WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
ENROLLED
Senate Bill No. 740

(Senator Unger, original sponsor)

[Passed March 7, 2008; in effect from passage.]
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AN ACT to reform the county commission of Berkeley County under the provisions of section thirteen, article IX of the Constitution of West Virginia.

Be it enacted by the Legislature of West Virginia:

BERKELEY COUNTY COMMISSION.

§1. Legislative findings.
Enr. Com. Sub. for S. B. No. 740] 2

1 (a) The Legislature finds that:

2 (1) The county commission of Berkeley County
3 submitted a resolution requesting reformation of the
4 county commission pursuant to section thirteen, article
5 IX of the West Virginia Constitution;

6 (2) Berkeley County has experienced growth which
7 has caused the business before the commission to
8 dramatically increase; and

9 (3) Because of this growth, the citizens of the county
10 feel consideration of the county's business should be
11 shared among a greater number of elected officials.

12 (b) Therefore, the Legislature declares that pursuant
13 to the request in the resolution, Berkeley County is
14 authorized to place before the voters of Berkeley
15 County the question of a new tribunal consisting of five
16 members, which tribunal shall be called the Berkeley
17 County Council.

§2. Submission to voters of question of reformation of the
county commission; publication.

1 (a) At the general election held on the fourth day of
2 November, two thousand eight, the question of the
3 reformation of the county commission of Berkeley
4 County, as provided in this act, shall be submitted to
5 the voters of Berkeley County on a ballot furnished by
6 the county commission, in the following form:

7 □ "For increasing the county commission to five
8 members and renaming the commission the Berkeley
9 County Council."
§3. Election of Berkeley County Council members.

(a) At the primary election to be held in the year two thousand ten, persons shall be nominated as members of the Berkeley County Council. The election of the three new council members will be held at the general election scheduled for the first Tuesday in November, two thousand ten.

(b) The three new council members shall be elected for staggered terms of two, four and six years respectively. The terms of the newly elected council members will be decided as follows:

(1) The six-year term to the newly elected member who received the greatest number of votes;

(2) The four-year term to the newly elected member who received the second greatest number of votes; and

(3) The two-year term to the newly elected member who received the third greatest number of votes.
(c) The other two of members of the council shall be those members of the Berkeley County Commission whose terms will not have ended by the first day of January, two thousand eleven. These two members shall serve until their original commission terms expire.

(d) After the initial term, each council member serves a six-year term.

(e) No two members of the council shall be from the same magisterial district and all members shall be elected from the county at large.

(f) The new council shall become effective and the members shall take office on the first day of January, two thousand eleven.


(a) The new Berkeley County Council has the same powers, duties and responsibilities as a county commission, as provided in the constitution and the general laws of this state.

(b) A majority of the members of the council constitutes a quorum.

§5. Elections.

The elections set forth in this act shall conform in all respects to the election laws and rules administered by the West Virginia Secretary of State.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chad White

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Darrin Griffie

Clerk of the House of Delegates

President of the Senate

Earl Ray Tomblin

Speaker House of Delegates

The within is approved this the 28th Day of March, 2008.

Governor

Joe Manchin III