

CHAPTER 2

State and Local Government in West Virginia

CHAPTER PREVIEW

TERMS

concurrent powers, preamble, apportionment, census, governor, board of public works, supreme court of appeals, circuit court, felony, misdemeanor, magistrate court, family court, deficit spending, revenue, expenditures, graduated income tax, sales tax, use tax, excise tax, severance tax, county seat, real property, personal property, county commission, property assessment, municipality, charter, mayor-council form, council-manager form, commission form, school board

PEOPLE

speaker of the House, president of the Senate, governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of agriculture, state superintendent of schools, county clerk, circuit clerk, sheriff, assessor, prosecuting attorney



Background: The courtroom of West Virginia's supreme court reflects the dignity of the proceedings inside its chamber. Four white marble columns are located on three of the chamber's walls.

As you learned in Chapter 1, the U.S. Constitution, the supreme law of the land, established a federal system of government. Although a federal system provides for a strong national government with specific powers, it also preserves a certain amount of self-rule by the states. Under this system, states have certain rights, like the power to establish education systems, issue licenses, and regulate trade within the state. Other powers, however, are **concurrent**, or shared by the national and state governments. Levying taxes, borrowing money, making and enforcing laws, and establishing courts are examples of concurrent powers.

Although much attention is focused on the national and state government, the government that is closest to the people is local government—either county or city. There are divisions of authority between state and local governments, but they too share responsibility in certain areas, such as schools and roads. Local governments are more likely to anticipate the needs of the citizens and, as a result, play a vital role in the lives of the people of West Virginia.



SIGNS of the TIMES

HISTORY

West Virginia's Capitol, which was begun in 1924, was completed in 1932 at a cost of some \$10 million. Although the chambers for the two legislative houses look similar, there are some symbolic differences. The ceiling of the Senate is domed, while the ceiling in the House is flat. Carved eagles in the Senate have spread wings, while the wings of the eagles in the House are closed. Like its mother state Virginia, West Virginia's lower house is called the House of Delegates. Only three states—Delaware, Virginia, and West Virginia—use this designation.

ECONOMICS

The current Governor's Mansion was built in 1921 from some of the proceeds of a newly created sales tax. The cost of construction was \$200,000. During the first administration of Governor Joe Manchin III, renovations to the mansion were \$3.6 million. In January 2018, a contract was awarded to repair the Capitol dome. The low bid was \$10,930,638.

GEOGRAPHY

In June 2016, West Virginia experienced the third-deadliest flood in its history, resulting in a declared state of emergency in ten counties. Policy changes by the Environmental Protection Agency in 2017 and 2018 resulted in the increased production of coal.

GOVERNMENT

Governor Jim Justice changed his political party to Republican at a rally for Donald Trump in August 2017. In May 2018, the Department of Education and the Arts was eliminated, and a new department—Arts, Culture and History—was created. The new department will be headed by a curator.

CIVICS

In 2016, the number of persons registered to vote in West Virginia was 1,227,600. Of that number, 42.76% were registered Democrats, 32.00% were Republicans, 0.17% were Mountain Party, 0.48% were Libertarians, 21.80% were No Party (Independent), and 2.79% were Other. Between December 2017 and April 2018, 45,171 new voters registered, including 13,995 high school students.

Acquiring Information

DEFINING THE SKILL

As a student, you are constantly confronted with questions that require answers. Some of the questions require a factual response that you can easily find in any number of reading sources, like a textbook. To acquire information from your textbook to answer a factual question, follow these steps:

- Skim the reading material to look for a word or phrase that is used in the body of the question.
- Check to see if there is a connection between the question and the answer you believe to be correct.
- If there is a connection, select that word or phrase as your answer.

PRACTICING THE SKILL

Copy the graphic organizer below on a separate sheet of paper. Read the question and then skim Section 1 of your textbook to find the factual answer. Write the answer in the Acquired Information box and indicate on what page or pages you found the information.

Question	Acquired Information		Page
What are the democratic principles found in the West Virginia constitution?	Detail 1		
	Detail 2		
	Detail 3		
	Detail 4		
	Detail 5		

SECTION 1

A History of West Virginia Government

As you read, look for

- the current West Virginia constitution;
- the basic principles upon which West Virginia's government was formed;
- the similarities between the United States Constitution and the West Virginia constitution;
- the process used to amend the West Virginia constitution;
- term: **preamble**.

West Virginia has had only two constitutions. The first, which took effect in 1863, provided the guidelines under which the new state's government was created. The second, written in 1872, has been in effect for over one hundred thirty years.

The framers of the West Virginia constitution of 1872 left no doubt that they understood the principle of federalism. In Article I, the constitution states, "The state of West Virginia is, and shall remain, one of the United States of America. The constitution of the United States of America, and the laws and treaties made in pursuance thereof, shall be the supreme law of the land." The language found in the West Virginia constitution clearly recognizes the federal government as the supreme authority.

Most constitutions begin with a **preamble** (the introductory part of a document; a statement of purpose). West Virginia's constitution, however, did not have a preamble until 1960.



Since through Divine Providence we enjoy the blessings of civil, political and religious liberty, we, the people of West Virginia, in and through the provisions of this Constitution, reaffirm our faith in and constant reliance upon God and seek diligently to promote, preserve and perpetuate good government in the state of West Virginia for the common welfare, freedom and security of ourselves and our posterity.

Figure 2.1

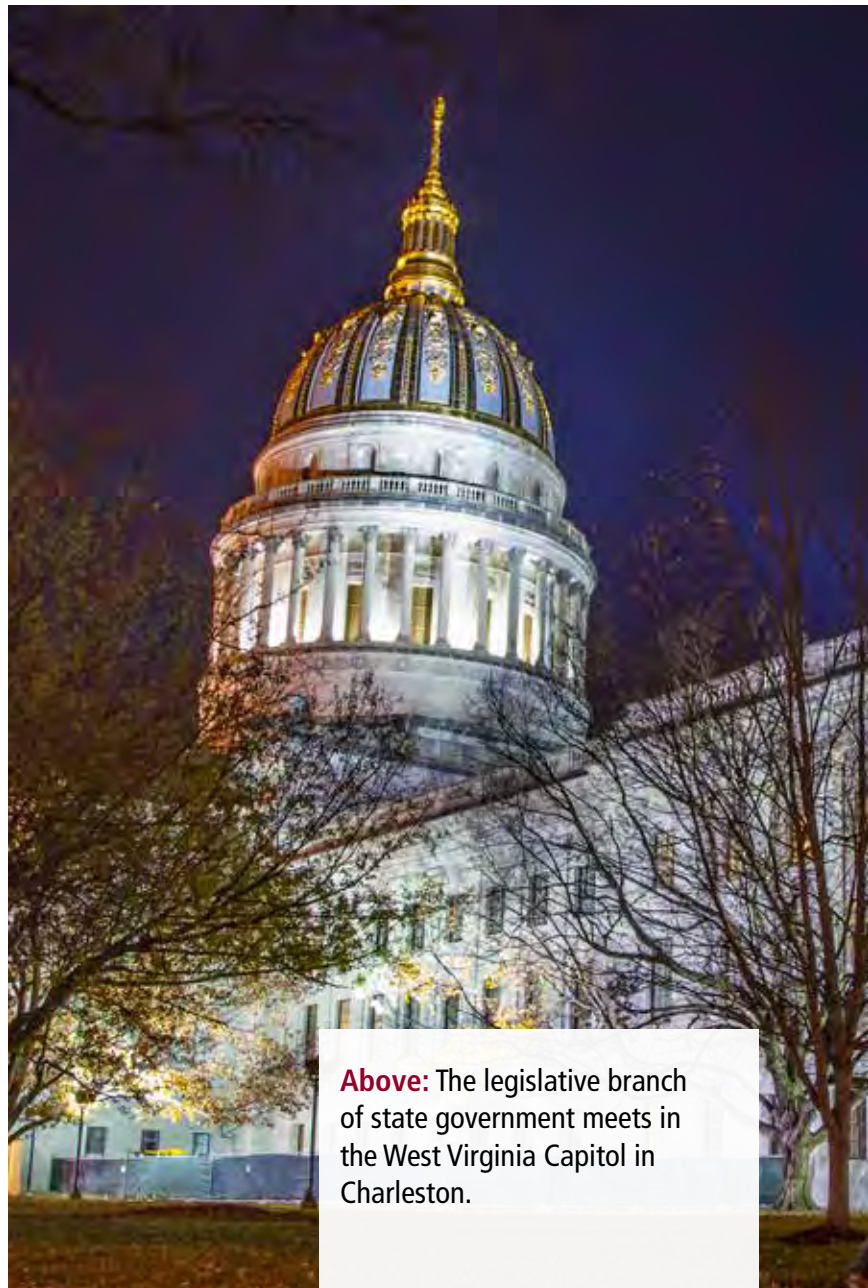
Preamble to the West Virginia Constitution

Principles of West Virginia Government

In addition to the principle of federalism, the West Virginia constitution is based on the democratic principles of sovereignty, limited government, separation of powers, and checks and balances. The preamble to the West Virginia constitution demonstrates the principle of *sovereignty* when it states: “we, the people of West Virginia, in and through the provisions of this Constitution, . . .” The people set up the government and are “sovereign” over it. In other words, the people are all powerful, and government only exists with their consent. All powers come from and rest with the people.

The West Virginia constitution *limits* the power of government to the powers granted to it by the people. All government originates through the consent of the people for the good of the whole. The government is not above the law; it must exist under the rule of law. When the government violates the trust of the people, the people can change it through the ballot box.

The principle of *separation of powers* is based on the idea that too much power given to one person or a group of persons could threaten people’s freedoms. According to the state constitution, the powers of West Virginia’s government are divided among the legislative, executive, and judicial branches. The legislative branch is the lawmaking body for the state and consists of the House of Delegates and the Senate. The governor, as head of the executive branch, enforces, executes, and administers the laws of the state. The judicial branch consists of the supreme court of appeals and other state courts, which interpret and apply the laws of the state of West Virginia.



Above: The legislative branch of state government meets in the West Virginia Capitol in Charleston.

Below: As governor, Jim Justice signs many bills into law.



To keep any one branch from getting too powerful, the West Virginia constitution, like the United States Constitution, created a system of *checks and balances*. Each branch of government can use its powers to promote equality among the branches. For example, the Legislature has the power to make laws, but the governor can veto those laws. In turn, the Legislature can override a governor's veto by a majority vote in each house. The state supreme court can declare an act of the other branches unconstitutional.

Amending the West Virginia Constitution

An important part of all constitutions is the amendment process. The West Virginia constitution may be amended in one of two ways. The usual process begins in the Legislature, where an amendment may be proposed in either house. If two-thirds of the members of each house of the Legislature approve the proposed amendment, the issue is placed on the ballot to be approved or rejected by the voters of the state. If a majority of the voters ratify the amendment, it becomes a part of the state constitution and is in force from the time of the ratification.

Figure 2.2

Amending the Constitutions

	West Virginia Constitution	United States Constitution
Amendment process	<ol style="list-style-type: none"> Proposed by constitutional convention and approved by a majority of both houses of the Legislature and a majority of the voters. Proposed by two-thirds of members of both houses of the Legislature and approved by a majority of the voters of the state. 	<ol style="list-style-type: none"> Proposed by constitutional convention and approved by two-thirds of state legislatures. Proposed by two-thirds of members of both houses of Congress and approved by three-fourths of the legislatures of the states or by three-fourths of the constitutional conventions called for that purpose.
Most recent amendment(s)	No state constitutional right to or funding for abortion; Judiciary budget controlled by Legislature (2018)	Restriction of Pay Raises for Congress (1992)
Deadline on ratification period	At next general election or at special election called for that purpose	None unless specified in proposed amendment

Amendments may also be made by a constitutional convention called for that purpose. Citizens of the state vote to select the delegates to the convention. The people must also vote to approve any amendments proposed by delegates at that convention.

Some amendments to the West Virginia constitution have not changed the role of government, while others have had a great impact. An amendment in 1960 simply added a preamble to the constitution. One passed in 1970 allowed the governor to serve two consecutive terms. Another amendment, passed in 2000, established a family court system.



Reviewing the Section

Reviewing the Content

1. What are the democratic principles on which West Virginia's government is based?
2. What do the United States and the West Virginia constitutions have in common?
3. How can the West Virginia constitution be changed?

