

CHAPTER 2

State and Local Government in West Virginia

CHAPTER PREVIEW

TERMS

concurrent powers, preamble, apportionment, census, 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 Cabell County Courthouse. **Below:** The Capitol of West Virginia.



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 salary of the governor of West Virginia is \$150,000 annually. The salary of a legislator is \$20,000 annually plus a \$75 per diem rate for commuters and a \$175 per diem rate for noncommuters. The salary for the state superintendent of schools is \$230,000 annually.

GEOGRAPHY

An EF0 tornado hit Berkeley County on August 8, 2024, in association with the remains of former Hurricane Debby as it passed by the region. That brought the number of documented tornadoes across West Virginia in 2024 to 19, setting a new record for the most tornadoes in a calendar year for the state. The summer of 2024 was the driest on record in West Virginia. The eastern panhandle's extreme drought was the worst in 130 years. Streamflow was much below normal across the Ohio, Little Kanawha, Kanawha, Cheat, and Tygart River basins in 2024.

CIVICS

In 2023, the number of persons registered to vote in West Virginia was 1,152,452, a decline of 75,148 from 2016. Of that 2023 number, 371,086 (32.2 percent) were Democrats and 456,885 (39.6 percent) were Republicans. Other categories include Mountain 2,367; Libertarian 10,233; No Party 274,083; and Other 37,798. In 2023, West Virginia changed an election law that had required a voter to be 18 years of age. The new law permitted a 17-year-old to vote if that person would be 18 before the next general election.

Background: The dome of the West Virginia Capitol in Charleston.

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.

Background: The West Virginia Capitol, at a height of 292 feet, is the state’s tallest building.

Below: As governor, Jim Justice signed 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	1. Proposed by constitutional convention and approved by a majority of both houses of the Legislature and a majority of the voters. 2. Proposed by two-thirds of members of both houses of the Legislature and approved by a majority of the voters of the state.	1. Proposed by constitutional convention and approved by three-fourths of state legislatures. 2. 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)	Provides a tax rate cut and property tax rebate (March 7, 2023)	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 to the West Virginia Constitution can be placed on a ballot to be voted on by the people.

SECTION 2

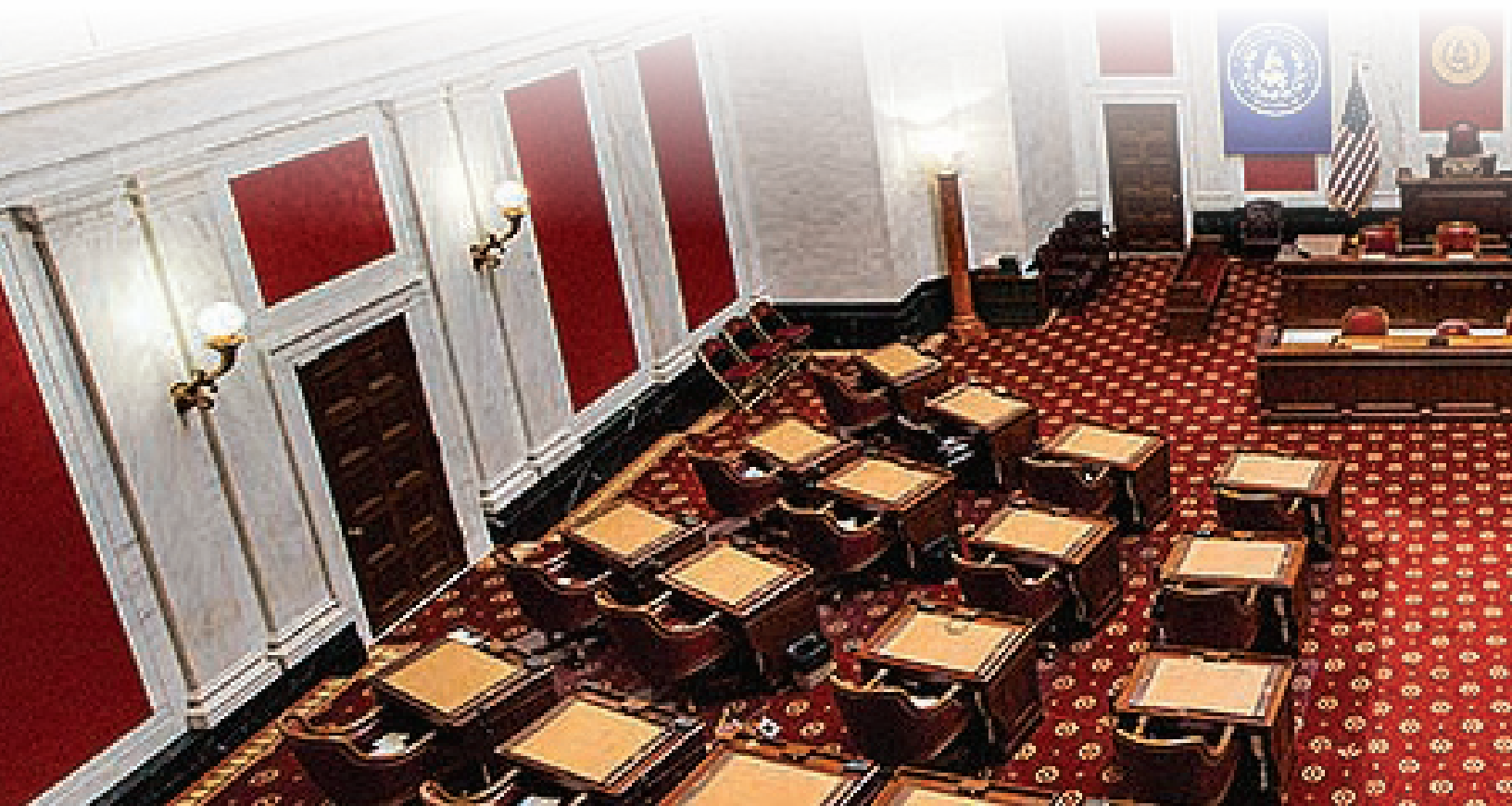
The Three Branches of State Government

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, 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.**

