

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1971

ENROLLED

COMMITTEE SUBSTITUTE FOR

HOUSE BILL No. 674

ORIGINATING IN THE COMMITTEE ON POLITICAL SUBDIVISIONS

(By Mr. _____)

PASSED MARCH 13, 1971

In Effect JULY 1, 1971 Passage



FILED IN THE OFFICE
JOHN D. KORNBLIETZ, IV
SECRETARY OF STATE

THIS DATE 4-2-71

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ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 674

(Originating in the Committee on Political Subdivisions)

[Passed March 13, 1971; in effect July 1, 1971.]

AN ACT to repeal sections four, five-(one) through five-(fifty-four), article one and section nineteen, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal sections five, five-(one) through five-(fifty-five) and ten, article two, chapter eleven of said code; to amend and reenact sections one and five, article one, chapter seven of said code; to amend and reenact article seven, chapter seven of said code; and to amend and reenact section two, article two, chapter eleven of said code, all relating generally to county government, county courts and officers and their

deputies, assistants and employees; relating to the composition, powers and duties of county courts; setting forth legislative findings and a declaration of policy; establishing county in-service training programs; requiring participation in such programs as additional duties of county officials; classifying counties on the basis of assessed valuations for the purpose of determining compensation of elected county officials; establishing minimum and maximum compensation limits for elected county officials; relating to the compensation of county commissioners and the compensation of other elected county officials, county deputies, assistants and employees; prohibiting outside employment of certain elected officials; providing percentage limitations with respect to compensation in excess of minimum; relating to the county budget; relating to assistant prosecuting attorneys, and their appointment and compensation; relating to the appointment of an attorney to prosecute cases; relating to the procedure for the payment of compensation of county officials, deputies, assistants and employees; relating to affidavits as to compensation; relating to illegal orders

for compensation; providing prohibitions; relating to the allowance for the expenses of sheriffs and prosecuting attorneys; relating to the training of sheriffs and their deputies; relating to the payment of training expenses by the county court; relating to the mileage allowance for county officials and their deputies, assistants and employees and reports in connection therewith; relating to annual reports by county officers; relating to the source of compensation paid judges of courts of limited jurisdiction; providing criminal penalties; providing a severability clause; and relating to the deputies, assistants and employees of assessors.

Be it enacted by the Legislature of West Virginia:

That sections four, five-(one) through five-(fifty-four), article one, and section nineteen, article five, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections five, five-(one) through five-(fifty-five) and ten, article two, chapter eleven of said code be repealed; that sections one and five, article one, chapter seven of said code be amended and reenacted; that article seven, chapter seven of said code be amended and re-

enacted; and that section two, 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.

§7-1-1. County courts corporations; how constituted; election of president.

1 The county court or tribunal in lieu thereof of every
2 county within the state of West Virginia shall be a cor-
3 poration by the name of "The county court of _____
4 county", by which name it may sue and be sued, plead
5 and be impleaded, and contract and be contracted with.
6 Every county court shall consist of three commissioners as
7 provided in section twenty-two, article eight of the con-
8 stitution of the state of West Virginia, any two of whom
9 shall constitute a quorum for the transaction of business,
10 except in the case of any county which, in accordance with
11 section twenty-nine, article eight of the constitution of
12 the state of West Virginia or any earlier counterpart
13 thereof, has applied to the Legislature of West Virginia
14 for it to reform, alter or modify its county court and the
15 Legislature by its act, in accordance therewith, and

16 with the assent of the voters of the county voting at an
 17 election, has effected the requested reformation, alter-
 18 ation or modification, in which case the provisions of the
 19 act of the Legislature creating a tribunal in lieu of the
 20 county court shall apply concerning the number of county
 21 court commissioners and the number of commissioners
 22 required to constitute a quorum. Each county court shall
 23 annually, at its first session in each year, or as soon there-
 24 after as practicable, elect one of its commissioners as
 25 president of the county court.

26 Throughout this chapter the term "county court" or
 27 any reference to a county court shall include all tribunals
 28 created in lieu of the county court.

§7-1-5. Powers and duties of county commissioners.

1 The county commissioners of each county shall exercise
 2 the following powers and perform the following duties
 3 for their respective counties:

4 (1) At least quarterly visit and inspect institutions
 5 within their county for housing and caring for the poor
 6 and investigate the conditions of the poor within their
 7 county and not housed within such institutions.

