

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

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## ENROLLED

SENATE BILL NO. 254

(By Mr. Jackson)

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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.  
*Thomas Myers*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*Howard V. Bansa*  
President of the Senate

*H. Robert White*  
Speaker House of Delegates

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

*Stewart C. Smith*  
Governor



Presented to the Governor's Office  
March 18, 1965  
2:40 P.M.