Using the Content

1. Look at a copy of the United States Constitution. What expressed powers given to the federal government would you suggest giving to the states? Write a persuasive essay expressing your point of view.
2. Look at Figure 2.1 on page 55. Write a description of the preamble to West Virginia's constitution in your own words.

Extending the Literacy Skill

Use Figure 2.2 on page 56 to answer the following questions:

1. When was the last amendment to the U.S. Constitution ratified?
2. Which constitution do you think would be the most difficult to amend? Give reasons to support your answer.

Above: Amendments can be placed on a ballot to be voted on by the people.

The Many Faces of West Virginia's Capitol

West Virginia has had six capitol buildings since it became a state in 1863. In the midst of the Civil War, West Virginia separated from Virginia and established its first capital in Wheeling, which at the time was the largest city in the state. The Linsly Institute became the *capitol*, the building in which a legislature meets.

Seven years after it became a state, southern lawmakers pushed to move the capital to a more central location. The city chosen was Charleston. The new center of government there was located on Capitol Street. However, that building no longer exists.

Charleston was the capital city for five years (1870-1875) before the seat of government returned to Wheeling. The city of Wheeling gave the state a new capitol, which cost \$120,000 to build. The state's third capitol was in Wheeling for ten years (top right).

In 1885, the steam towboat *Belle Prince* towed a barge loaded with state records and papers back to Charleston. West Virginia's lawmakers moved into a Victorian-style building located at the intersection of Capitol and State (now Lee) Streets. This building remained the capitol until it was destroyed by fire on January 3, 1921 (left). The fire set off ammunition that had been stored in the building to be used in disputes in the coal fields. After the fire, there was discussion of moving the capital once again. Clarksburg, Parkersburg, and Huntington expressed an interest.

Instead, a temporary building, often referred to as the "Pasteboard Capitol," was erected while a new capitol was constructed. The building, which was constructed of clapboard and wallboard in forty-two days, served as the capitol until it too was destroyed by fire in 1927.

Luckily, when the temporary capitol burned, the construction of a permanent capitol was almost complete. By 1932, the present capitol (right), designed by Cass Gilbert, was finished. The West Virginia Capitol that faces the Kanawha River in Charleston today was opened and dedicated on June 20, 1932, by Governor William G. Conley. The Capitol has fourteen acres of floor space and features a gleaming golden dome. Built with limestone on a steel frame, the dome extends to 293 feet, 5 feet higher than the dome of the U.S. Capitol in Washington, DC.



SECTION 2

The Three Branches of State Government

As you read, look for

- the names of the three branches of government;
- the organization and powers of each branch of government;
- sources of revenue and expenditures of state government;
- terms: **apportionment, census, governor, board of public works, supreme court of appeals, circuit court, felony, misdemeanor, magistrate court, family court, deficit spending, revenue, expenditure, graduated income tax, sales tax, use tax, excise tax, severance tax.**

Just like the national government, West Virginia’s state government is organized into three branches—legislative, executive, and judicial. Each of these branches has specific powers and is organized to provide checks to keep the other branches from becoming too powerful.

The Legislative Branch of State Government

The legislative branch of the state government is called the Legislature. It has two houses—the Senate and the House of Delegates. Voters elect thirty-four senators (two from each of seventeen districts) and one hundred members of the House of Delegates from fifty-eight districts. A process called **apportionment** (the act of distributing something, in this case the population, according to a plan) determines the number of seats in the Senate and the House. Federal courts have ruled that seats in a state legislature must be allocated so that one person’s vote in a district is worth

Below: West Virginia Senate.





as much as another person's. Sometimes called the "one man, one vote rule," this means that the districts from which West Virginia's senators and delegates are elected must contain approximately equal populations.



Top: West Virginia House of Delegates. **Above:** Roger Hanshaw serves as the speaker of the House of Delegates.

The population—in the country, states, and counties—does not always stay the same. To update population data, the national government takes a **census** (an actual count of the people) every ten years. The West Virginia constitution requires that the maps of the legislative districts be redrawn after every census to ensure that each district has about the same population.

Membership in the Legislature

Members of the West Virginia Senate are elected to four-year terms. Their terms are staggered so that one-half of the senators are elected biennially (every two years). Members of the House of Delegates are elected to two-year terms. Members of both houses may be reelected for an unlimited number of terms.

Any eligible voter in West Virginia may be elected to the Legislature. Members must, however, be state residents for at least one year before their election and residents of the districts they represent. Senators must be at least twenty-five years old, but delegates may be elected at age eighteen. No one who already holds an elected office, such as congressman or county clerk, may serve in the Legislature. Also, any person convicted of a serious crime cannot serve.

Legislative Sessions

Regular legislative sessions begin in Charleston on the second Wednesday of January of each year. In the year following the election of a governor, however, the legislature begins its work on the second Wednesday in February and continues for sixty days. The sixty-day *regular session* generally begins with the State of the State Address, in which the governor makes recommendations for legislation.

If the Legislature does not complete its work within the sixty days, the governor may call an *extended session*. In a governor-extended session, legislators can only work on the state budget. The legislators themselves may extend the regular session if two-thirds of the membership in both houses votes to do so. When this happens, the lawmakers may consider any issue. Although the Legislature rarely votes to extend the regular session, the governor has done so a number of times, allowing extra time to finalize the budget.

The governor may also call the Legislature into *special session* at any time if there is a problem or if three-fifths of the members of the Legislature make such a request in writing. Governors have called special sessions, but the Legislature itself has rarely done so.

Powers of the Legislature

The best-known powers of the West Virginia Legislature are to pass laws and to make constitutional amendments. The Legislature, however, has a number of lesser-known powers. For example, the Legislature has the power to choose a new governor if the governor dies, is convicted of wrongdoing, or resigns. If there is a year or less remaining in the current governor's term, both houses of the Legislature must vote to name a new governor. If there is more than one year remaining in the governor's term, a general election is held to select a new governor.

The state Senate must approve many of the governor's appointments. Members of each house may punish colleagues for disorderly behavior. Representatives may, in fact, be expelled if two-thirds of the membership agrees. The House of Delegates also has the power to impeach any officer of the state. The Senate tries (hears) impeachments; convictions must be by a two-thirds vote.



Above: This desk in the Legislature reflects the growing use of technology.

something extra!

New legislative districts, which were drawn based on the 2010 Census, went into effect in 2015.



Organization of the Legislature

The representatives themselves choose the presiding officers of both houses of the Legislature for two-year terms. The leader of the House of Delegates is called the speaker of the House, while the presiding officer of the Senate is called the president of the Senate-lieutenant governor. (Although the West Virginia constitution does not provide for the office of lieutenant governor, the title is assigned by law to the president of the state Senate.) The duties of both of these officers include presiding over the legislative sessions, enforcing and interpreting rules, making committee assignments, and referring bills to committees.

If the governor's office becomes vacant, the president of the Senate acts as governor until the vacancy is filled. If the president of the Senate cannot perform the duties of governor, the speaker of the House assumes the governor's duties for the one year or less that remains in the term.

In 2010, Earl Ray Tomblin, the president of the West Virginia Senate, became acting governor, following Joe Manchin's election to the United States Senate to replace Robert C. Byrd. On October 4, 2011, Tomblin was elected by the people as governor of West Virginia in a special election to fill Manchin's unexpired term ending in January 2013.

Above: Mitch Carmichael, as the president of the Senate, also has the title of lieutenant governor.

The Lawmaking Process

Laws begin as bills, and, as you will see, most of the work in the Legislature is done in committees. A bill may be introduced in either house of the Legislature. Sometimes the same bill is introduced in both. Usually, however, a bill originates in only one house and, if passed there, is sent to the other house for consideration. Suppose, for example, that a bill is introduced in the state House of Delegates.

At a set time, the clerk reads the title and number of the bill. The presiding officer assigns the bill to the appropriate committee for study. The committee discusses and perhaps revises the bill. The committee may hold hearings so interested persons and groups have the opportunity to tell the lawmakers what they think about the bill. After the committee votes, the bill is returned to the House with a recommendation that it be passed or rejected or with no recommendation at all. Occasionally, a bill “dies” in committee when the committee does not have time to discuss it.

When the bill is sent to the full House, it is placed on the calendar for consideration. Bills are read three times. During the first and second readings, the delegates may discuss, debate, and revise the bill. After the third reading, a final vote is taken. If a majority of delegates (one more than half) approve the bill, it is sent to the Senate, where the entire process is repeated.

A bill must pass both houses in exactly the same form in order to become law. If the bill passed by each house is different, it is referred to a conference committee where members from both houses work out any differences. The revised bill then goes back to both houses for another vote. Once both houses have approved a bill, it is sent to the governor.

The governor has five days to act on a bill and can sign the bill into law, veto the bill, or allow it to become law without a signature. If the governor vetoes a bill, lawmakers may then vote on the bill again. If a majority in each house approves it, the bill becomes law over the governor’s veto. Budget or appropriations bills, however, require a two-thirds vote in each house to override a governor’s veto.

Below: After giving the State of the State Address, Governor Justice introduced the girls’ basketball team from Greenbrier East High School. Besides serving as governor, he is the team’s coach!

something
extra!



In any given year, about 1,500 bills are introduced, but only about 10 percent of them become laws.