Below: The 34 members of the West Virginia Senate meet in the Senate Chamber on the second floor of the Capitol. **Opposite Page, Top:** The Great Seal of the State of West Virginia remains unchanged since it was adopted on September 26, 1863.

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 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.

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.





something extra!



New legislative districts, which were drawn based on the 2020 Census, went into effect in 2022

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 who meets some basic requirements 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.

Opposite Page: The Chamber of the House of Delegates is on the opposite side of the Capitol from the Senate Chamber. **Below:** On opening day in the House of Delegates, all 100 delegates are sworn in.



something extra!

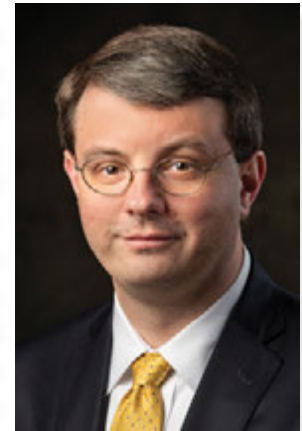
In 2024, the West Virginia Legislature passed around 300 bills that were signed into law by the governor in the first regular session in 2024.

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: Roger Hanshaw serves as the speaker of the House of Delegates. **Below:** Randy Smith from Tucker County was named President of the WV Senate in 2024. He 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.

How a Bill Becomes Law





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.



Top: The first reading of a bill in the Senate. Above: Patrick Morrisey was elected West Virginia's 37th governor in November 2024. He began serving in January 2025.
Bottom: The Governor's Mansion.



Playing a Role in the Legislative Process

To learn firsthand how our state government works, you may want to consider becoming a page in the House of Delegates or Senate. In a program that began in 1993, public and private school students can be chosen to interact with legislators on the floor of one of the two chambers while the legislature is in session.

Students in grades 6-12 in West Virginia schools are eligible to apply to serve as pages in a nonpartisan manner. The program offers students an opportunity to

- meet and work with other young people from different parts of the state.
- meet legislators from different parts of the state.
- have a hands-on learning experience to increase their knowledge of how the legislative process works.
- Share ideas as lawmakers make decisions that affect every citizen in the state.

Pages primarily deliver correspondence and legislative materials within the Capitol chambers. Pages take messages from and deliver messages to legislators, carry copies of bills and amendments to legislators' desks, and prepare the chamber before the official session begins.

Although the application process to serve in the House or Senate differs, both require a letter of interest, an official transcript of grades, and letters of recommendation from teachers or mentors.

At the end of the session, each page receives a certificate signed by either the president of the Senate and Senate clerk or the speaker of the House and House clerk.

For more information about the Page Program, go to https://www.wvlegislature.gov/legisdocs/publications/PageProgram_2023.pdf. For an application to become a page, go to <https://joint.wvlegislature.gov/page-program/>.



