

# 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

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.



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**ENROLLED**  
**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 criminal, common pleas or intermediate courts, on or before  
4 June first of each year, shall file with the county court, or  
5 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  
6 in the following fiscal year. If any such officer shall fail  
7 to file the statement hereby required, he shall be guilty of  
8 a misdemeanor, and, upon conviction thereof, shall be  
9 fined not less than fifty nor more than one hundred dollars, or imprisoned in the county jail not less than thirty  
10 days nor more than six months, or both, in the discretion  
11 of the court. The county court, or tribunal in lieu thereof, shall, not later than fifteen days after the filing of  
12 such statement, take up and consider the same and shall  
13 determine and fix an aggregate sum to be expended for  
14 the period covered by such statement for the compensation of all such deputies, assistants, and other employees  
15 of the respective officers, which shall be reasonable and  
16 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. Delapenter Jr.  
Chairman House Committee

Originated in the

Senate

Takes effect

May 1, 1945

passage

Thomas H. Hays  
Clerk of the Senate

Ed Clipp  
Clerk of the House of Delegates

Arnold W. Pickens  
President of the Senate

John E. Cawood  
Speaker House of Delegates

The within

Approved

this the

16

day of

March

, 1945.

James 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