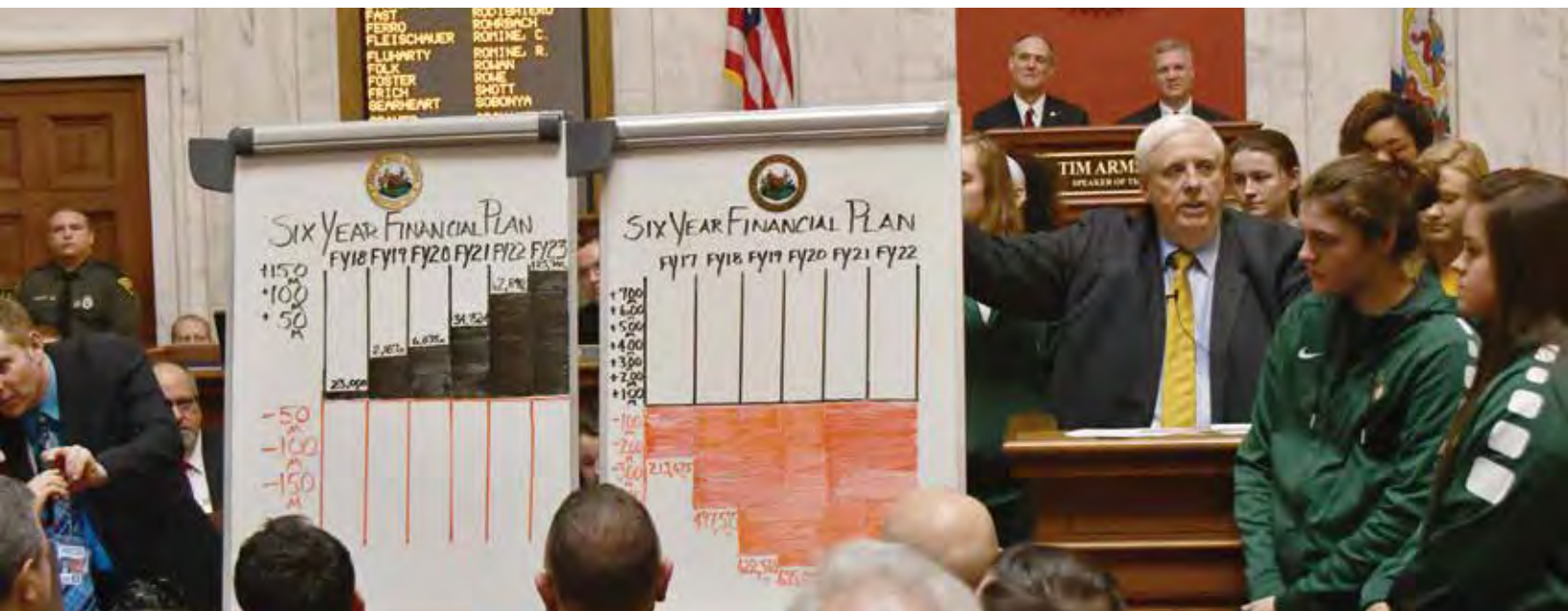


Figure 2.3

How a Bill Becomes Law



The Executive Branch of State Government

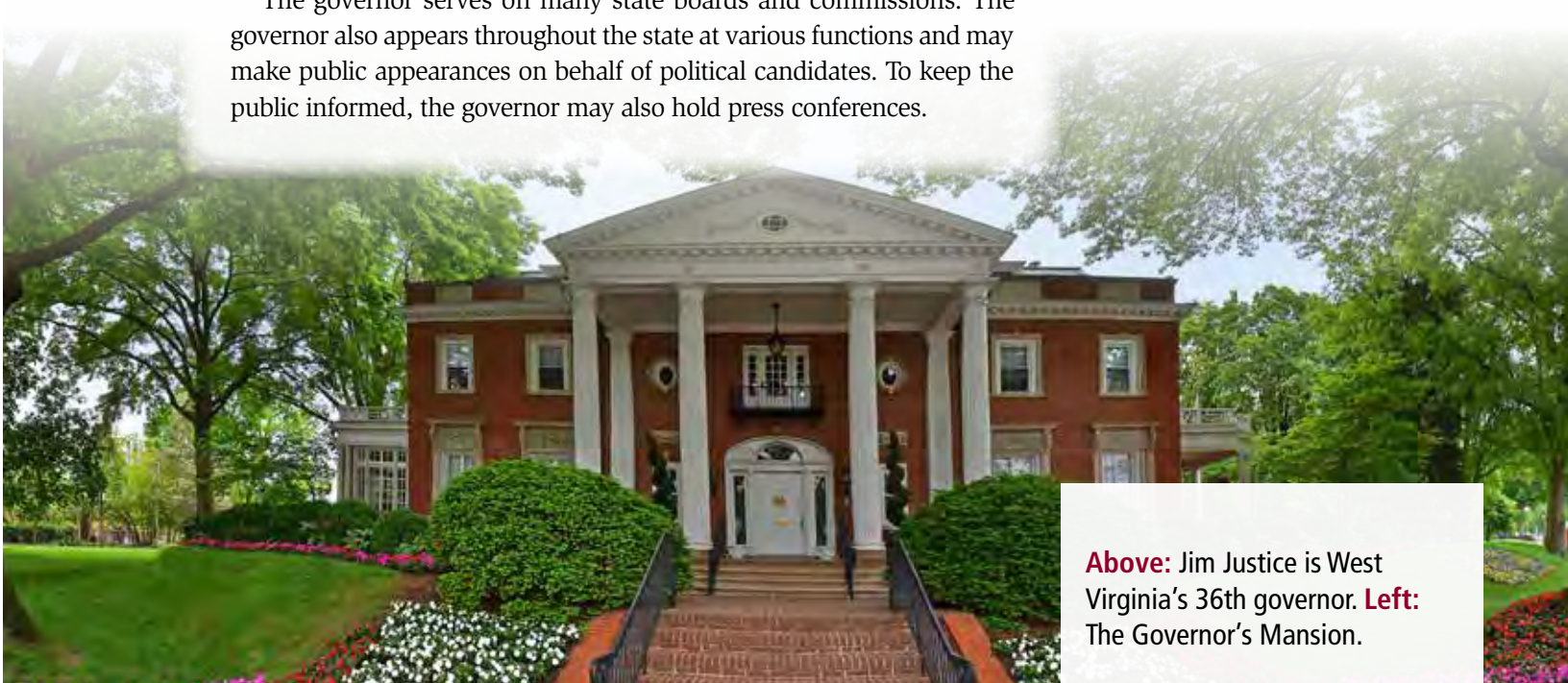
The **governor** heads the executive branch of state government. To be governor of West Virginia, a person must be at least thirty years of age and have lived in the state for at least five years before the election. The governor serves a four-year term and may serve two consecutive terms.

The Governor's Succession Amendment, passed in 1970, allows the governor to serve an unlimited number of terms, but prohibits anyone from serving three or more consecutive terms, regardless of whether they are whole or part terms. As of 2018, only two governors have served three terms. Arthur I. Boreman, West Virginia's first governor, served three 2-year terms. Arch A. Moore Jr. served two consecutive terms (1969-1977) and later served a third term from 1985 to 1989.

The governor is responsible for overseeing the operation of the state government. The governor makes sure that the state laws are carried out, and he or she may propose new bills to the Legislature. As the chief financial officer for the state, the governor prepares and sends to the Legislature an annual budget (the state's plan for receiving and spending money). The governor is commander in chief of the state's military forces and may also grant pardons and reprieves for people convicted of crimes. With the approval of the state Senate, the governor appoints the heads of many of the state's agencies.

The governor may influence the Legislature in several ways. At the beginning of each legislative session, the governor makes a State of the State Address before a joint meeting of the Legislature. In the speech, the governor highlights certain matters and describes the budget. The governor may send messages to the Legislature or talk with the legislative leaders anytime during the legislative session in an effort to persuade them to support or oppose certain bills. The governor's greatest control, however, is the veto. Although the veto can be overridden by the Legislature, that has rarely happened.

The governor serves on many state boards and commissions. The governor also appears throughout the state at various functions and may make public appearances on behalf of political candidates. To keep the public informed, the governor may also hold press conferences.



Above: Jim Justice is West Virginia's 36th governor. **Left:** The Governor's Mansion.

Arthur Ingram Boreman

Arthur Ingram Boreman was born July 24, 1823, in Waynesburg, Pennsylvania. When he was four years old, his family moved to Middlebourne (Tyler County). Boreman became a lawyer and established a law practice in Parkersburg. While living in Parkersburg, he represented Wood County in the Virginia General Assembly from 1855 to 1861. As a member of the General Assembly, Boreman opposed secession.

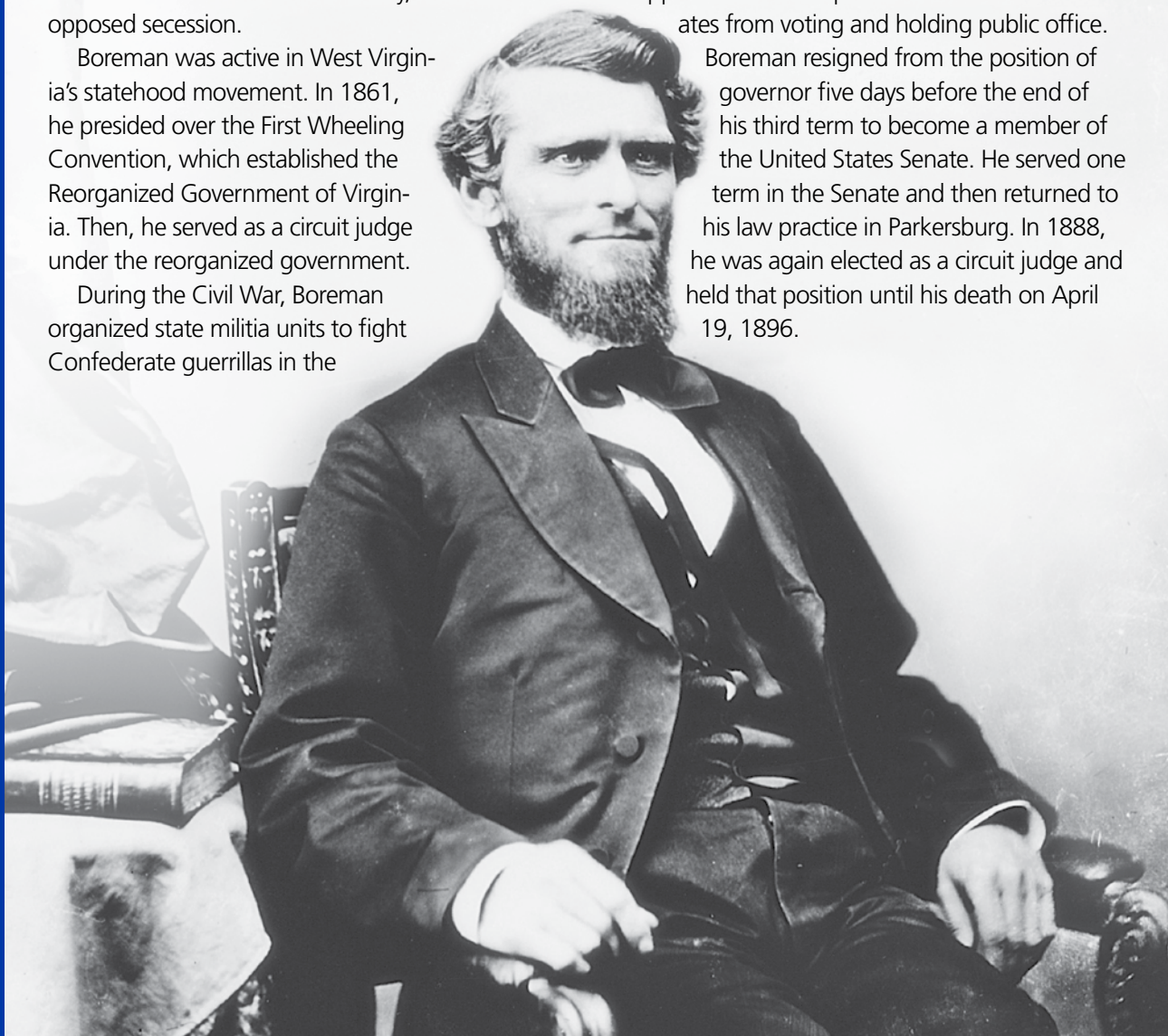
Boreman was active in West Virginia's statehood movement. In 1861, he presided over the First Wheeling Convention, which established the Reorganized Government of Virginia. Then, he served as a circuit judge under the reorganized government.

During the Civil War, Boreman organized state militia units to fight Confederate guerrillas in the

southern part of the state. Following West Virginia's statehood, he became the state's first governor on June 20, 1863. He served a two-year term and was reelected to that position in 1864 and in 1866.

As governor, Boreman supported legislation to implement the West Virginia Code, the Board of Public Works, and a public school system. He also supported laws that prohibited former Confederates from voting and holding public office.

Boreman resigned from the position of governor five days before the end of his third term to become a member of the United States Senate. He served one term in the Senate and then returned to his law practice in Parkersburg. In 1888, he was again elected as a circuit judge and held that position until his death on April 19, 1896.

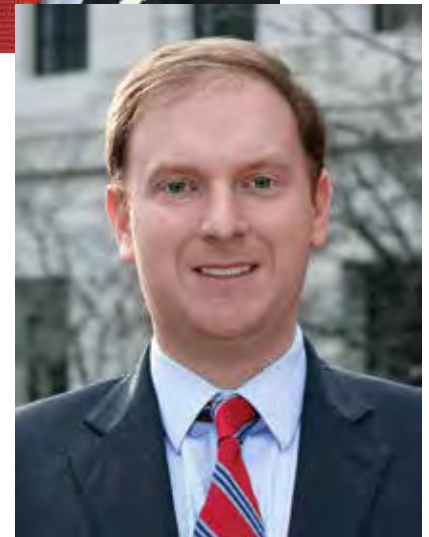


Below: Secretary of State Mac Warner. **Bottom:** State Auditor John B. McCuskey.

Other State Officials

A number of elected constitutional officers or officials assist the governor.