Arthur Ingram Boreman

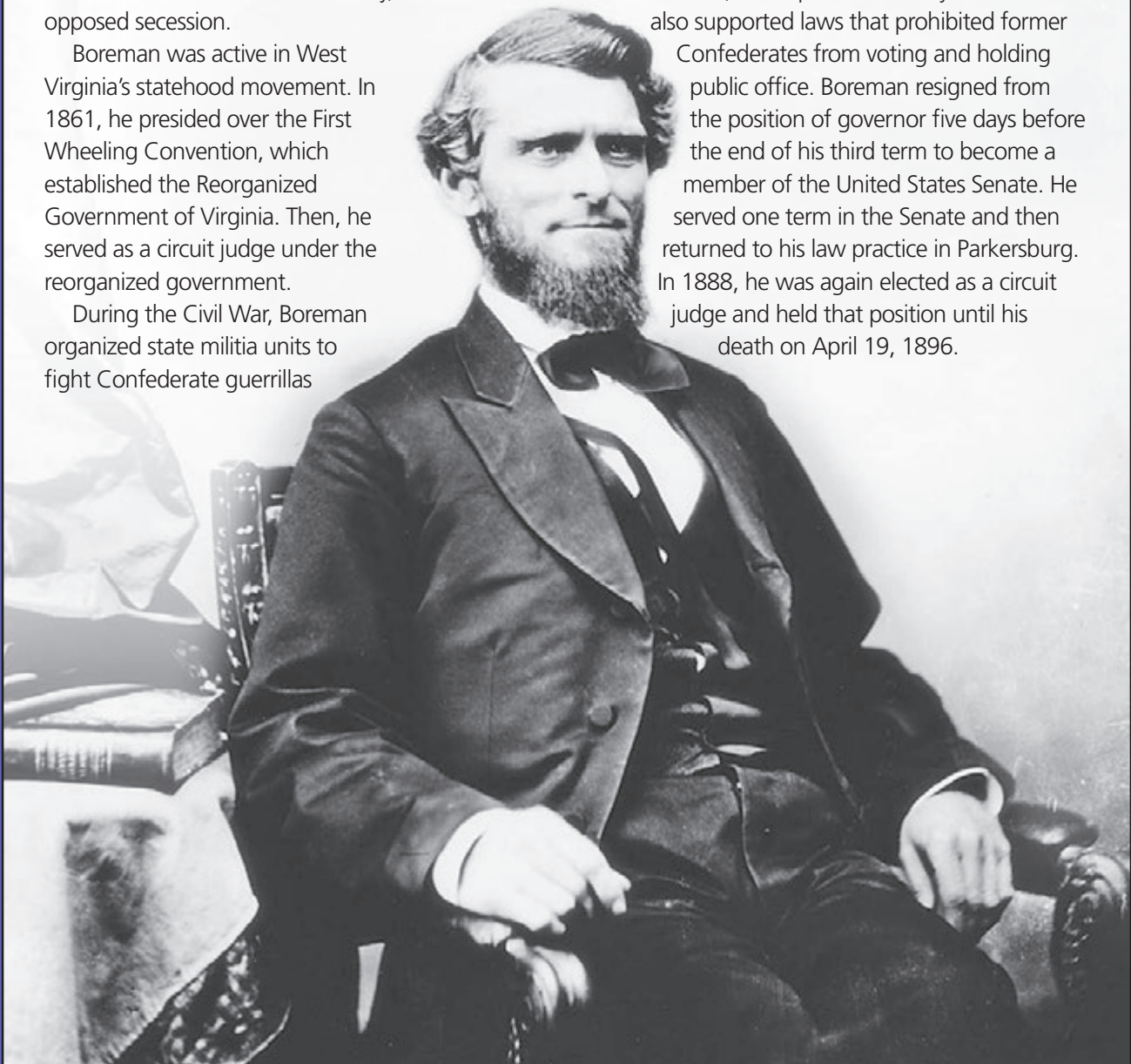
Arthur Ingram Boreman was born July 24, 1823, in Waynesburg, Pennsylvania. When he was four years old, his family moved to Middlebourne (Tyler County). Boreman became a lawyer and established a law practice in Parkersburg. While living in Parkersburg, he represented Wood County in the Virginia General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



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 2025, 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.

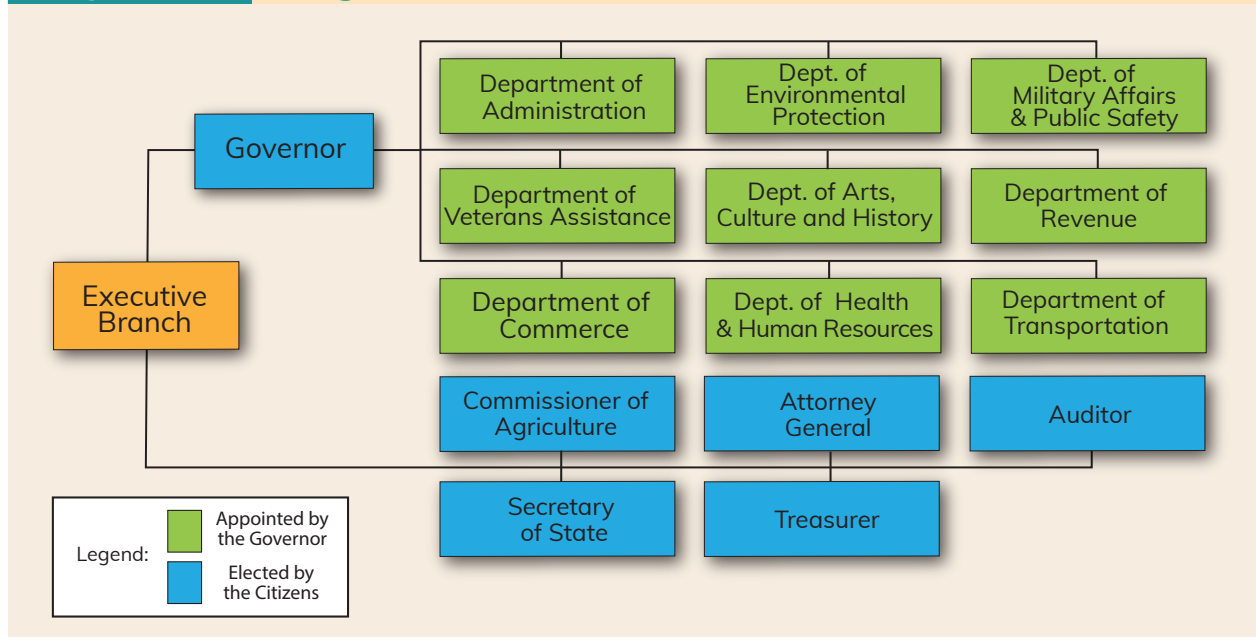
The governor is responsible for overseeing the operation of the state government. The governor makes sure that the state laws are carried out, and he or she may propose new bills to the Legislature. As the chief financial officer for the state, the governor prepares and sends to the Legislature an annual 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.

Below: Arch A. Moore Jr. was one of only two West Virginia governors to serve three terms.



Figure 2.4

Organization of the Executive Branch





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.