8 (2) Arrange for the feeding and care of county jail
9 prisoners and at least quarterly inspect the jails.

10 (3) At least quarterly visit and inspect detention
11 homes for children within their county.

12 (4) Visit and inspect bridges and bridge approaches
13 under their control.

14 (5) Provide for and have general supervision over
15 the repair and maintenance of the county courthouse, jails,
16 houses for the poor and any other county property and
17 prevent their deterioration.

18 (6) Supervise and control the purchase, erection,
19 maintenance and operation of any airport owned by the
20 county or operated by the county court.

21 (7) Supervise and control the purchase of furniture,
22 fixtures, equipment and supplies for their county.

23 (8) Attend the annual meeting of county assessors,
24 and any other meetings called by the state tax commis-
25 sioner on matters pertaining to the work of the county
26 assessors and the county courts acting as boards of re-
27 view and equalization; review and equalize the assess-
28 ments made by the assessors, inspect and review the lists

29 of property, both real and personal, made up by the as-
30 sessor and his deputies for taxable purposes, and point
31 out to the assessor any property, real and personal,
32 which the county assessors may have overlooked or
33 omitted to place on the tax lists; and call to the attention
34 of the assessor all real estate and personal property
35 belonging to churches, lodges, schools or other charitable
36 institutions which may have been overlooked or omitted
37 by the assessor or his deputies in making up his lists of
38 property for entry on the land and personal property
39 books.

40 (9) Purchase, lease, rent, control, supervise, inspect,
41 maintain and erect public parks, playgrounds and recrea-
42 tional facilities and purchase, lease or rent equipment
43 therefor; and employ qualified recreational directors and
44 personnel to operate those parks, playgrounds and recre-
45 ational facilities.

46 (10) Construct and operate Four-H camps on county
47 property.

48 (11) Operate stone quarries and sand deposits on
49 property owned or leased by the county.

50 (12) Construct or aid in constructing or equipping
51 civilian defense buildings on sites approved by the de-
52 partment of civil and defense mobilization.

53 (13) Operate dog pounds for the county and the mu-
54 nicipalities of such county.

55 (14) Purchase, lease, rent, control, supervise, inspect,
56 maintain and erect public markets; purchase, rent or
57 lease equipment therefor; and employ qualified personnel
58 to operate those public markets.

59 (15) Purchase, lease, rent, control, supervise, inspect,
60 maintain and erect county mental and physical health
61 clinics and engage in any program designed for the bet-
62 terment of the mental and physical well-being of the
63 residents of their county and to cooperate with any pub-
64 lic or private agency for these purposes.

65 (16) Construct fallout shelters and aid individuals,
66 by furnishing to them available information, to construct
67 fallout shelters.

68 (17) Survey all abandoned and dilapidated buildings
69 or structures within the county and prepare an inventory
70 thereof which inventory shall be made available to any

71 agency of the state or federal government or to local
72 governmental agencies upon request.

73 (18) Establish and participate in regional councils.

74 (19) Supervise and manage county fiscal affairs and
75 business.

76 In addition to exercising the powers and performing
77 the duties aforementioned, the county commissioners of
78 each county may exercise any other powers and may
79 perform any other duties that are reasonably and neces-
80 sarily implied in the full and proper exercise of the
81 powers and duties conferred upon county commissioners
82 and county courts by the constitution of the state of
83 West Virginia and by general law.

**ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS:
COUNTY ASSISTANTS, DEPUTIES AND
EMPLOYEES, THEIR NUMBER AND
COMPENSATION.**

§7-7-1. Legislative findings and declaration of policy.

1 The Legislature hereby finds and declares (1) that
2 the ever increasing demands upon the counties for addi-
3 tional and improved services and the rapid changes in
4 the science of government and technological changes
5 make it necessary to provide training programs for

6 elected county officials and their assistants and em-
7 ployees; (2) that such training programs will do much
8 to improve the processes of local government; (3) that
9 the present system of providing compensation for these
10 offices is antiquated and not conducive to attracting and
11 holding the best qualified people in government service;
12 and (4) that it is in the interest of the public to adopt the
13 provisions as hereinafter set forth for the effective oper-
14 ation of county government.

