

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 2858

By Delegate Hansen

[Introduced February 24, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended, relating to
2 county commissions; and clarifying the authority of counties to regulate floodplains under
3 the NFIP regulations.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3. Jurisdiction, powers, and duties.

1 (a) The county commissions, through their clerks, shall have the custody of all deeds and
2 other papers presented for record in their counties and the same shall be preserved therein, or
3 otherwise disposed of as now is, or may be prescribed by law. They shall have jurisdiction in all
4 matters of probate, the appointment and qualification of personal representatives, guardians,
5 committees, curators and the settlement of their accounts and in all matters relating to
6 apprentices. They shall also, under the rules as now are, or may be prescribed by law, have the
7 superintendence and administration of the internal police and fiscal affairs of their counties,
8 including the establishment and regulation of roads, ways, streets, avenues, drives and the like,
9 and the naming or renaming thereof, in cooperation with local postal authorities, the Division of
10 Highways and the directors of county emergency communications centers, to assure uniform,
11 nonduplicative conversion of all rural routes to city-type addressing on a permanent basis,
12 bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. They
13 shall, in all cases of contest, judge of the election, qualification and returns of their own members,
14 and of all county and district officers, subject to appeal as prescribed by law. The tribunals as have
15 been heretofore established by the Legislature under and by virtue of section thirty-four, article VIII
16 of the Constitution of 1872, for police and fiscal purposes, shall, until otherwise provided by law,
17 remain and continue as at present constituted in the counties in which they have been respectively
18 established, and shall be and act as to police and fiscal matters in lieu of the county commission
19 herein mentioned, until otherwise provided by law. And until otherwise provided by law, the clerk
20 as is mentioned in section twenty-six of said article, as amended, shall exercise any powers and

21 discharge any duties heretofore conferred on, or required of, any court or tribunal established for
22 judicial purposes under said section, or the clerk of the court or tribunal, respectively, respecting
23 the recording and preservation of deeds and other papers presented for record, matters of
24 probate, the appointment and qualification of personal representatives, guardians, committees,
25 curators and the settlement of their accounts and in all matters relating to apprentices. The county
26 commission may not limit the right of any person to purchase, possess, transfer, own, carry,
27 transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition
28 components to be used therewith nor to so regulate the keeping of gunpowder so as to, directly or
29 indirectly, prohibit the ownership of the ammunition: *Provided*, That no provision in this section
30 may be construed to limit the authority of a county to restrict the commercial use of real estate in
31 designated areas through planning or zoning ordinance.

32 (b) County commissions may not adopt or enact an ordinance, rule, license requirement, or
33 other authorization that contravenes or is stricter than any state law, rule, or regulation relating to
34 agricultural operations, as defined in §19-19-2 of this code. Any ordinance, rule, regulation,
35 license requirement, or other authorization previously adopted by a county commission that
36 contravenes or is stricter than any state law, rule, or regulation regarding agricultural operations is
37 revoked. *Provided*, That nothing in this subsection shall prevent a county commission from
38 adopting, enacting, or enforcing any ordinance, rule, regulation, license requirement, or other
39 authorization with the purpose of establishing, updating, or enforcing requirements of the county's
40 participation in the National Flood Insurance Program promulgated in Title 44 of the Code of
41 Federal Regulations.

42 (c) County commissions may not adopt an ordinance, rule, or regulation, or take other
43 action, that prohibits the purchase, or alters the permissible use or application, of any federally or
44 state-registered pesticide, herbicide, or insecticide product.

NOTE: The purpose of this bill is to clarify the authority of the counties to regulate floodplain
under the NFIP regulations.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.