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.



Top: The governor delivers a State of the State Address on the first day of the legislative session, as Jim Justice did in 2022. **Middle:** Secretary of State Kris Warner. **Left:** State Treasurer Larry Pack.

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.

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.

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. Candidates must have practiced law in West Virginia for at least ten years. Their salaries are set by the legislature. As of July 1, 2022, their annual salaries are \$149,600. 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 to serve as chief justice for one year. Tim Armstead began his term as chief justice on January 1, 2024—replacing Justice Elizabeth Walker. In January

2025, Justice William Wooton replaced Armstead. Following American custom since the 1800s, the justices wear black robes. Further, as is customary in American courts, the justices are seated by seniority on the bench. The chief justice occupies the center chair. The senior justice sits to the right of the chief justice, the second senior to the chief justice's left, and so on, alternating right and left by seniority. 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 ends in June. The second session begins on the first Wednesday in September and ends in November. The time period between terms is called *sine die*, which is Latin for "without day." During that time, the justices may consider emergency business.

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.

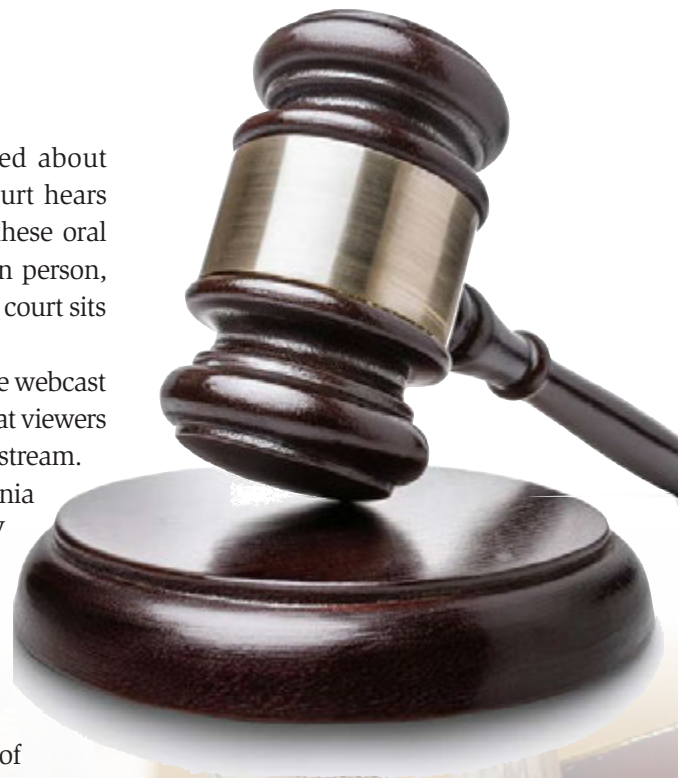


Technology has allowed the public to be more informed about the supreme court of appeals. Throughout the term, the court hears oral arguments at specific times. Now the public may hear these oral arguments in one of three different ways. They may attend in person, listen over a call-in line (304-558-1313) available only when the court sits in Charleston, or watch and listen via a webcast.

The webcast is streamed live directly from the courtroom. The webcast may be viewed on both desktop and mobile devices, ensuring that viewers spanning multiple web-enabled platforms may access the live stream. All the court's argument dockets are webcast. The West Virginia Channel The Courts live webcast may also be simulcast on WV Public Broadcasting's The West Virginia Channel, available on television and online through their YouTube Channel when the court sits outside of Charleston.

The Intermediate Court of Appeals

In 2021, the state legislature created the Immediate Court of Appeals. Three judges hear appeals related to decisions of all circuit courts, family courts, magistrate courts, and state administrative agencies. These decisions are binding unless modified by the West Virginia Supreme Court of Appeals.



Background: The Supreme Court Chamber is in the State Capitol.
Opposite Page: Front, left to right: Justice Elizabeth D. Walker, Chief Justice Timothy Armstead, Justice John A. Hutchison. **Back, left to right:** Justice William R. Wooton, Justice C. Haley Bunn.

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 2020 Census, the same was true for the courts. In 2025, there were 53 sitting judges in 30 circuits ranging in size from 1 judge in 14 circuits to 2 judges in 9 circuits, 3 judges in 3 circuits, and 4 judges in 3 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.

Bottom: Putnam County Circuit Court. **Opposite Page:** McDowell County is an example of magistrate and family courts in the same building.



Magistrate Courts

There are 160 magistrates statewide, with at least 2 in each county. The state's largest county, Kanawha, has 10. **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.

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 nonpartisan.

In 2025, there were 48 family court judges in 27 circuits. Each circuit has between 1 and 5 judges. Kanawha has 5 judges, 14 circuits have 1 judge, 8 circuits have 2 judges, 3 circuits have 3 judges, and 1 circuit has 4 judges. Family court judges must have practiced law for at least 5 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.

something extra!

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

Background: Tax dollars are used for all state programs.

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.