**§7-7-2. Establishment of county in-service training programs;
further additional duties for prosecuting attorney
in any county in excess of two hundred thousand.**

1 There is hereby established county in-service training
2 programs as hereinafter set forth.

3 The attorney general is hereby authorized and directed
4 to establish such in-service training programs as in his
5 opinion will do most to assist the prosecuting attorneys
6 in the performance of their duties. The attorney gen-
7 eral is authorized to accept any federal aid which may
8 be made available or any financial assistance which may
9 be available from any private nonprofit organization
10 for the purposes of this section. The prosecuting attorney

11 in any county having a population in excess of two hun-
12 dred thousand shall also discharge the additional duties
13 imposed upon him by the provisions of section thirteen-a,
14 article five, chapter forty-nine of this code.

15 The state tax commissioner is hereby authorized and
16 directed to establish such in-service training programs for
17 county commissioners, county clerks, circuit clerks,
18 assessors, sheriffs and their assistants and employees
19 as in his opinion will do most to modernize and improve
20 the services of their respective offices. The state tax com-
21 missioner is authorized to accept any federal aid which
22 may be made available or any financial assistance which
23 may be available from any private nonprofit organization
24 for the purpose of this article.

25 Each of the county officials mentioned in this section,
26 and, at his option, one or more of his assistants, deputies
27 and employees, shall participate in the programs estab-
28 lished under this section.

29 The county court is authorized and directed to expend
30 funds for the purpose of reimbursing such officials and/or
31 employees for the actual amount expended by them for

32 food, lodging and registration while in attendance at
 33 meetings called by the attorney general or the tax com-
 34 missioner for the purpose of this section, not to exceed
 35 thirty-five dollars per day, with mileage not to exceed
 36 the rate of ten cents per mile to be computed according
 37 to the distance by the nearest practicable route for travel
 38 to and from such meetings.

**§7-7-3. Classification of counties for purpose of determining
 compensation of elected county officials.**

1 For the purpose of determining the compensation of
 2 elected county officials, the counties of the state of West
 3 Virginia are hereby grouped into seven classes based
 4 on their assessed valuation of property, all classes. These
 5 seven classes and the minimum and maximum valu-
 6 ation of property, all classes, established to determine
 7 the classification of each county are as follows:

8	Minimum Assessed	Maximum Assessed
9	Valuation of Property,	Valuation of Property,
10	Class All Classes	All Classes
11	Class I \$450,000,000	No limit
12	Class II \$200,000,000	\$449,999,999

13	Class III	\$100,000,000	\$199,999,999
14	Class IV	\$ 50,000,000	\$ 99,999,999
15	Class V	\$ 25,000,000	\$ 49,999,999
16	Class VI	\$ 15,000,000	\$ 24,999,999
17	Class VII	\$ 0	\$ 14,999,999

18 The assessed valuation of property, all classes, that
 19 shall be used as the base to determine the class of a
 20 county shall be the assessed valuation of property, all
 21 classes, of the county as certified by the county assessor,
 22 state auditor and county clerk prior to March twenty-
 23 ninth of each year.

24 Prior to March twenty-ninth of each year, the county
 25 court of each county shall determine the class of the
 26 county based upon the assessed valuation of property, all
 27 classes, of the county, as certified by the county assessor,
 28 state auditor and county clerk in accordance with the table
 29 of classes hereinabove set forth. If the county court de-
 30 termines that such assessed valuation is within the min-
 31 imum and maximum limits of a class above or below those
 32 of the classification then current, it shall record the new
 33 classification of the county with the state auditor and

34 state tax commissioner and record its action on its county
35 court record. If a county court fails to record a new classi-
36 fication or fails to determine a new classification, the
37 classification of the county for the current fiscal year shall
38 be and remain its classification for the next fiscal year
39 following except as provided in the next succeeding
40 paragraph.

41 The classification of each county for the next fiscal
42 year shall be subject to review by the state tax com-
43 missioner. He shall determine if the classification of each
44 county is correct based on the final assessed valuation of
45 property, all classes, certified to him by the county as-
46 sessor, state auditor and county clerk. If the state tax
47 commissioner finds that a county is incorrectly classified
48 he shall notify the county court of that county promptly
49 of his finding and in any case shall notify the county court
50 prior to June thirtieth of that current fiscal year. Any
51 county court so notified shall correct its classification im-
52 mediately and make any necessary corrections in the sal-
53 aries of its elected county officials for the next fiscal year.

