

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968

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ENROLLED

HOUSE BILL No. 307

(By ~~FA~~ *Origination in the*
Committee on Political Subdivisions)

—●—

PASSED February 8 1968

In Effect July 1, 1968 Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE

THIS DATE 2-16-68

307

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 307
(Originating in the Committee on Political Subdivisions)

[Passed February 8, 1968; In effect July 1, 1963.]

AN ACT to amend and reenact sections five-(four), (five-(fourteen), five-(sixteen), five-(twenty-three), five-(thirty-three), five-(thirty-five), five-(forty-two) and five-(fifty-four), article one; sections one-(four), one-(fourteen), one-(fifteen), one-(sixteen), one-(twenty-two), one-(twenty-three), one-(twenty-eight), one-(forty-three), one-(forty-six), one-(forty-nine), one-(fifty), one-(fifty-five), two-(four), two-(nine), two-(ten), two-(thirteen), two-(fourteen), two-(twenty), two-(twenty-one), two-(twenty-seven), two-(forty), two-(forty-three), two-(forty-seven), two-(fifty-one), two-(fifty-two), three-

(four), three-(ten), three-(thirteen), three-(fourteen), three-(twenty), three-(twenty-one), three-(twenty-seven), three-(twenty-nine), three-(forty), three-(forty-three), three-(forty-seven), three-(fifty-two), four, five, five-(four), five-(ten), five-(fourteen), five-(sixteen), five-(twenty-two), five-(twenty-three), five-(twenty-nine), five-(forty-three), five-(forty-six), five-(fifty), five-(fifty-five), six, six-(four), six-(ten), six-(fourteen), six-(fifteen), six-(twenty-two), six-(twenty-three), six-(forty), six-(forty-three), six-(forty-nine) and six-(fifty), article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections five-(four), five-(ten), five-(fourteen), five-(sixteen), five-(twenty-two), five-(twenty-three), five-(twenty-nine), five-(thirty-one), five-(forty-three), five-(forty-six), five-(fifty), five-(fifty-four) and five-(fifty-five), article two, chapter eleven of said code, all relating to salaries of certain county officers and assistants, and providing a severability clause.

Be it enacted by the Legislature of West Virginia:

That sections five-(four), five-(fourteen), five-(sixteen), five-(twenty-three), five-(thirty-three), five-(thirty-five), five-

(forty-two) and five-(fifty-four), article one; sections one-(four), one-(fourteen), one-(fifteen), one-(sixteen), one-(twenty-two), one-(twenty-three), one-(twenty-eight), one-(forty-three), one-(forty-six), one-(forty-nine), one-(fifty), one-(fifty-five), two-(four), two-(nine), two-(ten), two-(thirteen), two-(fourteen), two-(twenty), two-(twenty-one), two-(twenty-seven), two-(forty), two-(forty-three), two-(forty-seven), two-(fifty-one), two-(fifty-two), three-(four), three-(ten), three-(thirteen), three-(fourteen), three-(twenty), three-(twenty-one), three-(twenty-seven), three-(twenty-nine), three-(forty), three-(forty-three), three-(forty-seven), three-(fifty-two), four, five, five-(four), five-(ten), five-(fourteen), five-(sixteen), five-(twenty-two), five-(twenty-three), five-(twenty-nine), five-(forty-three), five-(forty-six), five-(fifty), five-(fifty-five), six, six-(four), six-(ten), six-(fourteen), six-(fifteen), six-(twenty-two), six-(twenty-three), six-(forty), six-(forty-three), six-(forty-nine) and six-(fifty), article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and that sections five-(four), five-(ten), five-(fourteen), five-(sixteen), five-(twenty-two), five-(twenty-three), five-(twenty-nine), five-

(thirty-one), five-(forty-three), five-(forty-six), five-(fifty), five-(fifty-four) and five-(fifty-five), article two, chapter eleven of said code, be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COURTS AND OFFICERS.

ARTICLE 1. COUNTY COURTS GENERALLY.

§7-1-5(4). Compensation of county commissioners—Braxton county.