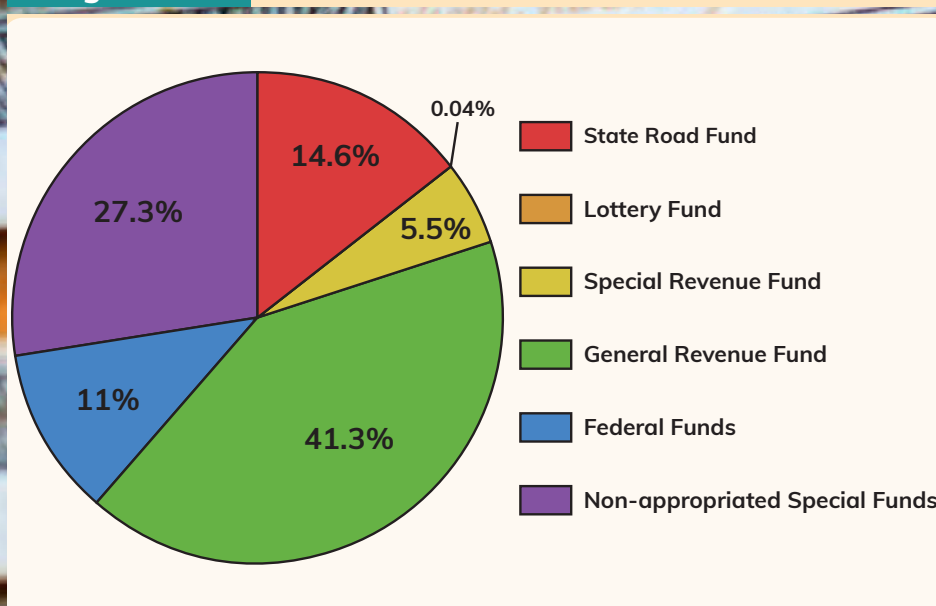
In 1951, West Virginia passed a **use tax**, a 6 percent tax for items that residents purchased from other states and through mail-order firms, catalogs, and television shopping networks. The sales and use taxes are meant to complement one another. However, the use tax is very hard to enforce and, as 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.

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.

Figure 2.5

State Revenue Funds





In Fiscal Year 2024, West Virginia's revenue was \$4.88 billion. For recordkeeping purposes, West Virginia puts its revenue in six funds. These funds are the General Revenue Fund, Special Revenue Fund, Federal Funds, State Road Fund, Non-appropriated Special Fund, and Lottery Fund. Each fund consists of specific forms of revenue.

- The *General Revenue Fund* (\$4.88 billion) consists of taxes, fees, and licenses that are dedicated to the State Fund or are not specifically directed to special or other dedicated purposes. The General Revenue Fund (or General Fund) consists primarily of the major tax revenue of the state such as Consumer Sales Tax and Use Tax, Personal Income Tax, Business and Occupation Tax, Corporation Net Income Tax, Tobacco Products Tax, and Severance Tax. For FY 2023, these taxes comprise approximately 93.5 percent of the General Revenue Fund. The remaining 6.5 percent of the General Revenue Fund is a combination of lesser taxes along with fees such as Liquor Profit Transfers and transfers from lottery revenues.
- The *Special Revenue Fund* (\$20.2 billion) consists of individual accounts created for a specific purpose. The revenues may be expended only for that specific purpose unless otherwise directed by the legislature. These accounts generate revenue derived from permits, licenses, and established rates or fees for services provided either to the public, other state agencies, or nonstate governmental entities. These accounts are generally “from collections” and the spending is limited to the amount collected or the amount appropriated by the legislature, whichever is less. Proprietary funds and trust funds are included in the budget as Special Revenue funds.
- *Federal Funds* (\$9.05 billion) are received directly from the federal government and may only be used for the specific purpose for which they are intended. Federal funds consist of any financial assistance made directly to any state department/ bureau/commission/division by the United States government, whether a loan, grant, subsidy, augmentation, reimbursement or any other form of such assistance, including federal matching funds.
- The *State Road Fund* (\$1.68 billion) consists of revenues from gasoline and other Motor Fuel Excise and License Taxes, Sales Tax, Motor Vehicle Registration, and License Tax, and all other revenue derived from motor vehicles or motor fuel that are solely dedicated to this fund. The State Road Fund is appropriated by the Legislature and used solely for the construction, reconstruction, repair, and maintenance of public highways, the payment of the interest and principal on all road bonds, and the administrative expenses of the Division of Highways and the Division of Motor Vehicles.
- The *Lottery Fund* (\$479 million) is expected to increase in gross revenue by an estimated 10.8 percent in FY 2024. The Racetrack Video Lottery is projected to remain level. Limited Video Lottery is projected to increase by 18.7 percent. Table games revenue is projected to remain level. Historic Resort Hotel revenue is projected to increase 14.8 percent. Sports Wagering is projected to increase by 42.9 percent. Interactive Gaming is projected to increase by 127.1 percent. Online sales are projected to remain level, and instant ticket sales are projected to increase 26.1 percent.
- The *Non-appropriated Special Funds* includes funds generated from agency collections for goods and services provided to public and other agencies, fees, permits, licenses, and federal funds such as grants and federal fund appropriations. Special revenue funds are revenue sources that are not required to be accounted for as general revenue by legislative enactments. Some examples of special revenue funds in West Virginia include the Shared Services Section Fund. This fund is created in the State Treasury and includes appropriations by the Legislature from funds received for services provided, and any gifts, grants, or donations received.

State Government Spending

West Virginia spends a great deal of money on programs and services. The 2024 budget provided \$194 billion for expenditures. Most of that money was spent in the following five categories.

1. *Education.* About 21.75 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.

2. *Health and Human Resources.* About 39.08 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.

