

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 120

(By Mr. McKown and Winters)

PASSED March 10 1945

In Effect May 1, 1945 Passage



120

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Senate Bill No. 120
(BY MESSRS. MCKOWN AND WINTERS)

[Passed March 10, 1945; in effect May 1, 1945.]

AN ACT to amend and reenact section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, requiring county officers to file fiscal, instead of calendar, budgets.

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
2 Clerks of the Courts; Salaries.*—The sheriff, clerk of the

3 county court, clerk of the circuit court, clerk of the crimi-
4 nal, common pleas or intermediate courts, on or before
5 June first of each year, shall file with the county court, or
6 tribunal in lieu thereof, a detailed statement of the proba-
7 ble amount necessary to be expended for deputies, as-
8 sistants, and other employees of their respective offices
9 in the following fiscal year. If any such officer shall fail
10 to file the statement hereby required, he shall be guilty of
11 a misdemeanor, and, upon conviction thereof, shall be
12 fined not less than fifty nor more than one hundred dol-
13 lars, or imprisoned in the county jail not less than thirty
14 days nor more than six months, or both, in the discretion
15 of the court. The county court, or tribunal in lieu there-
16 of, shall, not later than fifteen days after the filing of
17 such statement, take up and consider the same and shall
18 determine and fix an aggregate sum to be expended for
19 the period covered by such statement for the compensa-
20 tion of all such deputies, assistants, and other employees
21 of the respective officers, which shall be reasonable and
22 proper, regard being had to the amount of labor neces-

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

39 The officers herein named shall appoint and employ
40 such deputies, assistants and other employees in the man-
41 ner provided by law, as may be necessary for their re-
42 spective offices and fix their compensation, and shall file
43 with the clerk of the county court, or other tribunal in

44 lieu thereof, a statement in writing showing such action
45 and setting forth the name of each deputy, assistant and
46 employee, the time for which employed and the monthly
47 compensation; but the compensation for all deputies, as-
48 sistants and other employees shall not exceed in the ag-
49 gregate, for each office, the amount so fixed for that office
50 as hereinbefore provided. The officers herein named shall
51 have authority to discharge any deputy, assistant, or other
52 employee, by filing with the clerk of the county court, or
53 tribunal in lieu thereof a statement in writing showing
54 such action. All statements required to be filed by this
55 section shall be verified by the affidavit of the person
56 making them, and among other things contained in the
57 affidavit shall be the statement that the amounts shown
58 therein were the amounts actually paid or intended to
59 be paid to the deputies, assistants, or other employees,
60 without rebates, or any agreement, understanding and
61 expectation that any part thereof shall be repaid to him,
62 and that nothing has heretofore been paid or promised
63 him on that account, and that if he shall thereafter re-
64 ceive any money, or thing of value, on account thereof,

65 he will account for and pay the same to the county.
66 Until the statements required by this section have been
67 filed, no allowances or payments shall be made to any
68 officer for deputies, assistants or other employees.

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

Charles C Morris
Chairman Senate Committee

J. A. Delcroyter Jr.
Chairman House Committee

Originated in the Senate

Takes effect May 12 1945 passage

Howard Meyer
Clerk of the Senate

Ed Clipp
Clerk of the House of Delegates

Arnold W. Dickens
President of the Senate

John E. Casno
Speaker House of Delegates

The within Approved this the 16
day of March, 1945.

Oliver M. Madsen
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 16 1945

Wm. S. O'BRIEN,
Secretary of State