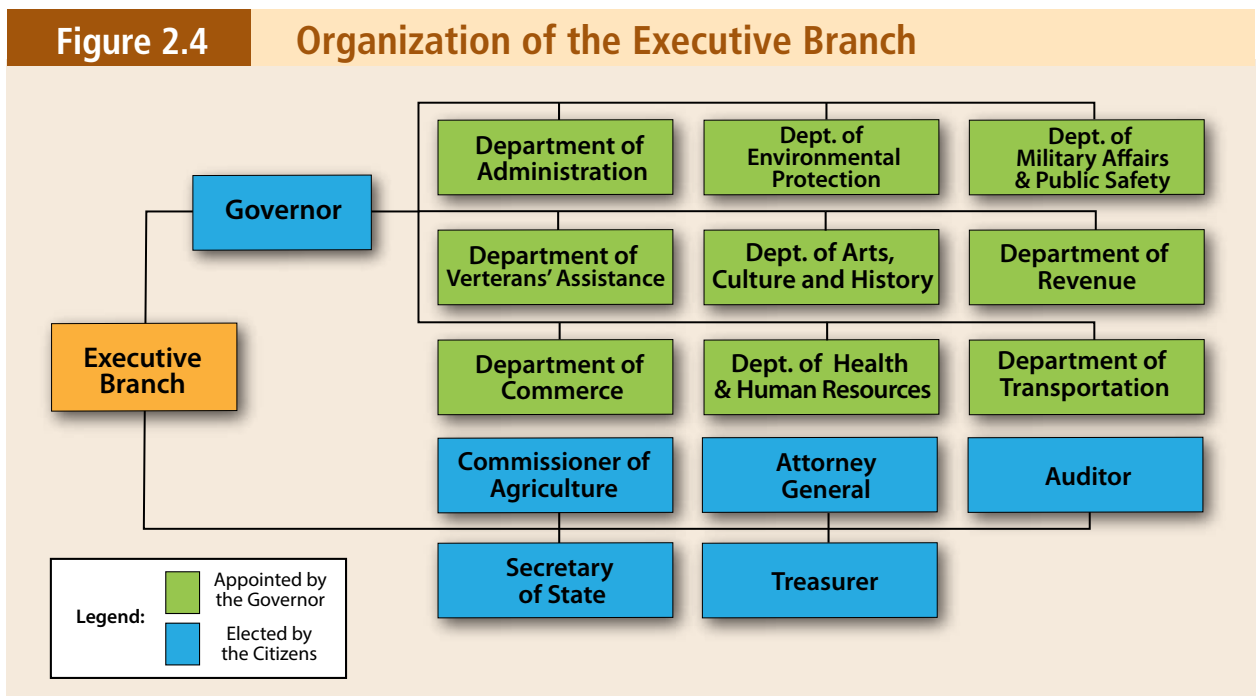
- The *secretary of state* is the keeper of the Great and Less Seals of the State. The secretary is also in charge of all official state papers and records and serves as the chief election officer.
- The *state treasurer* receives state revenues and pays the state's bills.
- The *state auditor* serves as the state's official bookkeeper.
- The *attorney general* serves as the state's lawyer and is head of the state's legal department.
- The *commissioner of agriculture* sets standards, grades all farm products, identifies markets for farm products, and publishes agriculture and forestry reports and bulletins.
- The *state superintendent of schools* oversees the state's public school system, including teacher certification and textbook adoptions.



These six offices, along with the governor, make up the **board of public works**. Members of the board are elected to four-year terms except for the state superintendent of schools, who is appointed by the governor. One of the main roles of the board of public works is to determine the value of public utility property for tax purposes. (Public utilities include water, gas, and electric companies; telephone companies; pipelines; and freight and railroad companies.) The board also approves the purchase, transfer, or sale of state property; approves bonds to be issued by a state department or institution, county, board of education, or municipality; and establishes levies (taxes) on property at the rates set by law.

Figure 2.4

Organization of the Executive Branch

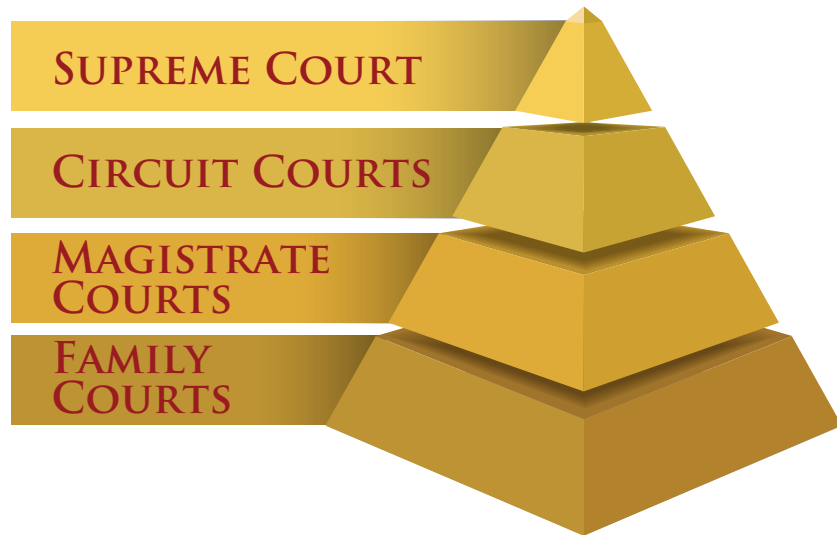


Other Executive Departments

There are nine cabinet-level positions within the executive branch. These include the Department of Administration, the Department of Commerce, the Department of Arts, Culture and History, the Department of Environmental Protection, the Department of Health and Human Resources, the Department of Military Affairs and Public Safety, the Department of Revenue, the Department of Transportation, and the Department of Veterans' Assistance. The governor appoints the head of each of the departments.

Figure 2.5

West Virginia's State Court System



The Judicial Branch of State Government

The third branch of West Virginia state government is the judicial branch. It is set up and functions much like the federal court system. Just as federal courts apply and interpret the U.S. Constitution and laws passed by Congress, state courts interpret the constitution and laws of West Virginia.

The court system was established in the West Virginia constitution of 1872. However, a constitutional amendment in 1880 completely rewrote the article providing for the judiciary. In 1974, the system was again revised with the passage of the Judicial Reorganization Amendment. This amendment ended the justice of the peace system and established a court system that unifies all state courts, except municipal courts, into a single system supervised and administered by the state supreme court. In 2000, another constitutional amendment created family courts. That amendment went into effect on January 1, 2002.

The state court system has four major functions: (1) to hear and decide civil cases, (2) to protect the individual rights of all citizens as outlined in the state constitution, (3) to determine the innocence or guilt of those accused of criminal acts, and (4) to act as a check on the legislative and executive branches of government.

The Supreme Court of Appeals

The highest court in the state is the **supreme court of appeals**. It has five judges, known as justices, who are elected by the people for twelve-year terms. Before 2015, supreme court justices were elected in partisan elections (elections where candidates ran as representatives of a political party). The election in 2016 was the first in which justices ran as nonpartisan candidates (not affiliated with a political party). One justice is chosen as the chief justice. Historically, the position rotated each year based on seniority. In 2017, the court increased the term of the chief justice from one to four years. Although the role of the chief justice is mainly administrative, he/she does have the authority to appoint temporary replacements for justices who may recuse (excuse from participating) themselves from cases in which they have a conflict of interest or personal bias.

The West Virginia supreme court is one of the busiest of its type in the country. The court has two terms each year: the first session begins on the second Tuesday in January, and the second session begins on the first Wednesday in September. Special sessions may also be called as needed. The court has both original and appellate jurisdiction. The original jurisdiction of the court is defined in the state constitution and is limited to a very few cases. Most of the court's cases are appealed from circuit or magistrate courts. The justices can also hear appeals of decisions made in family court if both parties agree that they will not appeal directly to the circuit court.

Court procedures in the supreme court are different from those in the more common circuit courts. In the supreme court, there are no witnesses, testimony, or juries. The justices hear oral arguments and review printed materials. They issue their decisions in writing. The supreme court also has the power to determine if state laws or the actions of state officials are constitutional. This power of judicial review enables the court to serve as a check on the legislative and executive branches. In addition, under the unified court system, the supreme court supervises all the lower courts in the state. For most cases, the decision of the supreme court is final; however, decisions in cases involving a conflict between federal and state law or a federal constitutional issue may be appealed to the U.S. Supreme Court.

In 2018, the state supreme court of appeals found itself in a unique situation. All five justices were investigated by the Judicial Investigative Commission. The investigation resulted from a local television station's series of news reports highlighting excessive spending in the judicial department, especially as it related to travel and renovations of their

Below: Justices of the supreme court of appeals: (Left to right: Evan H. Jenkins, Margaret L. Workman, Chief Justice Elizabeth D. Walker, Tim Armstead, John A. Hutchison)



individual offices. The result of the investigation led to multiple federal charges against one justice, Allen Loughry, who was serving as chief justice when the charges were filed. Loughry was suspended, and he ultimately resigned on November 12, 2018, after being impeached and convicted of multiple federal charges. After Loughry's suspension, Margaret Workman was named chief justice. Another justice, Menis Ketchum, resigned from the court on July 11, 2018, and accepted a plea bargain to a single felony count of wire fraud on July 31, 2018.



**something
extra!**

A supreme court justice must have practiced law for at least ten years.

The state constitution gives the governor the power to appoint a replacement for any justice who dies, resigns, or is removed from office. The constitution also provides that the appointed justice may serve the unexpired term until the next general election, when a replacement will be selected by the voters. After Ketchum's resignation, Governor Jim Justice appointed Tim Armstead, a former speaker of the House of Delegates, to serve until the next election on November 6, 2018. Because Loughry did not resign immediately after being suspended, the governor could not name a replacement for him. The court, which has the power to make a temporary replacement, chose Cabell County Circuit Court Judge Paul T. Farrell to sit in his place, but not actually become a justice. When Loughry resigned in November 2018 (after the general election), Governor Justice named John Hutchison, a Raleigh County circuit court judge, to fill the vacancy until the next election in 2020.

The other three justices, Robin Davis, Margaret Workman, and Beth Walker, along with Loughry, were impeached by the House of Delegates. The West Virginia Senate voted to hold individual trials for the impeached justices to determine if they were guilty of the charges. In the case of Beth Walker, who had only been on the court one year, the Senate voted to acquit her of the impeachment charge. This resulted in her return to the Supreme Court. Margaret Workman sued the Legislature, claiming the impeachment proceedings were constitutionally and procedurally flawed. This pending lawsuit resulted in her impeachment trial being postponed. As a result, she was allowed to return to the court. In all probability, a trial will not be rescheduled. Robin Davis's situation is a bit more complex. She, like Workman, sued the Legislature and asked that the impeachment proceedings be stopped. She also resigned from the court on August 14, 2018. When she resigned, Governor Justice appointed Congressman Evan Jenkins to replace her. At the end of 2018, Davis's Senate trial is still pending, but it may be halted because of her resignation from the Court.

In January 2019, the justices of the supreme court of appeals included Margaret Workman, Beth Walker, Evan Jenkins, Tim Armstead, and John Hutchison. Jenkins and Armstead, initially appointed by the governor, were elected by the voters to fulfill the unexpired terms of their predecessors (Davis and Ketchum) in the November 2018 election. The successor to John Hutchison will be elected in 2020. Beth Walker was appointed chief justice for 2019. The chart below shows when the justices began their service on the court and when their terms expire.

Office	Justice	Assumed Office	Next Election	Term Ends
Justice	Margaret Workman	January 1, 2009	2020	January 1, 2021
Justice	Tim Armstead	September 25, 2018	2020	January 1, 2021
Justice	John Hutchison	December 12, 2018	2020	January 1, 2021
Justice	Evan Jenkins	October 1, 2018	2024	January 1, 2025
Chief Justice	Beth Walker	January 1, 2017	2028	January 1, 2029

Figure 2.6

West Virginia Supreme Court Justices

Circuit Courts

The **circuit court** is West Virginia's only trial court of record. Just as the legislative districts had to be reapportioned after the 2010 Census, the same was true for the courts. In 2018, there were seventy-four judges sitting in thirty-one circuits ranging in size from seven judges in one circuit to one judge in nine circuits. Some circuits cover as many as four counties. Circuit judges, however, must preside at courthouses in each of the state's fifty-five counties. Circuit court judges are elected to eight-year terms.

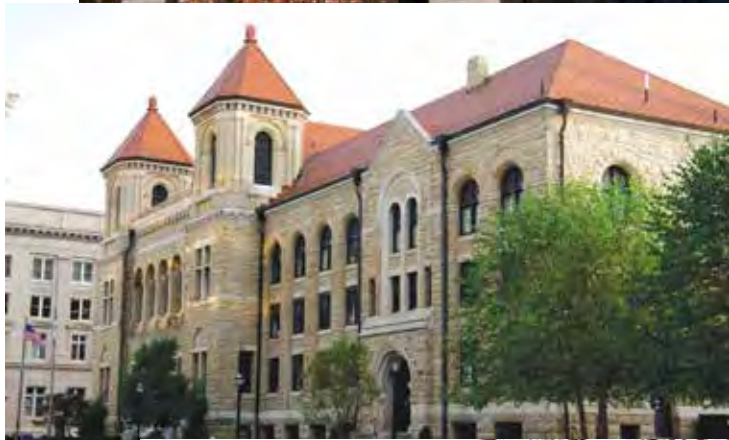
Circuit courts have jurisdiction over all felony criminal cases, certain misdemeanors, and all civil cases at law over \$2,500 (with limited exceptions). Circuit courts also hear appeals from family courts where both parties agree not to appeal directly to the supreme court of appeals, magistrate courts, and administrative agencies. A **felony** is a serious crime, like robbery or murder, that is punishable by a prison term. A **misdemeanor** is a less serious crime usually punishable by a sentence in a local jail. Circuit courts have both original and appellate jurisdiction. Civil and misdemeanor cases may originate in or be appealed to the circuit court; however, all felony cases originate there.



