

SB 740

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2008 MAR 28 PM 4:27

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

WILLIAMSON
SECRETARY OF STATE

COMMITTEE SUBSTITUTE
FOR

ENROLLED

Senate Bill No. 740

(SENATOR UNGER, *original sponsor*)

[Passed March 7, 2008; in effect from passage.]

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Senate Bill No. 740

(SENATOR UNGER, *original sponsor*)

[Passed March 7, 2008; in effect from passage.]

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.

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."

10 "Against increasing the county commission to
11 five members and renaming the commission the
12 Berkeley County Council."

13 (b) Notice of the election on the question shall be
14 given by publication of this act in each weekly or daily
15 newspaper as a Class II-0 legal advertisement in
16 compliance with the provisions of article three, chapter
17 fifty-nine of the code in the county at least once in each
18 week for two successive weeks immediately preceding
19 the election.

§3. Election of Berkeley County Council members.

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

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

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

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

15 (3) The two-year term to the newly elected member
16 who received the third greatest number of votes.

17 (c) The other two of members of the council shall be
18 those members of the Berkeley County Commission
19 whose terms will not have ended by the first day of
20 January, two thousand eleven. These two members
21 shall serve until their original commission terms expire.

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

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

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

§4. Powers and duties.

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

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

§5. Elections.

1 The elections set forth in this act shall conform in all
2 respects to the election laws and rules administered by
3 the West Virginia Secretary of State.

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

.....
Sandy White
.....
Chairman Senate Committee

.....
[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

.....
Daniel E. Holne
.....
Clerk of the Senate

.....
Bugsy A. Bay
.....
Clerk of the House of Delegates

.....
Carl Ray Tomblin
.....
President of the Senate

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

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

.....
[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 21 2008

Time 9:45 AM