

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 140

(BY SENATORS KESSLER, FOSTER, GREEN, JENKINS, MINARD,
STOLLINGS, WELLS, WHITE, BARNES, CARUTH, DEEM, HALL,
MCKENZIE AND YODER)

[Passed February 2, 2007; in effect ninety days from passage.]

SB 140

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AN ACT to amend and reenact §50-3-4 of the Code of West Virginia, 1931, as amended, relating to deposit of certain moneys collected in magistrate court.

Be it enacted by the Legislature of West Virginia:

That §50-3-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 3. COSTS, FINES AND RECORDS.

§50-3-4. Disposition of costs; magistrate court fund.

- 1 (a) All costs collected in magistrate courts in a civil
- 2 proceeding pursuant to the provisions of section one of
- 3 this article and all costs collected in magistrate courts
- 4 in a criminal proceeding pursuant to the provisions of

5 section two of this article shall be submitted on or
6 before the tenth day of the month following the month
7 of their collection to the magistrate court clerk along
8 with any information that may be required by the rules
9 of the Supreme Court of Appeals and by the rules of the
10 State Auditor.

11 (b)(1) The special county fund known as the
12 magistrate court fund established in each county by
13 chapter thirty-three, Acts of the Legislature, regular
14 session, one thousand nine hundred seventy-six, as
15 amended and reenacted in subsequent Acts of the
16 Legislature, is hereby continued. The moneys credited
17 to the fund may be used solely for the purposes
18 provided in this section.

19 (2) The magistrate court clerk of each county shall pay
20 the sum of ten dollars collected in magistrate court for
21 each civil and criminal proceeding into the magistrate
22 court fund during each fiscal year until there is paid a
23 sum equal to fifteen thousand dollars multiplied by the
24 number of magistrates authorized for the county.

25 (3) A county may, in accordance with the supervisory
26 rules of the Supreme Court of Appeals, appropriate and
27 spend from the fund such sums as are necessary to
28 defray the expenses of providing services to magistrate
29 courts.

30 (c)(1) There is hereby created in the State Treasury a
31 special escrow account designated as the Magistrate
32 Court Surplus Account. The moneys credited to the
33 account may be used solely for the purposes provided in
34 this subsection.

35 (2) Beginning on the first day of July, two thousand,
36 all costs collected during a fiscal year in excess of the
37 sum specified in subdivision (2), subsection (b) of this
38 section shall be deposited in the Magistrate Court
39 Surplus Account in the State Treasury.

40 (3) Beginning on the first day of September, two
41 thousand one, and on the first day of September of each

42 year thereafter, in accordance with the supervisory
43 rules of the Supreme Court of Appeals, funds from the
44 Magistrate Court Surplus Account deposited therein as
45 excess costs collected in the prior fiscal year pursuant
46 to the provisions of subdivision (2) of this subsection
47 shall be disbursed as a supplement to any county
48 magistrate court fund which generated less than fifteen
49 thousand dollars per magistrate in the prior fiscal year
50 in accordance with the provisions of this subsection.

51 (4) The amount disbursed to a county magistrate court
52 fund from the Magistrate Court Surplus Account, when
53 combined with the court costs generated by the
54 magistrate court fund of the county in the prior fiscal
55 year, may not exceed fifteen thousand dollars per
56 magistrate.

57 (5) The disbursements described in subdivision (3) of
58 this subsection shall be made as follows:

59 (A) There shall be distributed to each county
60 magistrate court fund that generated less than nine
61 thousand dollars in the prior fiscal year the sum of nine
62 thousand dollars less the amount of court costs
63 generated by the county magistrate court fund in the
64 prior fiscal year. To the extent that the funds available
65 for this disbursement are insufficient to fully fund this
66 disbursement, the funds available shall be disbursed to
67 these counties on a pro rata basis.

68 (B) Any funds that remain available for disbursement
69 after disbursements made pursuant to paragraph (A) of
70 this subdivision shall be disbursed in equal shares to
71 each county magistrate court fund that generated less
72 than fifteen thousand dollars per magistrate in the prior
73 fiscal year. The shares to be disbursed to each county
74 magistrate court fund are to be equal to the number of
75 magistrates in the county. Any disbursement made
76 under this paragraph shall be subject to the limitations
77 specified in subdivision (4) of this subsection.

78 (6) Any funds that remain available in the Magistrate
79 Court Surplus Account after the disbursements have

80 been made pursuant to the provisions of paragraphs (A)
81 and (B), subdivision (5) of this subsection shall be
82 deposited by the State Treasurer into the General
83 Revenue Fund of the state.

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

Randy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Thomas
.....
Clerk of the Senate

Gregg A. Baird
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *20* Day of *February*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

FEB 16 2007

Time 9:30a