1 For the county of Braxton, the president of the court
2 one hundred twenty-five dollars and the other members
3 of the court one hundred dollars per month.

§7-1-5(14). Same—Hampshire county.

1 For the county of Hampshire, the president of the
2 court one hundred seventy-five dollars and the other
3 members of the court one hundred fifty dollars per month.

§7-1-5(16). Same—Hardy county.

1 For the county of Hardy, one hundred thirty-five dol-
2 lars per month.

§7-1-5(23). Same—Logan county.

1 For the county of Logan, the president of the court
2 three hundred fifty dollars and the other members of
3 the court three hundred dollars per month.

§7-1-5(33). Same—Monongalia county.

1 For the county of Monongalia, not to exceed four hun-
2 dred dollars per month.

§7-1-5(35). Same—Pendleton county.

1 For the county of Pendleton, the president of the court
2 one hundred dollars and the other members of the court
3 eighty-five dollars per month.

§7-1-5(42). Same—Ritchie county.

1 For the county of Ritchie, not less than one hundred
2 twenty-five dollars per month nor more than one hundred
3 fifty dollars per month.

§7-1-5(54). Same—Wyoming county.

1 For the county of Wyoming, the president of the court
2 three hundred dollars and the other members of the
3 court two hundred seventy-five dollars per month.

**ARTICLE 7. SALARIES; DEPUTIES AND ASSISTANTS AND
THEIR SALARIES.**

§7-7-1(4). Salary of sheriff—Braxton county.

1 For the county of Braxton, five thousand eight hundred
2 dollars.

§7-7-1(14). Same—Hampshire county.

1 For the county of Hampshire, five thousand two hun-
2 dred dollars.

§7-7-1-(15). Same—Hancock county.

1 For the county of Hancock, six thousand dollars.

§7-7-1(16). Same—Hardy county.

1 For the county of Hardy, four thousand eight hundred
2 dollars.

§7-7-1(22). Same—Logan county.

1 For the county of Logan, eight thousand six hundred
2 dollars.

§7-7-1(23). Same—Lincoln county.

1 For the county of Lincoln, six thousand four hundred
2 dollars.

§7-7-1(28). Same—Mineral county.

1 For the county of Mineral, not less than six thousand
2 nor more than seven thousand dollars.

§7-7-1(43). Same—Ritchie county.

1 For the county of Ritchie, not less than four thousand
2 eight hundred dollars nor more than six thousand dollars.

§7-7-1(46). Same—Taylor county.

1 For the county of Taylor, not less than five thousand
2 nor more than five thousand five hundred dollars.

§7-7-1(49). Same—Upshur county.

- 1 For the county of Upshur, five thousand four hundred
- 2 dollars.

§7-7-1(50). Same—Wayne county.

- 1 For the county of Wayne, seven thousand two hundred
- 2 dollars.

§7-7-1(55). Same—Wyoming county.

- 1 For the county of Wyoming, eight thousand dollars.

§7-7-2(4). Salary of county clerk—Braxton county.

- 1 For the county of Braxton, five thousand six hundred
- 2 dollars.

§7-7-2(9). Same—Doddridge county.

- 1 For the county of Doddridge, four thousand two hun-
- 2 dred dollars.

§7-7-2(10). Same—Fayette county.

- 1 For the county of Fayette, eight thousand five hun-
- 2 dred dollars.

§7-7-2(13). Same—Hampshire county.

- 1 For the county of Hampshire, five thousand two hun-
- 2 dred dollars.

§7-7-2(14). Same—Hancock county.

- 1 For the county of Hancock, not less than six thousand
- 2 five hundred dollars nor more than eight thousand dollars.

§7-7-2(20). Same—Lincoln county.

- 1 For the county of Lincoln, six thousand dollars.

§7-7-2(21). Same—Logan county.

- 1 For the county of Logan, eight thousand six hundred
- 2 dollars.

§7-7-2(27). Same—Mineral county.

- 1 For the county of Mineral, not less than six thousand
- 2 nor more than seven thousand dollars.

