

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

Comm. Sub for

SENATE BILL No. 104

(By Mr.)

PASSED March 10th 1939

In Effect Thirty days from Passage



#104

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*
2 *the Courts; Salaries.* The sheriff, clerk of the county court,
3 clerk of the circuit court (clerk of the criminal, common
4 pleas or intermediate courts), on or before December first
5 of each year, shall file with the county court, or tribunal
6 in lieu thereof, a detailed statement of the probable amount
7 necessary to be expended for deputies, assistants, and other
8 employees of their respective offices in the following calen-
9 dar year. If any such officer shall fail to file the statement
10 hereby required, he shall be guilty of a misdemeanor, and,
11 upon conviction thereof, shall be fined not less than fifty
12 nor more than one hundred dollars, or imprisoned in the
13 county jail not less than thirty days nor more than six
14 months, or both, in the discretion of the court. The county
15 court, or tribunal in lieu thereof, shall, not later than fifteen
16 days after the filing of such statement, take up and con-
17 sider the same and shall determine and fix an aggregate
18 sum to be expended for the period covered by such state-
19 ment for the compensation of all such deputies, assistants
20 and other employees of the respective officers, which shall
21 be reasonable and proper, regard being had to the amount

22 of labor necessary to be performed by those to receive the
23 same, and shall enter upon its court record a finding of its
24 action: *Provided*, That any clerk of a circuit court, feeling
25 that the sum so fixed and determined is inadequate to enable
26 him to properly conduct his office, may appeal to the circuit
27 court of such county, which shall determine and fix a reason-
28 able and just amount for the compensation of his deputies
29 and assistant: *Provided further*, That any taxpayer feeling
30 aggrieved at the allowance made by the county court to the
31 sheriff, and any sheriff feeling that the business of his office
32 cannot be conducted properly by the maximum allowance
33 by the county court for office expenditures, or the number of
34 deputies and their salaries, shall be allowed the right of
35 appeal to the circuit court of such county for the purpose
36 of determining the equity of such maximum allowance.

37 The officers herein named shall appoint and employ such
38 deputies, assistants and other employees in the manner pro-
39 vided by law, as may be necessary for their respective offices
40 and fix their compensation, and shall file with the clerk of
41 the county court, or other tribunal in lieu thereof, a state-
42 ment in writing showing such action and setting forth the

43 name of each deputy, assistant and employee, the time for
44 which employed and the monthly compensation; but the
45 compensation for all deputies, assistants and other em-
46 ployees shall not exceed in the aggregate, for each office, the
47 amount so fixed for that office as hereinbefore provided.
48 The officers herein named shall have authority to discharge
49 any deputy, assistant or other employee, by filing with the
50 clerk of the county court, or tribunal in lieu thereof a state-
51 ment in writing showing such action. All statements re-
52 quired to be filed by this section shall be verified by the
53 affidavit of the person making them, and among other things
54 contained in the affidavit shall be the statement that the
55 amounts shown therein were the amounts actually paid or
56 intended to be paid to the deputies, assistants, or other
57 employees; that no rebates, agreement, understanding and
58 expectation that any part thereof shall be repaid to him,
59 and that nothing has heretofore been paid or promised him
60 on that account, and that if he shall thereafter receive any
61 money, or thing of value, on account thereof, he will account
62 for and pay the same to the county. Until the statements

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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.

E. O. Wiseman

Chairman Senate Committee

W. H. Walker

Chairman House Committee

Originated in the *Senate*

Takes effect *thirty days for* passage

Charles H. Smith

Clerk of the Senate

Pro Hall

Clerk of the House of Delegates

Wm. H. Harrison

President of the Senate

James Tay Korman

Speaker House of Delegates

The within *approved* this the *16th*

day of *March*, 1939.

Shuman

Governor



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

Wm. S. O'BRIEN,
Secretary of State