54 Notwithstanding any other provision of this chapter,

55 no salary of any member of a county court, sheriff, county
 56 clerk, circuit clerk, assessor, prosecuting attorney, or
 57 other public officer whose salary is governed by this
 58 chapter, shall be reduced during the term for which
 59 such public officer is serving.

**§7-7-4. Minimum and maximum compensation limits of
 elected county officials for each class of county.**

1 For the purpose of determining the compensation to
 2 be paid to the elected county officials of each county,
 3 the following minimum and maximum compensation
 4 limits for each county office by class are hereby estab-
 5 lished and shall be used by each county court in deter-
 6 mining the compensation of each of their county officials
 7 including compensation of members of the county
 8 court:

9	County		County
10	Court	Sheriff	Clerk
11 Class I	\$ 9,600-12,800	\$ 9,000-12,000	\$13,800-18,400
12 Class II	\$ 6,000- 9,000	\$ 7,800-11,700	\$10,000-15,000
13 Class III	\$ 4,400- 6,600	\$ 7,800-11,700	\$ 8,000-12,000
14 Class IV	\$ 2,800- 4,200	\$ 6,600- 9,900	\$ 6,000- 9,000

15	Class V	\$ 1,600- 2,400	\$ 4,800- 7,200	\$ 4,800- 7,200
16	Class VI	\$ 1,400- 2,100	\$ 4,400- 6,600	\$ 4,400- 6,600
17	Class VII	\$ 600- 900	\$ 3,600- 5,400	\$ 2,400- 3,600
18		Circuit		Prosecuting
19		Clerk	Assessor	Attorney
20	Class I	\$13,800-18,400	\$ 9,000-15,000	\$20,000-26,000
21	Class II	\$10,000-15,000	\$ 9,000-13,500	\$12,000-18,000
22	Class III	\$ 8,000-12,000	\$ 7,800-11,700	\$ 9,000-13,500
23	Class IV	\$ 6,000- 9,000	\$ 6,600- 9,900	\$ 7,200- 9,600
24	Class V	\$ 4,800- 7,200	\$ 4,800- 7,200	\$ 4,800- 7,200
25	Class VI	\$ 4,400- 6,600	\$ 4,400- 6,600	\$ 4,400- 6,600
26	Class VII	\$ 1,800- 2,700	\$ 3,000- 4,500	\$ 1,800- 2,700

27 When the classification of a county is changed as pro-
 28 vided in this article, the compensation of each elected
 29 county official of that county for each fiscal year there-
 30 after shall be set within the minimum and maximum
 31 compensation limits established for each elected county
 32 official in that class until the classification again changes.

§7-7-5. Compensation of county commissioners.

- 1 (a) Every county commissioner who attends any ses-
- 2 sion of the county court on which he serves shall receive

3 two dollars per day for every day he attends, which
4 shall be paid out of the county treasury, as provided for
5 in section twenty-three, article eight of the constitution
6 of the state of West Virginia.

7 (b) In addition to the payment for services in court
8 as described in subsection (a) of this section, all county
9 commissioners shall be paid compensation out of the
10 county treasury for performing the duties specified in
11 this chapter and elsewhere in the code. The compensa-
12 tion shall be determined by each county court for its
13 own members. The compensation of a county court mem-
14 ber shall never be fixed in an amount less than the mini-
15 mum limit or more than the maximum limit in effect
16 for the class in which that county is for that fiscal year.
17 The compensation shall be reasonable and proper, and
18 due consideration shall be given to the duties, respon-
19 sibilities and the work required of the individual mem-
20 bers of each county court: *Provided, however,* That as
21 to any county having a tribunal in lieu of a county court,
22 the county commissioners of such county may be paid

23 less than the minimum compensation limits of the county
24 court for the particular class of such county.

25 (c) Compensation for all county court members shall
26 be fixed by order of the County Court before March
27 twenty-ninth of each year and shall take effect on the
28 first day of July following and shall be in effect through-
29 out that fiscal year. Each county court shall enter its
30 order upon its county court record.

31 (d) The compensation of all members of each county
32 court under subsection (b) of this section shall be the
33 same for any given fiscal year regardless of any given
34 member's tenure or term of office.