3. *Transportation.* About 8.91 percent of the state's budget is used to supplement highway repair and construction. The fund also provides money for public transportation.

4. *Revenue.* About 3.55 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.

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 18.44 percent of the state's revenue is used to provide these services.

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 the data on pages 75-77, 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 Figure 2.3 on page 63 and the material on pages 63-64, 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?

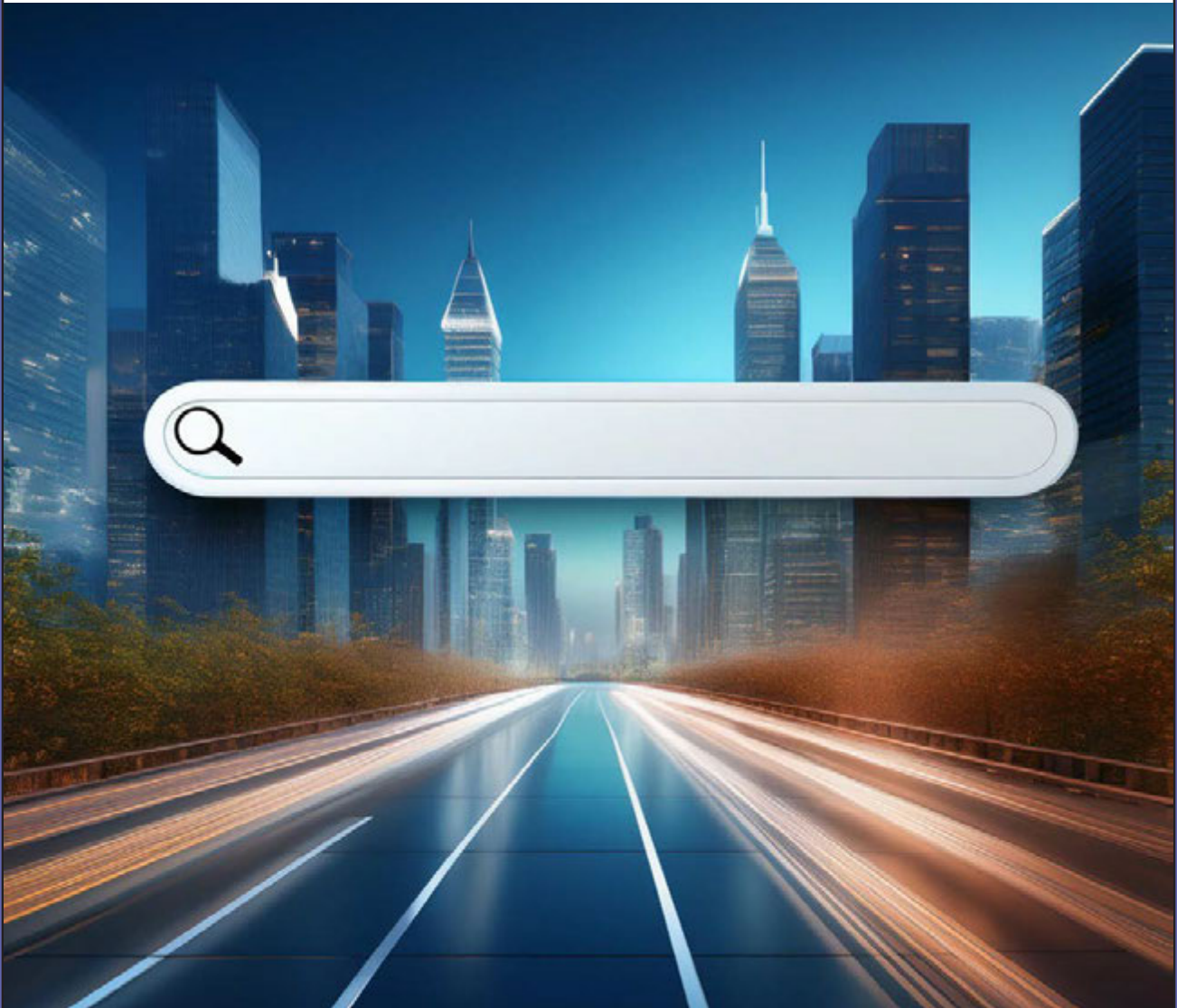
Focus on Technology

FOCUS:

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

ACTIVITY:

Select one member of the State Executive Department. Use a search engine to find information and prepare a brief profile of that person. Include the following information in the profile: biographical data, terms of office, major accomplishments, and highlights of the state's accomplishments during that person's 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 onstitution 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.

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

Below: The Tyler County Courthouse in Middlebourne is a registered National Historic Landmark.



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.

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.

Map 2.1

West Virginia's Counties

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

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.

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.

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 2023, its population was 174,805. Wirt County had the least number of residents at 5,000.

Above: Once a year in Fayette County, repel teams attend Bridge Day to compete and learn new rescue techniques.



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.

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.

Above: The Hancock County Courthouse and Jail is located in New Cumberland, the county seat. **Opposite Page:** The sheriff is the county official responsible for enforcing the law.

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.

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.





Above: Charleston is the state capital of West Virginia, the county seat of Kanawha County, and the state’s most populous city.

Figure 2.6
West Virginia’s Ten Largest Cities, 2024

Charleston	45,616
Huntington	44,739
Morgantown	30,385
Parkersburg	28,720
Wheeling	25,808
Martinsburg	19,133
Fairmont	18,063
Weirton	17, 853
Beckley	16,282
Clarksburg	15,276

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.