Above: Rusty Casto, Kanawha County magistrate. Left: Supreme Court Chamber.



Top to Bottom: Courthouses in Jackson County, Kanawha County, Fayette County, and Wetzel County.



Magistrate Courts

The 1974 Judicial Reorganization Amendment established magistrate courts. **Magistrate courts** have jurisdiction over civil cases in which the financial amount in dispute is less than \$10,000. They also have jurisdiction over traffic and natural resources offenses, preliminary hearings in felony cases, brief commitment under mental hygiene law, and initial hearings in juvenile cases if designated as a juvenile referee. They also issue emergency protective orders in domestic violence cases. Magistrates hear about 300,000 cases a year. Magistrates may also issue search warrants and arrest warrants.

There are 158 magistrates statewide, with at least 2 in every county and 10 in the state's largest county, Kanawha. Magistrates, who are elected for four-year terms, do not have to be licensed to practice law. Circuit judges appoint magistrates to fill vacancies.

Family Courts

Judges in **family court** hear cases involving divorce, annulment, separate maintenance, family support, paternity, child custody, and visitation. Family court judges also conduct hearings in domestic violence cases. The first family court judges were appointed in 2000 by the governor. These judges served until the next statewide, partisan election took place in 2002. The judges elected that year served six-year terms; beginning in 2008, they were elected to eight-year terms. Beginning in 2018, elections for family court judges became non-partisan.

In 2018, there were forty-seven family court judges in twenty-seven circuits. Each circuit has from one to four counties. Fifteen circuits have one judge while one, Kanawha, has five. Eight circuits have two judges. Three circuits have three judges. Family court judges must have practiced law for at least five years.

Financing the State Government

West Virginia gets the money it needs to maintain its government through the collection of a variety of taxes, fees, and licenses. Taxes are the major source of the money needed to operate state government. The state also receives money from the federal government.

The State Budget

In West Virginia, the governor prepares the budget for the Legislature's approval. The Department of Administration, the Department of Revenue, and the treasurer's office help the governor prepare the budget. Each state department and agency submits a request for the money it expects to spend during the fiscal year. The governor looks at each request and the projected spending. The governor also looks at the projected income for the fiscal year. Since the West Virginia constitution prohibits **deficit spending** (spending more money than one has), the governor must carefully balance spending against planned income.

The budget is then submitted to the Legislature, where the finance committees of both the Senate and the House examine it. Lawmakers may change the amount of money in budget categories, but they cannot vote to spend more than the total amount of money the governor proposed. Often the budget must be submitted to a conference committee to work out differences. As with any law, the final budget must be sent to the governor for approval or veto.

Sources of State Revenue

The basic purpose of any government is to provide services for its people. To do this, the government needs **revenue** (income from taxes and other sources). West Virginia's revenue comes from a variety of sources. Every year, the state government estimates its revenue and determines its **expenditures** (amounts spent). This plan of revenues and expenditures is the budget.

West Virginia requires its residents to pay a tax on their personal income. The personal income tax is the largest revenue source in the state. West Virginia, like many other states and the federal government, has a **graduated income tax**. A graduated income tax divides income into brackets and taxes each bracket at a different rate. As a result, the income tax is *progressive*. That is, those who earn a higher income have a higher tax rate. West Virginia also imposes an income tax on the net income earned by corporations.

Below Left: The governor must carefully balance spending against planned income. **Below Right:** The state treasurer helps the governor prepare the budget. In 2019, John D. Perdue was the treasurer.

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A fiscal year is a financial year; the fiscal year for most states begins on July 1.





The state **sales tax** is the second-largest source of revenue for West Virginia. Almost all retail sales in West Virginia are subject to the 6 percent sales tax. Several items that are exempt (not taxed) include certain items used in farming, gasoline, automobile leases, prescription drugs, electricity and machinery used in manufacturing, purchases made with food stamps, and unprepared food (groceries). The sales tax is considered *regressive*. That is, it mostly affects poorer people because poorer people generally spend a greater proportion of their income on consumer goods. As a result, they spend a larger share of their money on the sales tax.

In 1951, West Virginia passed a **use tax**, a 6 percent tax for items that residents purchased from other states and through mail-order firms, catalogs, and television shopping networks. The sales and use taxes are meant to complement one another. However, the use tax is very hard to enforce and, as a result, most often ignored. West Virginia can only require a business to collect use taxes if that business has a physical or legal presence in the state. If a West Virginia resident purchases a car in another state, the consumer can delay paying sales tax until he or she registers the car in West Virginia. The tax that is paid at that time is considered a use tax because its payment is required before the person can legally “use” the car in West Virginia.

Excise taxes, sometimes called *luxury taxes*, are levied on specific products such as gasoline, beer, liquor, firearms, and cigarettes. The objective of these taxes is to charge fees to people who actually use the products. Other excise taxes come from license fees. Residents pay certain license fees to get married, visit state parks, get permission to hunt or fish, or drive a car. Drivers, in addition to paying a fee for their licenses, must also purchase license plates for their motor vehicles.



Above: A beverage purchase at the coffee shop is subject to a 6 percent sales tax. **Right:** One source of excise tax is the fee to visit a state park.

Figure 2.7

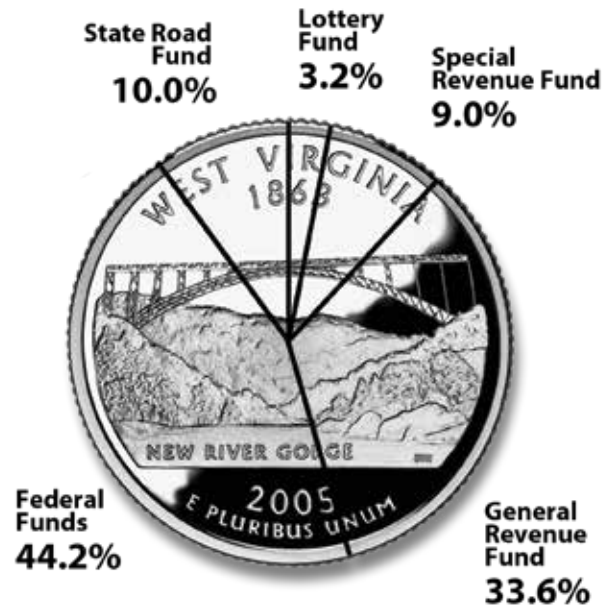
State Revenue Funds

West Virginia levies a severance tax on coal, limestone, oil, natural gas, timber, and other natural resources. A **severance tax** is a tax on the amount and value of the minerals and materials severed (taken) from the earth. West Virginia also gets revenue from inheritance and estate taxes.

In 2019, West Virginia’s revenue was nearly \$13 billion. For recordkeeping purposes, West Virginia puts its revenue in five funds. Those five funds are the General Revenue Fund, the Special Revenue Fund, Federal Funds, the State Road Fund, and the Lottery Fund. Each fund consists of specific forms of revenue.

- The *General Revenue Fund* gets its money from the sales tax, use tax, business and occupation taxes, severance taxes, insurance taxes, and personal income taxes. In 2019, it provided \$4.4 billion to the state.
- Money in the *Special Revenue Fund* consists of revenue from fees, permits, licenses, and services. In 2019, this fund accounted for \$1.2 billion.
- The *Federal Funds* includes money given directly to the state by the national government.

Money in this fund comes from agencies such as the U.S. Department of Health and Human Services, the U.S. Department of Labor, the U.S. Department of Transportation, the U.S. Department of Agriculture, the U.S. Department of Education, and the U.S. Environmental Protection Agency. Much of the money is given for highways, libraries, sewage systems, education, and social welfare. In 2019, this fund provided \$6.3 billion.



Left: Federal funds are provided for such things as libraries and sewage systems.



- Money in the *State Road Fund* comes from a use tax on fuel, a gas and motor carrier road tax, motor vehicle registrations, and a privilege tax. The privilege tax is a 5 percent tax that is paid when a person buys a motor vehicle. The 5 percent privilege tax is paid instead of the 6 percent sales tax. In 2019, money from the State Road Fund amounted to about \$1.4 billion.
- The *Lottery Fund* added another \$412 million to the state’s economy. Lottery money came from the sale of tickets on games, video lottery, and casino table games. In 2018, West Virginia passed a bill legalizing sports betting.

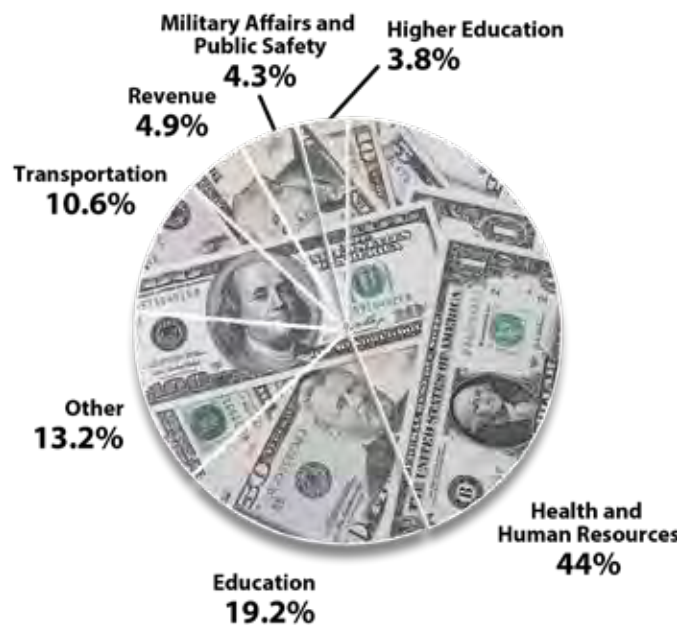
State Government Spending

West Virginia spends a great deal of money on programs and services. Most of the state’s expenditures fall into the following five categories.

1. *Education*. About 19.2 percent of the state budget goes to education. Money pays for programs of local boards of education, computer technology for classrooms, school buildings, buses, supplies, and salary supplements. Even with the amount of state money available, many programs have to be funded entirely by local school districts. In 2019, the state budget provided around \$2.5 billion.
2. *Health and Human Resources*. About 44 percent of West Virginia’s expenditures goes for health and human resources. Money is used to support its prisons and operate mental hospitals. It also supports the elderly and poor by ensuring that they receive medical treatment. In 2019, the state budget provided \$5.7 billion for these services.

Above: One source for money in the State Road Fund comes from the use tax on fuel. Lottery Fund money includes the sale of lottery tickets.

3. *Transportation.* About 10.6 percent of the state’s budget (\$1.3 billion) is used to supplement highway repair and construction. The fund also provides money for public transportation.
4. *Revenue.* About 4.9 percent of the state’s funds are earmarked for this category, which addresses a problem caused by West Virginia’s declining population. The category includes funds to replace lost property taxes at the county and municipal level. In 2019, \$640 million was allocated for this purpose.
5. *Other Costs.* This category of expenditures is quite varied and includes funds for the operation of the three branches of government as well as money for five of the cabinet departments. Funds are also provided to a number of other boards and commissions as well as senior services. About 13.2 percent of the state’s revenue is used to provide these services. In 2019, the state budget allocated \$1.5 billion for these costs.



Reviewing the Section

Reviewing the Content

1. What are the three branches of West Virginia’s government?
2. What are the two houses of the West Virginia Legislature?
3. How many justices serve on West Virginia’s supreme court of appeals?

Using the Content

1. Look at Figures 2.7 and 2.8 on pages 75 and 77 describing the revenue and expenditure areas of West Virginia’s budget. If you could change the categories and percentages spent in each, what would you recommend?
2. Write a letter to the governor suggesting how state funds could be reapportioned.

Extending the Literacy Skill

Look at page 63 and Figure 2.3 on page 64, which describe how a bill becomes a law. Use the information to answer the following questions.

1. Where may a bill originate?
2. Who assigns the bill to a committee?
3. What happens to a bill when it is passed by one house of the Legislature?
4. What options does the governor have regarding a bill?

Figure 2.8

State Government Spending

Focus on Technology

LEARNING SKILL: CRITICAL THINKING

Identify the information needed (e.g., text, people, online databases, and search engines) to filter relevant information efficiently.

TECHNOLOGY TOOL: SEARCH ENGINES

Use Internet browsers, various search engines, bookmarking features, and advanced search techniques to gather information.

