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SENATE BILL NO. 279

Offered January 19, 1998

A *BILL* to amend the Code of Virginia by adding a section numbered 14.1-144.2, relating to compensation and expenses of clerks of circuit courts.

Patron—Barry

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 14.1-144.2 as follows:**

§ 14.1-144.2. Compensation and expenses of clerks of circuit courts.

Notwithstanding § 14.1-143.2, the clerk of a circuit court may enter into an agreement with the governing body of their locality whereby the clerk of the circuit court shall be paid a salary by the locality of not less than the amount which would be allowed to be retained by the respective clerks under state law. Nothing in this paragraph shall be construed to prevent such clerks from receiving any future increases that may be allowed clerks of circuit courts from time to time by the General Assembly.

The salaries shall be in full compensation for services and shall be in lieu of the retention by such clerks of any and all official fees, commissions and emoluments of whatever kind or character, and from whatever source derived. The governing body of each such locality shall provide for the payment of salaries out of the local general fund in equal biweekly, semi-monthly or monthly installments. The agreement shall also provide that the expenses of office of such clerks, including the compensation of all deputies and employees, shall likewise be paid to each such clerk out of the local general fund on duly authenticated vouchers when and as such expenses are incurred or may become due and payable or at least monthly.

All fees, commissions, and emoluments of every kind or character received or collected by such clerks, and from whatever source derived, including the local portion of the Technology Trust Fund Fee authorized under § 14.1-125.2, shall be paid into the local general fund by such clerks at least monthly.

All fees, commissions, and emoluments of every kind and character whether payable by the Commonwealth, the United States, or by private persons, firms or corporations, now or hereafter made receivable by laws or ordinance by such clerks, shall continue to be paid to and collected by such clerks and shall be paid into the local general fund and a local trust fund, respectively, at least monthly, except that a locality having entered into such agreement shall not be required to pay any such clerk any fees or commissions for services performed for such locality.

Nothing in this section shall be construed to alter to remove any of such clerks, their deputies, or employees from coverage in their current retirement system. However, if a clerk is under the Virginia Retirement System, such clerk shall remain in such system, and the county shall pay to the Virginia Retirement System such amount as the Commonwealth would have been required to pay had such clerks, deputies and employees continued to be compensated under other provisions of Article 3 (§ 14.1-136 et seq.) of Chapter 2 of this title, and the locality shall deduct from the salaries paid such clerks, their deputies and employees the employee contribution to the Virginia Retirement System as provided by law.

Upon entering into an agreement pursuant to this section, the clerk shall provide notice to the Compensation Board of said agreement. Nothing herein shall be construed to affect the independent constitutional officer status of any clerk entering into an agreement as provided herein.

INTRODUCED

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