§7-7-2(40). Same—Ritchie county.

- 1 For the county of Ritchie, not less than four thousand
- 2 eight hundred dollars nor more than six thousand dollars.

§7-7-2(43). Same—Taylor county.

- 1 For the county of Taylor, not less than four thousand
- 2 two hundred nor more than four thousand eight hun-
- 3 dred dollars.

§7-7-2(47). Same—Wayne county.

- 1 For the county of Wayne, seven thousand two hun-
- 2 dred dollars.

§7-7-2(51). Same—Wood county.

- 1 For the county of Wood, seven thousand six hundred
- 2 dollars.

§7-7-2(52). Same—Wyoming county.

- 1 For the county of Wyoming, eight thousand dollars.

§7-7-3(4). Salary of circuit clerk—Braxton county.

- 1 For the county of Braxton, five thousand two hundred
- 2 dollars.

§7-7-3(10). Same—Fayette county.

- 1 For the county of Fayette, eight thousand five hun-
- 2 dred dollars.

§7-7-3(13). Same—Hampshire county.

- 1 For the county of Hampshire, three thousand six hun-
- 2 dred dollars.

§7-7-3(14). Same—Hancock county.

- 1 For the county of Hancock, not less than six thousand
- 2 five hundred dollars nor more than eight thousand dollars.

§7-7-3(20). Same—Lincoln county.

- 1 For the county of Lincoln, six thousand dollars.

§7-7-3(21). Same—Logan county.

- 1 For the county of Logan, eight thousand six hundred
- 2 dollars.

§7-7-3(27). Same—Mineral county.

1 For the county of Mineral, not less than six thousand
2 two hundred fifty dollars nor more than seven thousand
3 dollars.

§7-7-3(29). Same—Monongalia county.

1 For the county of Monongalia, seven thousand two
2 hundred dollars.

§7-7-3(40). Same—Ritchie county.

1 For the county of Ritchie, not less than four thousand
2 two hundred dollars nor more than four thousand eight
3 hundred dollars.

§7-7-3(43). Same—Taylor county.

1 For the county of Taylor, not less than four thousand
2 two hundred nor more than four thousand eight hun-
3 dred dollars.

§7-7-3(47). Same—Wayne county.

1 For the county of Wayne, seven thousand two hun-
2 dred dollars.

§7-7-3(52). Same—Wyoming county.

1 For the county of Wyoming, eight thousand dollars.

§7-7-4. Salaries of joint clerks of county and circuit courts.

1 The annual compensation of the clerks of the courts
2 in the counties where both the office of the clerk of the
3 county court and the clerk of the circuit court are held
4 by the same person shall be as follows: Hardy county,
5 six thousand five hundred dollars; Grant county, six
6 thousand dollars; Pendleton county, six thousand five
7 hundred dollars.

§7-7-5. Salaries of prosecuting attorneys.

1 The annual compensation of the prosecuting attorney
2 in each county, including the compensation provided
3 by law for his services as attorney for boards of educa-
4 tion and other administrative boards and officers in the
5 county, shall, on and after January one, one thousand
6 nine hundred sixty-five, be in the amounts set forth
7 in sections five-(one), to five-(fifty-five), inclusive, of
8 this article: *Provided*, That such prosecuting attorney
9 shall not serve as attorney for any other political sub-
10 divisions of this state for compensation to be paid there-
11 for.

§7-7-5(4). Same—Braxton county.

1 For the county of Braxton, four thousand eight hun-
2 dred dollars.

§7-7-5(10). Same—Fayette county.

1 For the county of Fayette, nine thousand dollars.

§7-7-5(14). Same—Hampshire county.

1 For the county of Hampshire, three thousand six hun-
2 dred dollars.

§7-7-5(16). Same—Hardy county.

1 For the county of Hardy, three thousand dollars.

§7-7-5(22). Same—Lincoln county.

1 For the county of Lincoln, six thousand dollars.

§7-7-5(23). Same—Logan county.