Select one governor from the list in Appendix 3 of the textbook. Use a search engine to find information on and prepare a brief profile of the governor. Include the following information in the profile: biographical data, term(s), major accomplishments, major problems confronted, and highlights of the state's progress during tenure.



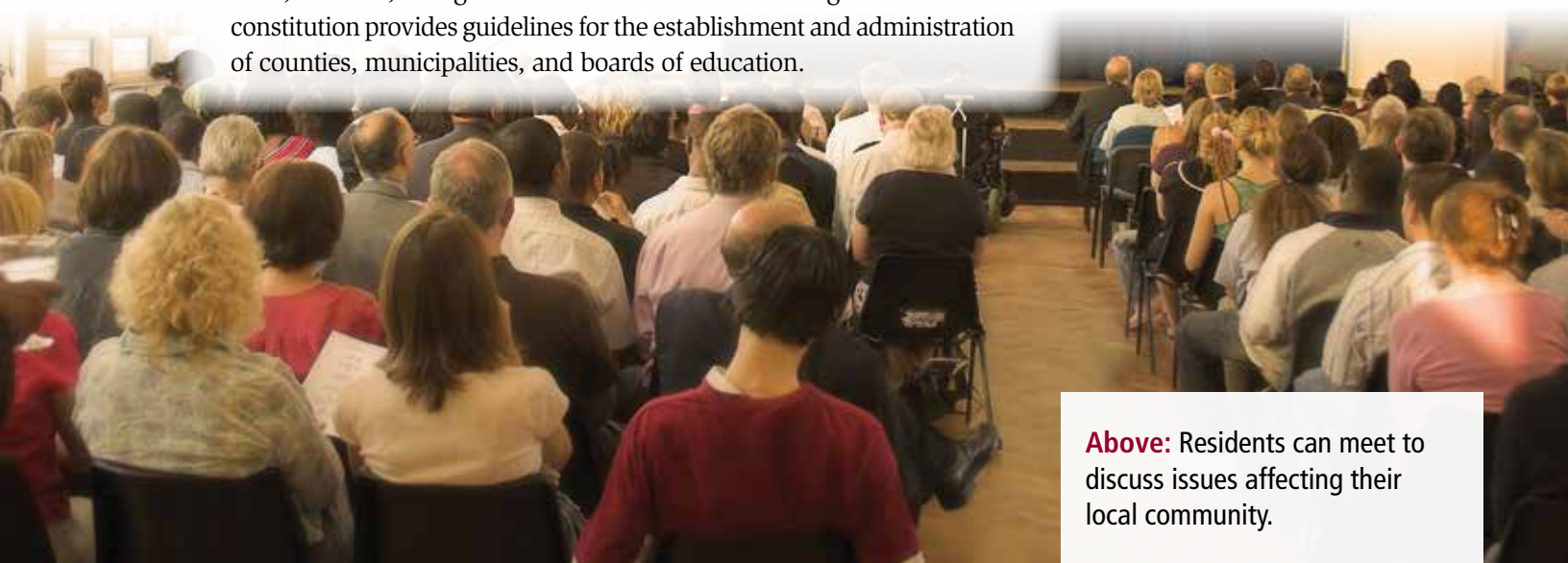
SECTION 3

County and Municipal Government

As you read, look for

- the purpose of local government;
- the history of West Virginia's counties;
- services provided by county governments;
- powers of county governments and major county officials;
- major forms of municipal government;
- difference between incorporated and unincorporated cities;
- funding for municipal government;
- terms: **county seat, real property, personal property, county commission, property assessment, municipality, charter, mayor-council form, council-manager form, commission form, school board.**

Local governments are based on the American notion that citizens are best able to manage their own provincial affairs. These governments also provide services that citizens cannot obtain efficiently and effectively if they act on their own. The earliest of the state constitutions permitted the creation of local governments. In the first local governments, particularly in New England, residents met in town meetings and voted on the issues facing their community. West Virginia's constitution of 1863 called for the establishment of a similar type of government. The constitution of 1872, however, changed the structure of state and local government. The constitution provides guidelines for the establishment and administration of counties, municipalities, and boards of education.



Above: Residents can meet to discuss issues affecting their local community.

County Government

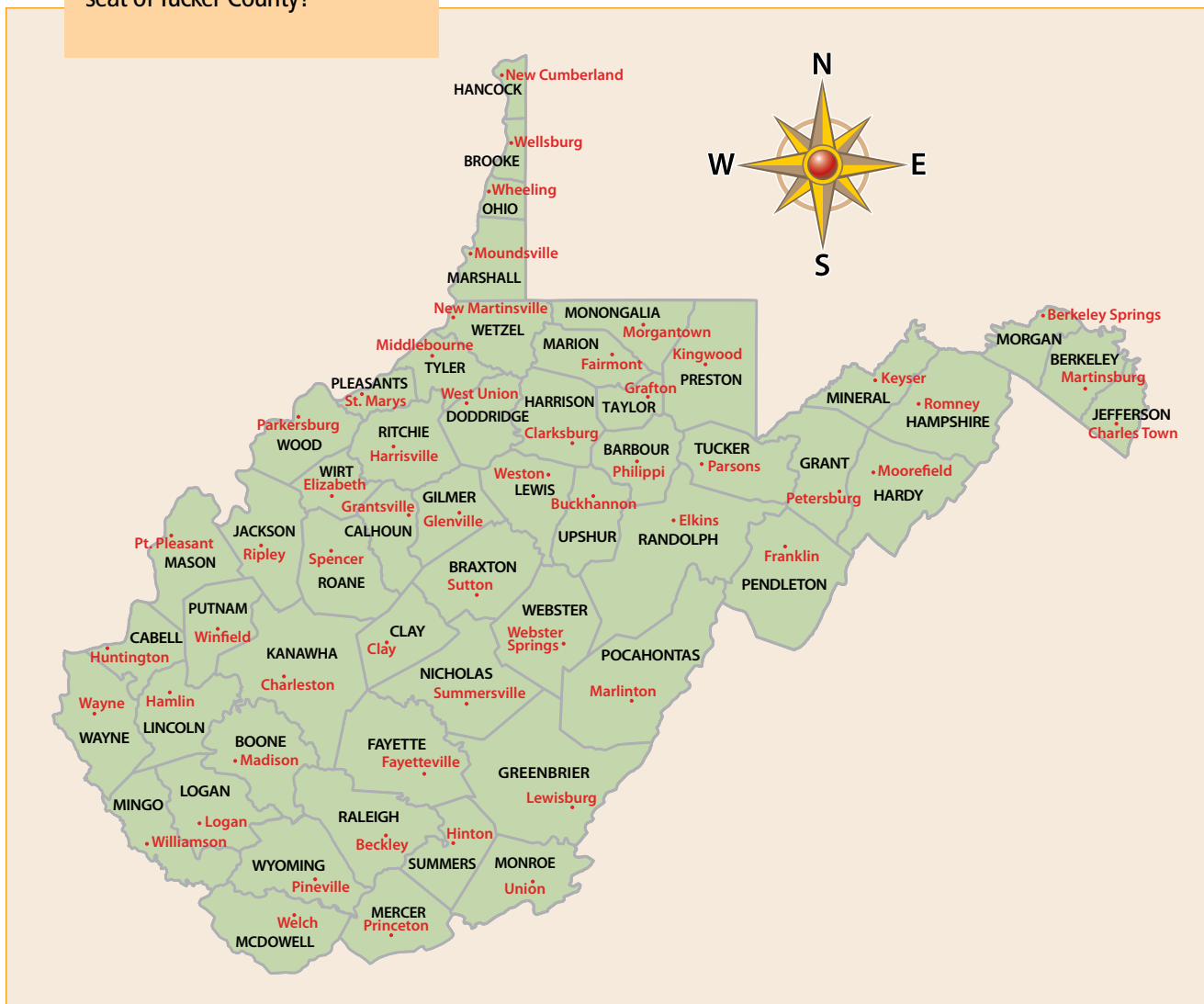
Nationally, there are over 3,000 counties; 55 of those counties are located in West Virginia. The center of a county government is the **county seat**.

When the state was admitted to the Union in 1863, forty-four counties were created from territory taken from the state of Virginia. Additionally, it was agreed that Berkeley, Hampshire, Hardy, Jefferson, Morgan, and Pendleton Counties would be added to the state if the people in those counties voted to approve the constitution of 1863. When they did approve it, West Virginia then had fifty counties. Four of the remaining counties were created by acts of the Legislature. In 1866, Mineral County was formed from Hampshire County, and Grant County was formed from Hardy County. The next year, Lincoln County was created from parts of Cabell, Putnam, Kanawha, and Boone Counties. In 1871, Summers County was created from parts of Greenbrier, Monroe, Mercer, and Fayette Counties. The final county was added in 1895, when Mingo County was formed from Logan County.

Map 2.1

West Virginia's Counties

Map Skill: What is the county seat of Tucker County?



The state constitution sets out the process by which additional counties may be created. A new county must be at least 400 square miles in size and have at least 6,000 residents. However, a new county cannot be formed from an existing one if, by doing so, the size of the original county would become less than 400 square miles or its population would become less than 6,000. In addition, a majority of the voters living in the area that would become the new county must vote in favor of its creation.

County Services

Counties were established by the state to help provide services for its citizens. Services to county residents have changed over the years. Today the state, not the county, is primarily responsible for overseeing the building and repair of roads. At one time, the counties gave aid to the poor; today that responsibility has shifted to the federal and state governments. Although the counties have been relieved of a number of duties they traditionally did in the past, they have been given new ones. For example, counties today are responsible for water and sewage systems, libraries, and recreation as well as emergency services such as law enforcement, medical emergencies, and fire protection.

Taxes on **real property** (land and permanent structures on land) and **personal property** (movable items such as automobiles) generate much of the revenue counties need to pay for the services they provide. In the early 1990s, the state of West Virginia underwent a property reappraisal, which almost doubled the amount of revenue received by some county governments. (An *appraisal* is an estimate of the value of something, in this case real property. Taxes are usually based on a piece of property's appraised value.) Other sources of revenue for local governments include federal grants; fees and fines; and funds from other state taxes, such as the gasoline tax.



something extra!

West Virginia's counties are quite different from one another. Randolph County is the largest in area, containing 1,046 square miles; Hancock is the smallest with only 88.5 square miles. Kanawha County is the most populous; in 2018, its population was 183,293. Wirt County had the least number of residents at 5,794.



Above and Left: Counties are responsible for such things as playgrounds and fire departments.



County Powers

The county is the most important local political unit in the state. Like the state and federal levels, the county government has legislative, executive, and judicial duties. Using legislative powers, counties regulate the use of property, levy taxes, issue bonds (a form of long-term debt), set the requirements for business licenses, and spend money for county purposes. Using executive powers, counties collect taxes, enforce county ordinances, conduct elections, and keep records. County officials are also responsible for building and maintaining everything from parks and stadiums to hospitals and animal shelters. County employees even supervise jails. West Virginia, in an effort to operate more efficiently, created eight regional jails in the mid-1990s. Several counties share these jails.

Counties lost a large portion of their judicial responsibilities in 1974 through a constitutional amendment. Much of the county commission's judicial duties are now handled by magistrate courts. Still, county governments perform such judicial functions as hearing appeals on tax assessments, employee complaints, and zoning decisions. They also prosecute cases in circuit courts.

The County Commission

A **county commission** presides over this level of government. The county commission must have at least three members, called *commissioners*. Only one county—Jefferson—has more than three county commissioners; it has five county commissioners. The Judicial Reorganization Amendment of 1974 allows the voters of a county to ask for a change in the size of the county commission, but the Legislature must approve any change.

Above: Cabell County Jail.
Opposite Page: The sheriff is the county official responsible for enforcing the law.

The commissioners are elected to six-year terms, which are staggered so that one commissioner is elected every two years. Commissioners must meet at least four times a year. They meet more frequently to deal with county matters. They establish the county budget; review **property assessments** (the estimated worth of property) and set the property tax rate; listen to taxpayer complaints; and approve funds for a variety of services, including libraries, parks, schools, buses, and sometimes swimming pools.

The commissioners also play an important role in elections. They determine voting precincts, determine what type of voting system to use, appoint poll workers, examine votes, and certify the election.

Other County Officials

Despite their broad authority, county commissioners must share part of their power with other elected county officials. Those other county officials include the county clerk, circuit clerk, sheriff, assessor, and prosecuting attorney.