**§7-7-6. Compensation of all elected county officials except
county commissioners.**

1 The county court of each county shall determine the
2 compensation to be paid to the county clerk, circuit clerk,
3 joint clerk of the county and circuit court, if any, sheriff,
4 county assessor and prosecuting attorney for its county.
5 The compensation of an elected county official shall never
6 be fixed in an amount less than the minimum limit or
7 more than the maximum limit in effect for the class

8 in which that county is for the fiscal year involved. The
9 compensation shall be reasonable and proper and due
10 consideration shall be given to the duties, responsibilities
11 and the work required of these elected county officials.

12 *Provided*, That any county clerk, circuit clerk, joint
13 clerk of the county and circuit court, if any, county
14 assessor, sheriff and prosecuting attorney in a Class I
15 county shall devote full time to his public duties to the
16 exclusion of any other employment, and any county
17 clerk, circuit clerk, joint clerk of the county and circuit
18 court, if any, county assessor, sheriff and prosecuting
19 attorney in a Class II county receiving at least eighty
20 percent of the maximum compensation shall devote full
21 time to his public duties to the exclusion of any other
22 employment.

23 If a county court for any fiscal year fixes the compen-
24 sation of its members or of any other elected official of
25 such county in any amount in excess of the minimum
26 compensation limit in effect for such county court or such
27 other elected official for the class in which the county is
28 for that fiscal year, then such county court shall fix the

29 compensation of all other elected officials in that county
30 for such fiscal year so that the compensation of such
31 officials will be the same percentage above the minimum
32 as the compensation of the members of such county
33 court or such other official is above the minimum:
34 *Provided, however,* That in the case of a county that has
35 a joint clerk of the county and circuit court, the com-
36 pensation of the joint clerk shall be fixed in an amount
37 not more than fifty percent higher than the compensation
38 that would be fixed for the county clerk of the county if
39 it had separate offices of county clerk and circuit clerk.
40 Compensation for the county clerk, circuit clerk, joint
41 clerk of the county and circuit court, if any, sheriff, county
42 assessor and prosecuting attorney shall be fixed by order
43 of the county court before March twenty-ninth of each
44 year and shall take effect on the first day of July following
45 and shall remain in effect throughout that fiscal year.
46 Each county court shall enter its order upon its county
47 court record.

**§7-7-7. County assistants, deputies and employees; their
number and compensation; county budget.**

1 The county clerk, circuit clerk, joint clerk of the county
2 and circuit court, if any, sheriff, county assessor and

3 prosecuting attorney, by and with the advice and consent
4 of the county court, may appoint and employ to assist
5 them in the discharge of their official duties for and dur-
6 ing their respective terms of office assistants, deputies
7 and employees.

8 The county clerk, circuit clerk, joint clerk of the coun-
9 ty and circuit court, if any, sheriff, county assessor and
10 prosecuting attorney shall, prior to March second of each
11 year, file with the county court a detailed request for
12 appropriations for anticipated or expected expenditures
13 for their respective offices, including the compensation
14 for their assistants, deputies and employees, for the
15 ensuing fiscal year.

16 The county court shall, prior to March twenty-ninth of
17 each year by order fix the total amount of money
18 to be expended by the county for the ensuing fiscal
19 year, which amount shall include the compensation
20 of county assistants, deputies and employees. Each
21 county court shall enter its order upon its county court
22 record.

23 The county clerk, circuit clerk, joint clerk of the county

24 and circuit court, if any, sheriff, county assessor and
25 prosecuting attorney shall then fix the compensation of
26 their assistants, deputies and employees based on the
27 total amount of money designated for expenditure by
28 their respective offices by the county court, and the
29 amount so expended shall not exceed the total expendi-
30 ture designated by the county court for each office.

31 The county officials, in fixing the individual compen-
32 sation of their assistants, deputies and employees, and
33 the county court in fixing the total amount of money to
34 be expended by the county, shall give due consideration
35 to the duties, responsibilities and work required of the
36 assistants, deputies and employees and their compensa-
37 tion shall be reasonable and proper.

38 After the county court has fixed the total amount of
39 money to be expended by the county for the ensuing
40 fiscal year and after each county official has fixed the
41 compensation of each of his assistants, deputies and em-
42 ployees, as provided in this section, each county official
43 shall file prior to June thirtieth, with the clerk of the
44 county court a budget statement for the ensuing fiscal

45 year setting forth the name, or the position designation
46 if then vacant, of each of his assistants, deputies and
47 employees, the period of time for which each is em-
48 ployed, or to be employed if the position is then vacant,
49 and his monthly or semimonthly compensation.