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 2020 Census), 77 were cities, 148 were towns, 6 were villages, and 1 was a corporation. 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.



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.

**something
extra!**

According to 2024 population data, there are no cities in West Virginia with a population of 50,000 or more.

Inset: Frank Mullens was elected mayor of South Charleston for the fifth time in 2023. South Charleston has a mayor-council form of government. **Right:** Charleston's City Hall, which was built in 1921, is listed on the National Register of Historic Places.





Top: As city manager of Princeton, Mike Webb acts as the city's chief executive officer. He oversees seven city departments, coordinates daily operations at City Hall, and communicates with county, state, and federal government representatives.

Bottom: In Morgantown, which has the council-manager form of government, the mayor and city council serve part time and are elected on a nonpartisan basis. The city manager handles the day-to-day management of the city.

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.

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.

Background: McDowell county uses tax revenue to buy and maintain school buses .

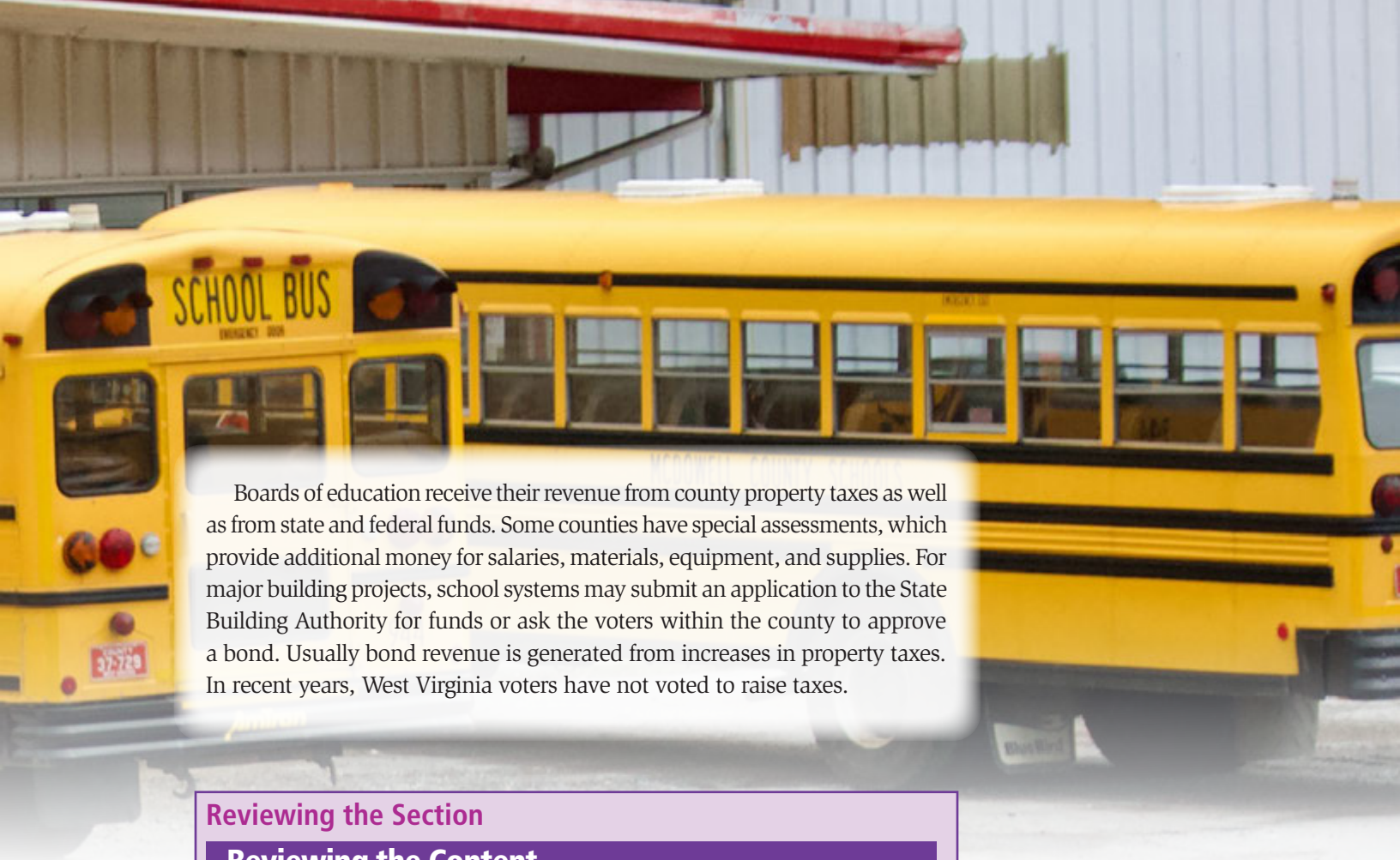


Boards of Education

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 2.6 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?

Scenic Highways and Byways Will Take You To...

Romney and Shepherdstown

What is the Oldest Town in West Virginia?

Two towns, Romney in Hampshire County and Shepherdstown in Jefferson County (formerly Frederick County), are 51 miles apart traveling east to west and 76 miles apart following US-50. Besides being near each other, they have a lot in common, which makes it more difficult to definitively declare one of them the oldest town.

