ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 104

(Originating in the Committee on the Judiciary.)

[Passed March 10, 1939; in effect ninety days from passage.]

AN ACT to amend section seven, article seven, chapter seven of the code of West Virginia, of one thousand nine hundred thirty-one, providing for determining and fixing an aggregate sum to be expended for deputies, assistants and other employees of the offices of sheriff, clerk of the county court and clerk of the circuit court.

Be it enacted by the Legislature of West Virginia:

That section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:
Section 7. Deputies and Assistants of Sheriffs and Clerks of the Courts; Salaries. The sheriff, clerk of the county court, clerk of the circuit court (clerk of the criminal, common pleas or intermediate courts), on or before December first of each year, shall file with the county court, or tribunal in lieu thereof, a detailed statement of the probable amount necessary to be expended for deputies, assistants, and other employees of their respective offices in the following calendar year. If any such officer shall fail to file the statement hereby required, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars, or imprisoned in the county jail not less than thirty days nor more than six months, or both, in the discretion of the court. The county court, or tribunal in lieu thereof, shall, not later than fifteen days after the filing of such statement, take up and consider the same and shall determine and fix an aggregate sum to be expended for the period covered by such statement for the compensation of all such deputies, assistants and other employees of the respective officers, which shall be reasonable and proper, regard being had to the amount
of labor necessary to be performed by those to receive the
same, and shall enter upon its court record a finding of its
action: Provided, That any clerk of a circuit court, feeling
that the sum so fixed and determined is inadequate to enable
him to properly conduct his office, may appeal to the circuit
court of such county, which shall determine and fix a reason-
able and just amount for the compensation of his deputies
and assistant: Provided further, That any taxpayer feeling
aggrieved at the allowance made by the county court to the
sheriff, and any sheriff feeling that the business of his office
cannot be conducted properly by the maximum allowance
by the county court for office expenditures, or the number of
deputies and their salaries, shall be allowed the right of
appeal to the circuit court of such county for the purpose
of determining the equity of such maximum allowance.

The officers herein named shall appoint and employ such
deputies, assistants and other employees in the manner pro-
vided by law, as may be necessary for their respective offices
and fix their compensation, and shall file with the clerk of
the county court, or other tribunal in lieu thereof, a state-
ment in writing showing such action and setting forth the
name of each deputy, assistant and employee, the time for
which employed and the monthly compensation; but the
compensation for all deputies, assistants and other em-
ployees shall not exceed in the aggregate, for each office, the
amount so fixed for that office as hereinbefore provided.
The officers herein named shall have authority to discharge
any deputy, assistant or other employee, by filing with the
clerk of the county court, or tribunal in lieu thereof a state-
ment in writing showing such action. All statements re-
quired to be filed by this section shall be verified by the
affidavit of the person making them, and among other things
contained in the affidavit shall be the statement that the
amounts shown therein were the amounts actually paid or
intended to be paid to the deputies, assistants, or other
employees; that no rebates, agreement, understanding and
expectation that any part thereof shall be repaid to him,
and that nothing has heretofore been paid or promised him
on that account, and that if he shall thereafter receive any
money, or thing of value, on account thereof, he will account
for and pay the same to the county. Until the statements
enrolled Com. Sub. for S. B. No. 104

63 required by this section have been filed, no allowances or
64 payments shall be made to any officer for deputies, assistants
65 or other employees.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 15th day of March, 1939.

Governor

Filed in the office of the Secretary of State of West Virginia, MAR 17, 1939.

Wm. S. O'Brien,
Secretary of State