaper as a Class II-O legal
advertisement in compliance with the provisions of article
three, chapter fifty-nine of the code of West Virginia, one
thousand nine hundred thirty-one, as amended, in said
county once in each week for two successive weeks
immediately preceding said election. Said election shall be
conducted and the result ascertained and declared as
provided by law for general elections. The board of ballot
commissioners of said county shall place upon, and at the
foot of, the official ballot to be voted at the general election,
under the heading “Ballot on Modification of the County
Commission,” a summary of the purpose of such ballot and
the words “For modification of the county commission” and
“Against modification of the county commission,” and the
same shall be printed in form and content as follows:
“Ballot on Modification of the County Commission
To reform, alter and modify the County Commission of
Preston County, now composed of eight commissioners
elected by the voters of the magisterial district wherein the
commissioner resides, and to provide for a county
commission composed of three commissioners, no two of
which may reside in the same magisterial district, elected
by the voters of the county at large in the manner provided
in sections nine and ten of the Constitution of West Virginia.
☐ For modification of the county commission.
☐ Against modification of the county commission.”

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

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

§6. Repeal of inconsistent provisions.

So much and such parts of chapter ten, of the acts of the
Legislature of West Virginia, one thousand eight hundred
eighty-seven, as are inconsistent herewith, are hereby
repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within .................. this the ............. day of .............., 1988.

[Signature]
Governor