50 All budget statements required to be filed by this sec-
51 tion shall be verified by an affidavit by the county of-
52 ficial making them. Among other things contained in
53 the affidavit shall be the statement that the amounts
54 shown therein are the amounts actually paid or intended
55 to be paid to the assistants, deputies and employees
56 without rebate, and without any agreement, understand-
57 ing or expectation that any part thereof shall be repaid to
58 him, and that, prior to the time the affidavit is made, noth-
59 ing has been paid or promised him on that account, and
60 that if he shall thereafter receive any money, or thing of
61 value, on account thereof, he will account for and pay
62 the same to the county. Until the statements required
63 by this section have been filed, no allowance or payments
64 shall be made to any county official or their assistants,
65 deputies and employees.

66 Each county official named in this section shall have
67 the authority to discharge any of his assistants, deputies
68 or employees by filing with the clerk of the county court
69 a discharge statement specifying the discharge action.

**§7-7-8. Assistant prosecuting attorneys; appointment and
compensation; when court may appoint attorney
to prosecute.**

1 The prosecuting attorney of each county may, in ac-
2 cordance with and limited by the provisions of section
3 seven of this article, appoint practicing attorneys to assist
4 him in the discharge of his official duties during his term
5 of office. Any attorney so appointed shall be classified
6 as an assistant prosecuting attorney and shall take the
7 same oath and may perform the same duties as his prin-
8 cipal. Each assistant shall serve at the will and pleasure
9 of his principal and may be removed from office by the
10 circuit court of the county in which he is appointed for
11 any cause for which his principal might be removed.

12 If, in any case, the prosecuting attorney and his as-
13 sistants are unable to act, or if in the opinion of the
14 court it would be improper for him or his assistants

15 to act, the court shall appoint some competent practicing
 16 attorney to act in that case. The court shall certify
 17 to the county court the performance of that service when
 18 completed and recommend to the county court a reason-
 19 able compensation for the attorney for his service, and
 20 the compensation, when allowed by the county court,
 21 shall be paid out of the county treasury. No provision
 22 of this section shall be construed to prohibit the employ-
 23 ment by any person of a practicing attorney to assist in
 24 the prosecution of any person or corporation charged
 25 with a crime.

26 The compensation to be paid to an assistant prosecut-
 27 ing attorney shall include compensation provided by law
 28 for any services he renders as attorney for any adminis-
 29 trative board or officer of his county. No assistant prose-
 30 cuting attorney shall serve as attorney for any other
 31 political subdivision of this state.

§7-7-9. Procedure for payment of compensation.

1 The compensation of the county clerk, circuit clerk,
 2 joint clerk of the county and circuit court, if any, sheriff,
 3 county assessor, prosecuting attorney, and ^{his} ~~their~~ assistants,

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4 deputies and employees shall be paid monthly or semi-
5 monthly by the county court, which compensation shall be
6 paid out of the county treasury in the manner prescribed
7 by law.

8 The county court, after the filing of the budget state-
9 ment specified in section seven of this article, may, by
10 order of record, authorize and order a draft on the county
11 treasurer, payable out of the general county fund, to be
12 drawn in favor of the county official, assistant, deputy
13 or employee named in this statement, in payment of the
14 compensation to which the person is entitled.

15 The draft shall not be issued to the county official,
16 assistant, deputy or employee until the proper county
17 official has filed a detailed monthly or semimonthly state-
18 ment with the county treasurer and has filed with the
19 county clerk a duplicate copy of the monthly or semi-
20 monthly statement, together with a receipt from the
21 county treasurer, showing that the person to be paid
22 has paid into the county treasury all moneys belonging
23 to the county that have been collected by him during

24 that pay period as shown by the monthly or semimonthly
25 statement.

26 When the order for the draft has been entered of record,
27 the president and clerk of the county court shall be au-
28 thorized to issue and approve by their signature the
29 draft.

§7-7-10. Affidavits acknowledging receipt of compensation.

