

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 258

(By Mr. Huffman)

PASSED March 9 1974

In Effect ninety days from Passage



FILED IN THE OFFICE  
EDGAR F. HEISKELL III  
SECRETARY OF STATE  
THIS DATE 3-18-74

258

## ENROLLED

### Senate Bill No. 258

(By MR. HUFFMAN)

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[Passed March 9, 1974; in effect ninety days from passage.]

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AN ACT to amend and reenact section three-m, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the authority of the county court to employ, fix compensation for and discharge personnel including a county administrator.

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

That section three-m, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

#### **ARTICLE 1. COUNTY COURTS GENERALLY.**

##### **§7-1-3m. 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 or courts,  
4 such courts are hereby empowered to employ, fix compen-  
5 sation for and discharge such clerical, stenographic, tech-  
6 nical, professional and other personnel, including spe-  
7 cialists and consultants, as may from time to time be  
8 necessary to aid such courts in exercising their powers or  
9 discharging their duties as provided by law and including  
10 a county administrator, to coordinate the court's activities  
11 and to do such other things as the court may direct: *Pro-*  
12 *vided*, That such courts shall not have the power to employ

13 any such personnel to perform powers and duties that are  
14 performed by such courts through their clerks pursuant  
15 to law.

16 The county courts shall, not later than March twenty-  
17 eight of each year, take up and consider the probable  
18 amount necessary to be expended for such personnel in the  
19 following fiscal year; shall determine and fix an aggregate  
20 sum to be expended during the following fiscal year for  
21 the compensation of such personnel, which shall be rea-  
22 sonable and proper, taking into account the amount of  
23 labor and services necessary to be performed by those  
24 who are to receive the compensation; and shall make and  
25 enter an order stating any action taken in this regard.

26 The county courts shall file with their clerks a state-  
27 ment in writing showing such action and setting forth the  
28 name of each person employed pursuant to the provisions  
29 of this section, the time for which employed and the  
30 monthly compensation. Such courts shall have authority  
31 to discharge at their will and pleasure, any such personnel  
32 by filing with their clerks a statement in writing showing  
33 such action, to be entered in, and made a part of, their  
34 order book or other daily record book. All statements re-  
35 quired to be filed by this section shall be verified by the  
36 affidavit of a majority of the members of the county court  
37 making them, and among other things contained in the  
38 affidavit shall be the statement that the amounts shown  
39 therein were the amounts actually paid or intended to be  
40 paid to each person employed without rebates, or any  
41 agreement, understanding and expectation that any part  
42 thereof shall be repaid to any of such members making  
43 said affidavit, and that nothing has heretofore been paid  
44 or promised any of such members making said affidavit  
45 on that account, and that if any of such members making  
46 said affidavit shall thereafter receive any money, or thing  
47 of value, on account thereof, the same will be accounted  
48 for and paid to the county. Until the statements required  
49 by this section shall have been filed, no allowance or pay-  
50 ments shall be made by the county courts for personnel.

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

H. Daniel Daryl  
Chairman Senate Committee

Clarence B. Christensen Jr.  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Hanson  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

W. D. Brotherton, Jr.  
President of the Senate

Louis F. McNamee  
Speaker House of Delegates

The within approved this the 18th  
March  
day of \_\_\_\_\_, 1974.

Arch A. Moore Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/74

Time 2:15 p.m.