

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



## ENROLLED

HOUSE BILL No. 873

(By Mr. Galperin)



PASSED March 11, 1967

In Effect Ninety days from Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE 3-21-67

# 873

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**ENROLLED**  
**House Bill No. 873**  
(By MR. GALPERIN)

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[Passed March 11, 1967; in effect ninety days from passage.]

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AN ACT to amend article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-n, relating to the employment of personnel by county courts.

*Be it enacted by the Legislature of West Virginia:*

That article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-n, to read as follows:

**ARTICLE 1. COUNTY COURTS GENERALLY.**

**§7-1-3n. Authority to employ, fix compensation for and discharge personnel.**

1 In addition to all other powers and duties now con-

2   ferred by law upon county courts or tribunals in lieu  
3   thereof, hereinafter referred to as county courts  
4   or courts, such courts are hereby empowered to  
5   employ, fix compensation for and discharge such clerical,  
6   stenographic, technical, professional and other personnel,  
7   including specialists and consultants, as may from  
8   time to time be necessary to aid such courts in exercising  
9   their powers or discharging their duties as  
10   provided by law: *Provided*, That such courts shall not  
11   have the power to employ any such personnel to perform  
12   powers and duties that are performed by such courts  
13   through their clerks pursuant to law.

14   The county courts shall, not later than March twenty-  
15   eight of each year, take up and consider the probable  
16   amount necessary to be expended for such personnel in  
17   the following fiscal year; shall determine and fix an aggregate  
18   sum to be expended during the following fiscal year  
19   for the compensation of such personnel, which shall be  
20   reasonable and proper, taking into account the amount  
21   of labor and services necessary to be performed by those

22 who are to receive the compensation; and shall make and  
23 enter an order stating any action taken in this regard.

24 The county courts shall file with their clerks a state-  
25 ment in writing showing such action and setting forth  
26 the name of each person employed pursuant to the pro-  
27 visions of this section, the time for which employed and  
28 the monthly compensation. Such courts shall have au-  
29 thority to discharge at their will and pleasure, any such  
30 personnel by filing with their clerks a statement in writ-  
31 ing showing such action, to be entered in, and made a part  
32 of, their order book or other daily record book. All state-  
33 ments required to be filed by this section shall be verified  
34 by the affidavit of a majority of the members of the county  
35 court making them, and among other things contained in  
36 the affidavit shall be the statement that the amounts  
37 shown therein were the amounts actually paid or  
38 intended to be paid to each person employed without  
39 rebates, or any agreement, understanding and expectation  
40 that any part thereof shall be repaid to any of such mem-  
41 bers making said affidavit, and that nothing has hereto-  
42 fore been paid or promised any of such members making

43 said affidavit on that account, and that if any of such mem-  
44 bers making said affidavit shall thereafter receive any  
45 money, or thing of value, on account thereof, the same  
46 will be accounted for and paid to the county. Until the  
47 statements required by this section shall have been filed,  
48 no allowance or payments shall be made by the county  
49 courts for personnel.

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

William Tompos  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard T. Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard W. Carson  
President of the Senate

H. Laban White  
Speaker House of Delegates

The within approved this the 17  
day of March, 1967.

Walter C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/17/67

Time 4:00 pm