Both are river towns. Shepherdstown is located on the Pack Horse Ford on the Potomac River, while Romney is located on the South Branch of the Potomac River. Both are located in the Shenandoah Valley. Because they are so close together, it is not surprising that they were also settled about the same time. Histories of the two towns claim they were both settled in the 1730s.

With these similar locations and settlement times, perhaps a look at the timeline of their petitions to the House of Burgesses to become a town will provide the answer. The proceedings can be found in the Journals of the Virginia House of Burgesses.

As more and more people immigrated to an area, communities, towns, and cities were formed. As early as 1760, some communities wanted to be designated as towns. To be designated a town in Virginia at that time, communities had to follow a process and be approved by the Virginia General Assembly. The process was very similar to the process used to pass a law today.

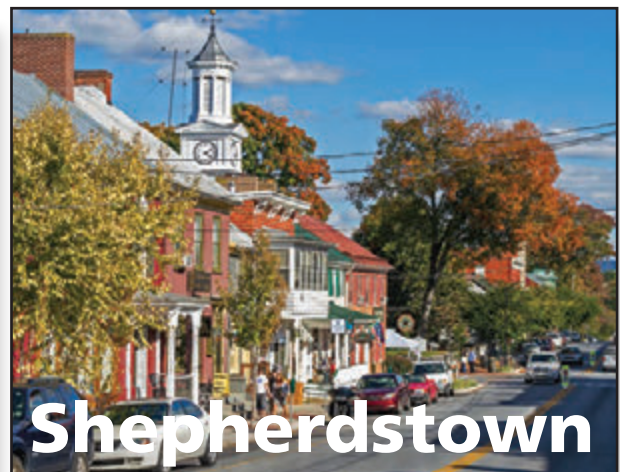
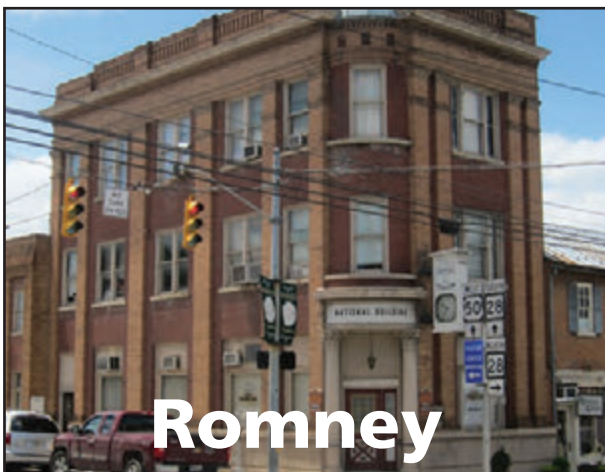
The Virginia Assembly was divided into two houses: the House of Burgesses (like our House of Delegates) and the Governor's Council or Council of State (like our Senate). The first step in the process was to develop a petition (like our bills) to be presented to the House of Burgesses. If members of the House thought the bill deserved consideration, it would be sent to a committee for further study. While it was being studied, it had to be read three times. If this part of the process was successful, it would then be sent to the Council of State for consideration. If it successfully received approval there, it was sent to the governor for his signature. If he signed the bill, it became law.

It is interesting that, in 1762, both Romney and Shepherdstown (then called Mecklenburg) wanted to become towns. The following timeline will help you decide which city was the first town in West Virginia.



Pack Horse Ford

- November 5** The County of Hampshire submitted a petition to designate a town, Tucker's Plantation, on the land of Lord Fairfax. This bill was read for the first time.
- November 8** The bill was sent back for a second reading, but there were several concerns about it. It was returned to the committee for further study.
- November 12** A petition was submitted asking that Mecklenburg in the County of Frederick be given the designation of town. On the same day Hampshire's earlier request was brought up again. This request changed the name of the proposed town to Pearsall's Level. The petition was given to two House members to prepare a bill for further discussion.
- November 13** It was found that the Hampshire County bill was proposed by some illegally elected Vestry members, and it was suggested the petition not be considered.
- November 18** A petition by Hampshire County was submitted asking that a place called Tucker's Plantation be designated a town, but the petition was rejected. A delegate then presented a bill asking for approval for the Town of Romney in Hampshire County and—at the same time—officially read the bill for the first time.
- November 20** The House formally dissolved the illegal Vestry in Hampshire County and elected a new one. This bill was read for the first time. The bill to establish the Town of Romney was read a second time.
- November 22** The bill to dissolve the illegal Vestry was read a second time.
- November 23** A bill for dissolving the illegal Vestry was read a third time. A bill for establishing the Town of Mecklenburg was read a second time.
- November 25** The bill establishing the Town of Mecklenburg was read a third time and was passed. It was sent to the Council of the Colony,
- November 30** The bill establishing the Town of Mecklenburg was approved by the Council of State.
- December 10** The bill establishing the Town of Romney was returned from the Council of State to the House of Burgesses with some amendments. The amendments were read twice in the House and then were passed.
- December 20** The bill establishing the Town of Romney was read a third time and passed.
- December 23** Governor Francis Fauquier signed bills that had been approved.
- Bill 20 Establishing the Town of Romney was signed right before lunch.
 - Bill 21 Establishing the Town of Mecklenburg in Frederick County was signed right after lunch.



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 supreme court of appeals and also includes the intermediate court of appeals, 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 six funds: General Revenue Fund, Special Revenue Fund, Federal Funds, State Road Fund, Non-appropriated Special Funds, 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.

Writing 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?