1 For the county of Logan, ten thousand dollars.

§7-7-5(29). Same—Mineral county.

1 For the county of Mineral, not less than six thousand
2 nor more than seven thousand dollars.

§7-7-5(43). Same—Ritchie county.

1 For the county of Ritchie, not less than three thousand
2 six hundred nor more than five thousand dollars.

§7-7-5(46). Same—Taylor county.

1 For the county of Taylor, not less than five thousand
2 nor more than five thousand five hundred dollars.

§7-7-5(50). Same—Wayne county.

1 For the county of Wayne, eight thousand one hun-
2 dred dollars.

§7-7-5(55). Same—Wyoming county.

1 For the county of Wyoming, eight thousand dollars.

§7-7-6. Assistants, stenographers and clerks for prosecuting attorney—Appointment and salaries; when court may appoint attorney to prosecute.

1 The prosecuting attorneys of the several counties of
2 the state may, with the assent of the county courts
3 of their respective counties, entered of record, appoint
4 to assist them in the discharge of their official duties
5 for and during their respective terms of office, the num-
6 ber of practicing attorneys, stenographers and clerks
7 set forth in sections six-(one) through six-(fifty-five),
8 inclusive, of this article. Each such assistant prose-
9 cuting attorney shall take the same oath and may
10 perform the same duties as his principal. Each
11 assistant shall serve at the will and pleasure of

12 his principal and may be removed from office by
13 the circuit court of the county in which he is appointed
14 for any cause for which his principal might be removed.

15 If in any case the prosecuting attorney and his assist-
16 ant be unable to act, or if in the opinion of the court
17 it would be improper for him or his assistant to act,
18 the court shall appoint some competent practicing attor-
19 ney to act in such case. The court shall certify to the
20 county court the performance of such service when com-
21 pleted and recommend to the county court a reasonable
22 allowance for such attorney for such service, and such
23 sum, when allowed by the county court, shall be paid
24 out of the county treasury. No provision of this sec-
25 tion shall be construed to prohibit the employment by
26 any person of a competent attorney or attorneys to assist
27 in the prosecution of any person or corporation charged
28 with crime.

29 The county courts of the several counties shall com-
30 pensate the assistant prosecuting attorneys, stenographers
31 and clerks of their respective counties in accordance with
32 the following annual salary provisions:

33 (1) In counties for which definite salaries are fixed
34 by provisions of section six-(one) through six-(fifty-five),
35 inclusive, of this article, such definite salaries shall be
36 paid.

37 (2) In counties for which minimum and maximum
38 salary limits are fixed by provisions of sections six-(one)
39 through six-(fifty-five), inclusive, of this article, the sal-
40 aries shall be fixed and paid within such limits.

41 (3) In the counties for which salaries are not fixed
42 and limited by provisions of sections six-(one) through
43 six-(fifty-five), inclusive, of this article, reasonable sal-
44 aries shall be fixed and paid by the respective county
45 courts.

46 Such salaries and compensation shall be paid monthly,
47 semi-monthly or otherwise as provided by law. In any
48 case wherein provision is not made in this article for
49 payment of the salary of an assistant prosecuting attor-
50 ney, the principal shall pay and compensate such assist-
51 ant for services rendered. The compensation and sal-
52 aries to be paid assistant attorneys as provided in this
53 article shall include compensation provided by law for

54 such assistant's services as attorney for the county board
55 of education and other administrative boards and offi-
56 cers of his county: *Provided*, That no such assistant
57 prosecuting attorney shall serve as attorney for any
58 other political subdivisions of this state for compensa-
59 tion to be paid therefor.

§7-7-6(4). Same—Braxton county.

1 For the county of Braxton, one assistant attorney; one
2 stenographer, not more than three thousand six hundred
3 dollars.

§7-7-6(10). Same—Fayette county.

1 For the county of Fayette, one assistant attorney, eight
2 thousand five hundred dollars; one stenographer at a
3 salary to be fixed by the county court.

§7-7-6(14). Same—Hampshire county.