The *county clerk* keeps the official records of the county, including the records of births, deaths, marriages, and divorces. The county clerk also supervises voter registration, determines what voting supplies are needed before an election, trains poll workers, and supervises local elections. The *circuit clerk* keeps the records for the circuit courts, impanels (enrolls citizens on) juries, receives certificates from candidates for countywide and municipal elections, issues absentee ballots, and prepares the election ballot. The *sheriff* enforces the law. As the county treasurer, the sheriff also collects all property taxes paid in the county. The *assessor* is responsible for determining the value of property for tax purposes. The *prosecuting attorney* pursues legal action against wrongdoers and represents other county officials in court.

Most of these officials are elected to four-year terms, and their salaries are set by statute (law). The sheriff is the only one of these officials to be limited by the state constitution to two consecutive terms.



Below: Morgantown.

Municipal Government

A **municipality** is a political unit smaller than the county. A county may have numerous municipalities within it. Depending on its size, a municipality may be classified as a city, town, or village. A city is the largest. Cities are further subdivided: Class I cities have a population of at least 50,000 people; Class II cities have a population between 10,000 and 50,000; and Class III cities have a population between 2,000 and 10,000. Municipalities not included in these classifications are called towns or villages, with villages being the smaller of the two.

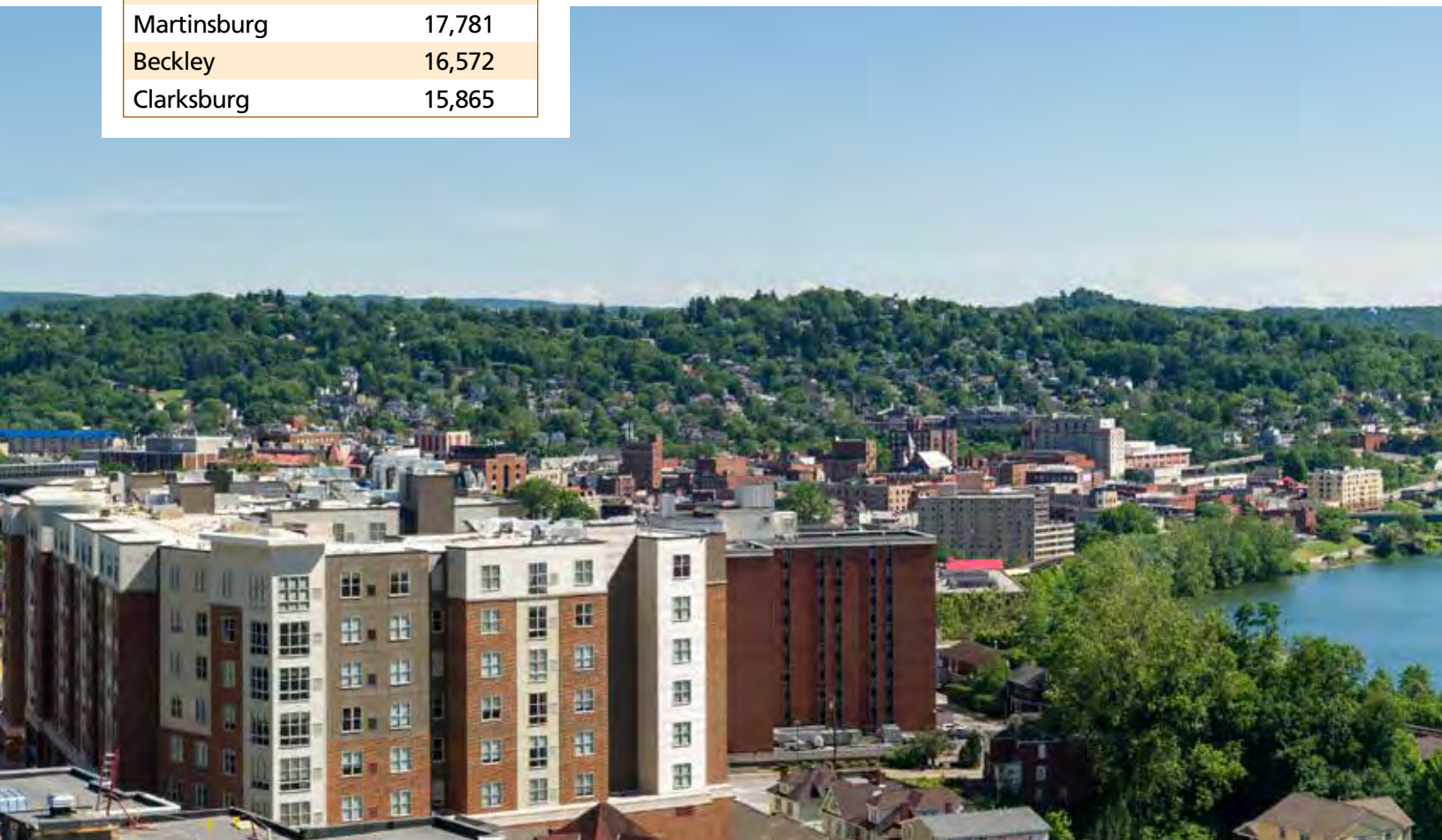
As the population of a city changes, it moves from class to class automatically. Population figures are based on the latest census data. Charleston and Huntington are West Virginia's largest cities.

West Virginia's cities and towns may be incorporated or unincorporated. *Incorporated cities* have their own governments, while *unincorporated cities* rely on their county government for such services as police and fire protection. A municipality is created when a majority of its residents approve a charter of incorporation. The **charter** is similar to the state or federal constitution and includes the city's official name, boundaries, and powers. The state can set limits on the forms and structures of government as well as the amount of debt, borrowing, or taxation by the municipality.

Figure 2.9

West Virginia's Ten Largest Cities, 2018

Charleston	47,908
Huntington	47,245
Morgantown	31,585
Parkersburg	29,223
Wheeling	26,917
Weirton	18,577
Fairmont	18,462
Martinsburg	17,781
Beckley	16,572
Clarksburg	15,865



Forms of Municipal Government

In West Virginia, the type of government a city may have is determined in part by its population. Of the 232 incorporated municipalities in West Virginia (according to the 2010 Census), 172 were towns or villages of fewer than 2,000 residents. Municipalities with fewer than 2,000 residents must use a mayor-council form of government. Some 46 municipalities were designated as Class III cities, 12 as Class II cities, and only 2 as Class I cities. Larger cities may choose one of three forms detailed in state law. All city governments, however, have the same three branches of government (executive, legislative, and judicial) as the federal, state, and county systems.

Mayor-Council Form

The oldest form of city government is the **mayor-council form**. The people elect both the mayor and the council members. The mayor manages the city, carrying out the policies and ordinances (municipal laws) set by the city council. Most councils have five to seven members. In some cities, council members are elected to represent a specific ward (a district within the city). At times, councilors-at-large are elected to represent the entire city.

Below: Charleston's City Hall, which was built in 1921, is listed on the National Register of Historic Places.

something
extra!

According to 2018 population data, there are no cities in West Virginia with a population of 50,000 or more.



Bottom: The 2019 Morgantown City Council. Pictured from left to right: Ron Dulaney Jr, First Ward; Mark Brazaitis, Six Ward; Jenny Selin, Fourth Ward; Barry Lee Wendell, Seventh Ward; Rachel L. Fetty, First Ward; Ryan Wallace, Third Ward; and Bill Kaweck, Second Ward.

There are two types of mayor-council governments. The *weak-mayor system* is most often found in small cities. In a weak-mayor system, the city council has both legislative and executive powers. The mayor has limited powers, appoints few city officials, does not prepare the city budget, and has little veto power. The mayor is primarily a figurehead (a person who is the head of an organization but who has no power) who presides over council meetings and performs other ceremonial duties. Some communities favor the weak-mayor system because they prefer power to be divided among many officials. Others believe spreading power among many officials makes running city government inefficient.

The *strong-mayor system* is more often found in larger cities. In this form, the mayor is a strong leader who proposes legislation, prepares the budget, appoints all department heads, and has veto power. Those who favor the strong-mayor system believe it ensures better coordination of services for the city. Several of West Virginia's larger cities, including Huntington, Parkersburg, St. Albans, and South Charleston, use the strong-mayor system.

Council-Manager Form

As city governments grew larger and more complex, the **council-manager form** of government was created. Elected city council members set policy and pass ordinances. There is a mayor who presides at council meetings. The mayor is either elected to the office or designated by a vote of the council members. The council hires a professional city manager who is in charge of the daily operation of city government, its agencies, and departments. This has become the most popular form of government



for cities with populations of more than 25,000. Some cities with this type of government are Bluefield, Clarksburg, Morgantown, Weirton, and Wheeling.

City managers are trained by universities and colleges to handle the complex duties of city administration. City managers need to know all areas of city government, including finance and personnel, and to be able to work well with all political factions and personalities. Because so many different political-interest groups are involved, city managers are often blamed for city weaknesses, and in some cities there is a high rate of turnover.

Commission Form

In the **commission form** of government, voters elect individuals to specific administrative positions. In West Virginia, there must be either three or five commissioners. Each commissioner heads a department such as finance, streets, public safety, public works, or public affairs. All of the commissioners together make up what is known as the city commission. The mayor may be elected, or the commissioners may appoint a mayor from their number. The mayor has no more power than the other commissioners and merely acts as a ceremonial head of the city. Additional city officials may be appointed by the full commission or by the commissioner overseeing the department in which the appointee will work.

The affairs of the city may be conducted in one of two ways. The commissioners may jointly rule, or each commissioner may control and make decisions for those areas under her or his specific department.

Those who support the commission form of government claim that it is easily understood by the voters and very democratic. No one person has too much power. Critics of the system, however, point out that, since no one is in charge, there is little effective leadership. It is also difficult to hold individuals responsible for group actions.



Top: City of Morgantown mayor, Bill Kawecky. **Above:** Morgantown city manager, Paul Brake.

Municipal Courts

By the authority of the Legislature, municipalities may establish courts to try violators of city ordinances, including traffic violations. In some of the larger cities, like Charleston and Huntington, there are municipal judges; in smaller towns, the mayor may serve as the judge.

Funding Municipal Government

Municipal governments have many duties and functions. The public continues to demand more local services, services that cost a great deal of money. One of the greatest problems facing West Virginia cities today is a shortage of money. Revenues have not kept pace with local needs. And, a supreme court decision in 1949 banned the state from giving money to cities. As a result, cities are dependent upon federal funds and local taxes.

During the 1970s, the federal government provided large amounts of money to cities in the form of revenue sharing. As a result, cities expanded their services and used federal funds to pay for them. In the 1980s and 1990s, however, revenue sharing decreased, causing cities to cut or consolidate services.

The other source of municipal funds—local taxes—is tightly controlled by the state government. Municipalities may levy taxes on such items as property, sales, businesses, amusements, and dogs. The state, however, limits the size of those taxes. Until the limits are raised, cities cannot depend on much revenue from these sources.

