

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 254

(By Mr. Jackson)

PASSED March 13, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-13-65

#254

ENROLLED
Senate Bill No. 254
(By MR. JACKSON)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to deputies and assistants of sheriffs and clerks of the courts.

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, as amended, be amended and reenacted to read as follows:

Section 7. Deputies and Assistants of Sheriffs and Clerks

2 **of the Courts; Salaries; Fiscal Budget.**—The sheriff, clerk
3 of the county court, clerk of the circuit court, clerk of the
4 criminal, common pleas or intermediate courts, on or be-
5 fore March first of each year, shall file with the county

6 court, or tribunal in lieu thereof, a detailed statement of
7 the probable amount necessary to be expended for depu-
8 ties, assistants, and other employees of their respective
9 offices in the following fiscal year. If any such officer shall
10 fail to file the statement hereby required, he shall be
11 guilty of a misdemeanor, and, upon conviction thereof,
12 shall be fined not less than fifty nor more than one hun-
13 dred dollars, or imprisoned in the county jail not less
14 than thirty days nor more than six months, or both, in the
15 discretion of the court. The county court, or tribunal in
16 lieu thereof, shall not later than March twenty-eighth,
17 take up and consider the same and shall determine and
18 fix an aggregate sum to be expended for the period
19 covered by such statement for the compensation of all
20 such deputies, assistants, and other employees of the re-
21 spective officers, which shall be reasonable and proper,
22 regard being had to the amount of labor necessary to be
23 performed by those to receive the compensation, and shall
24 enter upon its court record a finding of its action.

25 The officers herein named shall appoint and employ
26 such deputies, assistants and other employees in the

27 manner provided by law, as may be necessary for their
28 respective offices and fix their compensation, and shall
29 file with the clerk of the county court, or other tribunal in
30 lieu thereof, a statement in writing showing such action
31 and setting forth the name of each deputy, assistant and
32 employee, the time for which employed and the monthly
33 compensation; but the compensation for all deputies, as-
34 sistants and other employees shall not exceed in the
35 aggregate, for each office, the amount so fixed for that
36 office as hereinbefore provided. The officers herein named
37 shall have authority to discharge any deputy, assistant or
38 other employee, by filing with the clerk of the county
39 court, or tribunal in lieu thereof, a statement in writing
40 showing such action. All statements required to be filed
41 by this section shall be verified by the affidavit of the per-
42 son making them, and among other things contained in
43 the affidavit shall be the statement that the amounts
44 shown therein were the amounts actually paid or intended
45 to be paid to the deputies, assistants, or other employees
46 without rebates, or any agreement, understanding and
47 expectation that any part thereof shall be repaid to him,

48 and that nothing has heretofore been paid or promised
49 him on that account, and that if he shall thereafter receive
50 any money, or thing of value, on account thereof, he will
51 account for and pay the same to the county. Until the
52 statements required by this section have been filed, no
53 allowance or payments shall be made to any officer for
54 deputies, assistants or other employees.

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

Ray Fisher
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect ninety days from Passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard G. Bansa
President of the Senate

A. Robert White
Speaker House of Delegates

The within approved this the 19
day of March, 1965.

Street C. Smith
Governor



Presented to the Governor's Office

March 18, 1965

2:40 P.M.