1 For the county of Hampshire, one assistant attorney,
2 two thousand four hundred dollars; one stenographer,
3 two thousand four hundred dollars.

§7-7-6(15). Same—Hancock county.

1 For the county of Hancock, one assistant attorney,
2 five thousand four hundred dollars; one stenographer,

3 not less than three thousand six hundred nor more than
4 four thousand two hundred dollars.

§7-7-6(22). Same—Lincoln county.

1 For the county of Lincoln, one assistant attorney or
2 one stenographer or one clerk, four thousand dollars;
3 one stenographer or one clerk, not more than four thou-
4 sand two hundred dollars.

§7-7-6(23). Same—Logan county.

1 For the county of Logan, first assistant attorney, at
2 eight thousand dollars; second assistant attorney, at six
3 thousand five hundred dollars; one stenographer, not
4 more than four thousand eight hundred dollars; second
5 stenographer, not more than four thousand eight hundred
6 dollars.

§7-7-6(40). Same—Putnam county.

1 For the county of Putnam, one assistant attorney, not
2 more than three thousand dollars; one stenographer,
3 not less than three thousand six hundred dollars nor more
4 than four thousand dollars.

§7-7-6(43). Same—Ritchie county.

1 For the county of Ritchie, one assistant attorney, not

2 less than one thousand six hundred dollars nor more
3 than three thousand six hundred dollars; one stenogra-
4 pher, not less than one thousand six hundred dollars nor
5 more than three thousand six hundred dollars.

§7-7-6(49). Same—Upshur county.

1 For the county of Upshur, one assistant attorney, not
2 more than one thousand two hundred dollars; one stenog-
3 rapher, not more than one thousand eight hundred dol-
4 lars.

§7-7-6(50). Same—Wayne county.

1 For the county of Wayne, one assistant attorney, six
2 thousand dollars; one stenographer, four thousand five
3 hundred dollars.

CHAPTER 11. TAXATION.

ARTICLE 2. ASSESSORS.

§11-2-5(4). Annual salary of assessor—Braxton county.

1 For the county of Braxton, five thousand dollars.

§11-2-5(10). Same—Fayette county.

1 For the county of Fayette, eight thousand five hun-
2 dred dollars.

§11-2-5(14). Same—Hampshire county.

1 For the county of Hampshire, four thousand five hun-
2 dred dollars.

§11-2-5(16). Same—Hardy county.

1 For the county of Hardy, four thousand five hundred
2 dollars.

§11-2-5(22). Same—Lincoln county.

1 For the county of Lincoln, six thousand dollars.

§11-2-5(23). Same—Logan county.

1 For the county of Logan, eight thousand six hundred
2 dollars.

§11-2-5(29). Same—Mineral county.

1 For the county of Mineral, not less than six thousand
2 nor more than seven thousand dollars.

§11-2-5(31). Same—Monongalia county.

1 For the county of Monongalia, seven thousand two
2 hundred dollars.

§11-2-5(43). Same—Ritchie county.

1 For the county of Ritchie, not less than four thousand,
2 six hundred dollars nor more than six thousand dollars.

§11-2-5(46). Same—Taylor county.

- 1 For the county of Taylor, not less than four thousand
- 2 two hundred nor more than four thousand eight hundred
- 3 dollars.

§11-2-5(50). Same—Wayne county.

- 1 For the county of Wayne, seven thousand two hun-
- 2 dred dollars.

§11-2-5(54). Same—Wood county.

- 1 For the county of Wood, six thousand dollars.

§11-2-5(55). Same—Wyoming county.

- 1 For the county of Wyoming, eight thousand dollars.

Severability.

If any section, provision, clause or phrase of this act or the application thereof to any person or circumstance is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other sections, provisions, clauses or phrases or applications of the act, and to this end each and every section, provision, clause or phrase is declared to be severable.

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

William Tamm
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect July 1, 1968.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Latham White
Speaker of the House of Delegates

The within approved this the 14
day of February, 1968.

Frederic Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 2/14/68

Time 3:50 P.M.