

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

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Senate Bill No. 258

(By MR. HUFFMAN)

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

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 Dally

Chairman Senate Committee

Clarence C. Christian Jr.

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Cannon

Clerk of the Senate

C. Blawieensky

Clerk of the House of Delegates

W. R. Brotherton, Jr.

President of the Senate

Louis F. M. Barnes

Speaker House of Delegates

The within

approved this the 18th

day of March, 1974.

A. A. Shaeffer Jr.

Governor



PRESENTED TO THE
GOVERNOR

Date 3/14/74
Time 2:15 p.m.