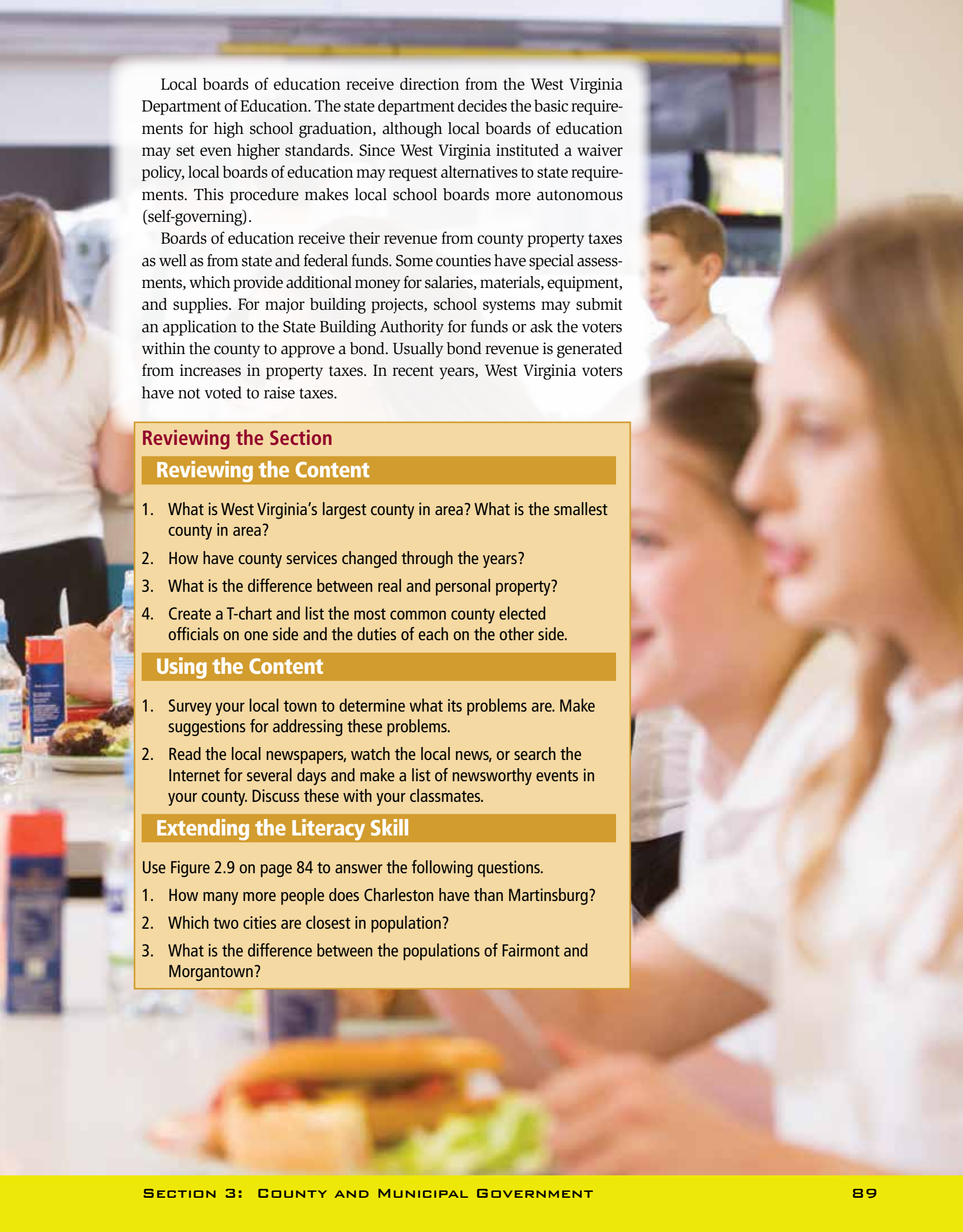
A final reason for municipal money shortages is the fact that many businesses have moved out of the cities. And many new businesses have located in suburban shopping centers, outside city limits. People who have gone to the suburbs no longer pay municipal property taxes.

Because of financial problems, municipalities must rely on service fees. Cities levy fees for such services as garbage removal, sewage disposal, and police and fire protection. They may also charge fees for paving streets and sidewalks.

Boards of Education

Besides county and municipal, a third example of local government is the board of education. In West Virginia, school districts are usually distinct from counties and municipalities, although school districts share the same borders as counties. (This is not the case in most other states.) West Virginia has fifty-five school districts in which more than 220,000 students are educated.

A **school board**, consisting of five members, is the governing body for the school district. School board members are chosen in nonpartisan elections. Board members set education policy, approve the budget and curriculum, and hire school employees. Board members also hire a chief administrator, called the school *superintendent*, to carry out the goals of the system. The county superintendent of schools is the chief spokesperson on education issues in the district.



Local boards of education receive direction from the West Virginia Department of Education. The state department decides the basic requirements for high school graduation, although local boards of education may set even higher standards. Since West Virginia instituted a waiver policy, local boards of education may request alternatives to state requirements. This procedure makes local school boards more autonomous (self-governing).

Boards of education receive their revenue from county property taxes as well as from state and federal funds. Some counties have special assessments, which provide additional money for salaries, materials, equipment, and supplies. For major building projects, school systems may submit an application to the State Building Authority for funds or ask the voters within the county to approve a bond. Usually bond revenue is generated from increases in property taxes. In recent years, West Virginia voters have not voted to raise taxes.

Reviewing the Section

Reviewing the Content

1. What is West Virginia's largest county in area? What is the smallest county in area?
2. How have county services changed through the years?
3. What is the difference between real and personal property?
4. Create a T-chart and list the most common county elected officials on one side and the duties of each on the other side.

Using the Content

1. Survey your local town to determine what its problems are. Make suggestions for addressing these problems.
2. Read the local newspapers, watch the local news, or search the Internet for several days and make a list of newsworthy events in your county. Discuss these with your classmates.

Extending the Literacy Skill

Use Figure 2.9 on page 84 to answer the following questions.

1. How many more people does Charleston have than Martinsburg?
2. Which two cities are closest in population?
3. What is the difference between the populations of Fairmont and Morgantown?

Irish Spring Festival



LOVE • LOYALTY •
FRIENDSHIP



Welcome To

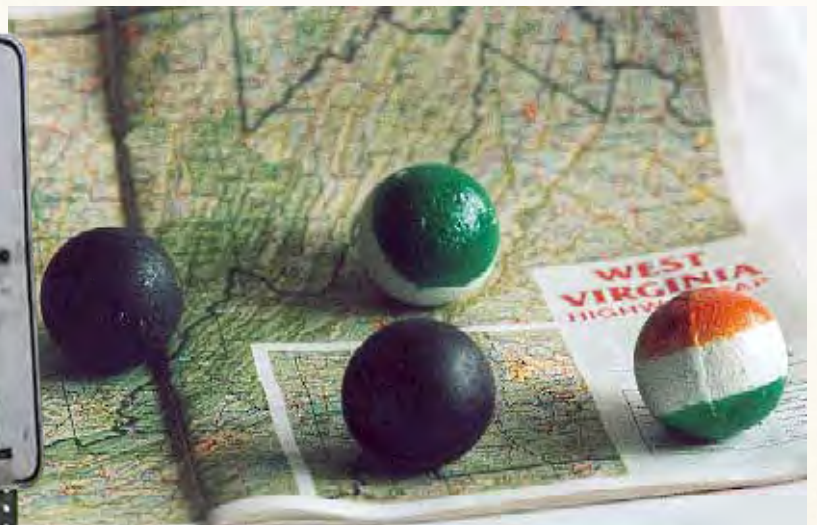
IRELAND

• Home Of The
**IRISH
SPRING FESTIVAL**

The town of Ireland, West Virginia, was settled in the early 1800s by Andrew Wilson, who was nicknamed “Old Ireland” because he had recently emigrated from the country of Ireland to America. Stories about the town’s founder say Wilson died in November 1843 at the age of 114.

Each spring, in mid-March, the town hosts an Irish Spring Festival to celebrate its Scots-Irish heritage. Prior to the beginning of the festival, a king and queen are chosen to preside. Candidates must be over sixty years of age and are selected by voters who place pennies in jars with their favorite candidates’ names. Each penny equals one vote. The festival royalty is appropriately named King Andrew and Queen Elizabeth in honor of Andrew Wilson and his wife Elizabeth. The festival starts with a potluck dinner and gospel concert.

The Irish Spring Festival occurs between St. Patrick’s Day and the vernal equinox (beginning of spring). The vernal equinox, which can occur on March 20 or March 21, is the time when the sun crosses the plane of Earth’s equator, making day and night approximately the same length all over the world. It is also the time, according to a myth, when it is possible to balance an egg on its end.



In recognition of St. Patrick, the festival's 10K Run/Walk is named the Snake Run. This event is symbolic of St. Patrick's chasing the snakes in Ireland into the sea during the 5th century AD. In recognition of the importance of the harp in Irish culture, the festival includes a Harping for Harmony Workshop at the Ireland United Methodist Church. Harps are available for beginners to explore, while more experienced musicians provide music for listening.

Another popular festival event is Irish Road Bowling. In 1994, two West Virginians traveled to the country of Ireland, where the sport began, and purchased six Irish road bowls (balls). On March 18, 1995, Irish Road Bowling became part of the Irish Spring Festival. The goal of the competition is to take the fewest throws to propel a metal ball along a predetermined course following a country road. After a throw, a chalk mark is placed on the road to mark where the next throw will occur. If two players approach the finish line with equal shots, whoever throws the ball farthest across the line is the winner.

The final event of the festival celebrates the vernal equinox. People climb to the jagged Blarney Rock at the top of a hill to officially welcome spring. Townspeople conduct research to determine the exact moment of the vernal equinox, and the climb takes place at that time, whether it is noon or midnight! At the top of the hill, an egg is balanced. Before leaving, the climbers leave pennies for leprechauns to ensure good luck and good health.



Chapter Summary

Section 1: A History of West Virginia Government

- West Virginia has had two constitutions, one that became effective in 1863 and one written in 1872.
- West Virginia's government is based on the principles of federalism, sovereignty, limited government, separation of powers, and checks and balances.
- The West Virginia constitution may be amended if two-thirds of the members of each house of the Legislature approve the proposed amendment. Voters must then approve of the change. The constitution may also be amended at a special constitutional convention. Voters must give final approval.

Section 2: The Three Branches of State Government

- West Virginia's government has three branches: legislative, executive, and judicial.
- West Virginia's Legislature consists of a House of Delegates of 100 members elected to two-year terms and a state Senate of 34 members elected to four-year terms.
- The Legislature has the power to pass laws, approve the governor's appointments, and impeach government officials.
- West Virginia's executive branch is headed by a governor. The governor may serve an unlimited number of terms but may serve no more than 2 four-year terms consecutively.
- West Virginia's governor develops a budget.
- West Virginia's executive branch includes the board of public works, nine cabinet departments, and many agencies and committees.
- West Virginia's judicial branch is headed by the state supreme court of appeals and also includes circuit courts, magistrate courts, family courts, and municipal courts.

- The circuit courts are the state's trial courts. They hear felony and certain misdemeanor cases.
- Magistrate courts hear misdemeanor and civil cases.
- The judicial branch has the power of judicial review.
- West Virginia's revenue comes from personal and corporate income taxes, sales taxes, use taxes, excise taxes, various other taxes and fees, the lottery, and the federal government.
- Revenues are placed in five funds: General Revenue Fund, Special Revenue Fund, Federal Funds, State Road Fund, and Lottery Fund.
- Major budget expenditures are for education, health/human resources, transportation, revenue, military affairs, higher education, and other.

Section 3: County and Municipal Government

- Local governments are created by the state. The major function of local governments is to provide services for the people.
- Local governments include counties, municipalities, and boards of education.
- The major policy-making body for county government is the county commission. Other county officials include the sheriff, circuit clerk, county clerk, assessor, and prosecuting attorney.
- Cities in West Virginia are chartered by the state government and are classified by population. City governments are either the mayor-council form, the council-manager form, or the commission form.
- Local governments are financed through taxes, fees and fines, federal grants, and other state sources. Counties rely heavily on personal and real property taxes.

State and Local Government in West Virginia

Recalling the Facts



1. How many members are in each house of the West Virginia Legislature?
2. What duties are given to the two presiding officers of the West Virginia Legislature?
3. Who heads the executive department of West Virginia's government?
4. What happens to a bill if the governor does not sign it?
5. What are the nine cabinet departments in West Virginia's executive branch?
6. What offices make up the state's board of public works?
7. What types of crimes are tried in circuit courts?
8. What is the purpose of the family court?
9. What are some of the taxes that provide the state with its revenue?
10. What was the last county formed in the state?
11. What type of municipal government does your town have? If your town is unincorporated, describe the type of government found in the nearest incorporated city.
12. What is the purpose of the county board of education?
13. Compare the duties of the legislative and executive branches of government.
14. Compare the duties of the various state courts.

Learning Skill



1. What might be a disadvantage of having lower taxes?
2. Why are budget decisions hard to make?

Chapter Review

3. What are some new services that you would like your county to provide?
4. How might schools be different if county boards of education were consolidated?

Community Connection



1. Attend a city council or county commission meeting. Write minutes for the meeting, highlighting the major items of business on the agenda.
2. Interview an adult to find out what elections were like in the past. Write a report describing the person's experiences. Compare past elections with elections today.

Literacy Skill



1. Contact the Legislature and request a copy of a previously introduced bill. After examining the format, write your own bill.
2. Write a persuasive essay describing how services in your county could better be offered through consolidation with another county.

Technology Tool



1. Go to the home page of the West Virginia Legislature, <http://www.wvlegislature.gov>, to discover what bills are being considered during this session or what bills were considered in a past session. Choose one that you would support if you were a member of the Legislature. Give reasons for your support.
2. Use a search engine to find the home page of your county or your city. What types of information appear on the home page? Can you suggest other information that would be of interest? What improvements would you suggest?