1 At the end of each fiscal year, each county official,
2 assistant, deputy and employee shall sign and submit
3 to the clerk of the county court an affidavit which shall
4 be in the following form:

5 No. _____, 19_____

6 Name _____

7 Position or job title _____ County _____

8 Description of services rendered:

9 (Describe service and specify period [dates] of service)

10 _____

11 _____

12 I hereby certify that I have rendered the services
13 herein stated, that I have received the full compensation

14 to which I was entitled for those services rendered for
15 my own use and benefit, and that I have not paid, de-
16 posited, assigned, or contracted to pay, deposit or assign,
17 any part of my full compensation for the use of any
18 other person, or in any way, directly or indirectly, paid
19 or given, or contracted to pay or give, any reward or
20 compensation for my position or job or the emoluments
21 thereof to any other person.

22 (Signed)_____

23 If the services to the county of a county official, assis-
24 tant, deputy or employee terminate before the end of a
25 fiscal year, the official, assistant, deputy or employee
26 shall, at the time his services end, sign and submit the
27 above affidavit to the clerk of the county court.

28 All affidavits submitted shall be filed and preserved
29 by the clerk of the county court.

§7-7-11. Illegal orders for compensation.

1 If any clerk shall issue and deliver a draft to any county
2 clerk, circuit clerk, joint clerk of the county and circuit
3 court, if any, sheriff, county assessor, prosecuting at-
4 torney, or any of their assistants, deputies or employees,

5 in payment of their compensation, without all the ap-
6 plicable requirements of this article being complied
7 with, the draft so issued and delivered shall be illegal
8 and invalid. The clerk and the sureties on his bond shall
9 be liable to the county court of his county for the pay-
10 ment thereof.

§7-7-12. Sharing compensation prohibited.

1 No county official shall receive or be paid, directly
2 or indirectly, any part of the compensation of any assis-
3 tant, deputy or employee, or any fee or reward for
4 appointing him to his position. No member of a county
5 court shall receive or be paid, directly or indirectly, any
6 part of the compensation of any other county officer
7 named in this article, or of any county assistant, deputy
8 or employee. If any county commissioner or county
9 official violates the provisions of this section, he shall
10 be guilty of a misdemeanor, and, upon conviction thereof,
11 shall be fined not more than five hundred dollars, or
12 imprisoned in the county jail not more than one year,
13 or both fined and imprisoned. Any county commissioner
14 or county official so convicted shall forfeit his office.

§7-7-13. Allowance for expenses of sheriff.

1 The county court of every county having a population
2 of thirty thousand or less as determined by the latest
3 official census available which, as provided in section
4 two-a, article eight of this chapter, has directed the
5 sheriff as jailer to feed prisoners shall, in addition to his
6 compensation, allow to the sheriff for keeping and feeding
7 each prisoner, other than federal prisoners or prisoners
8 held under civil process as provided by law, one dollar
9 and twenty-five cents per day for each prisoner.

10 The limitation per day shall not include cost of per-
11 sonal service, bed or bedding, soaps and disinfectants
12 and items of like kind, the cost of all of which shall be
13 paid out of the allowance fixed by the county court
14 under the provisions of present law.

15 All supplies of whatever kind for keeping and feeding
16 prisoners shall be purchased upon the requisition of the
17 sheriff under rules and regulations prescribed by the
18 county court. At the end of each month the sheriff shall
19 file with the county court a detailed statement showing
20 the name of each prisoner, date of commitment and date

21 of discharge, the number of days in jail, and shall also
22 file an itemized statement showing each purchase and
23 the cost thereof for keeping and feeding prisoners.

24 The county court of every county shall allow the actual
25 and necessary expenses incurred or expended by the
26 sheriff in the discharge of his duties, including, but not
27 limited to those incurred in arresting, pursuing or trans-
28 porting persons accused or convicted of crimes and
29 offenses; in the cost of law enforcement and safety equip-
30 ment; in conveying or transporting a prisoner from and
31 to jail to participate in court proceedings, and in con-
32 veying or transferring any person to or from any state
33 institution where he may be committed from his county,
34 where by law the sheriff is authorized to convey or
35 transfer the person. The county court shall allow the
36 actual and necessary expenses incurred or expended in
37 serving summonses, notices or other official papers in
38 connection with the sheriff's office.

39 Every sheriff shall file monthly, under oath, a full and
40 accurate account of all the actual and necessary ex-
41 penses incurred by him, his deputies, assistants and

42 employees in the performance and discharge of their
43 official duties supported by verified accounts before
44 reimbursement thereof shall be allowed by the county
45 court. Reimbursement, properly allowed, shall be made
46 from the general county fund.

**§7-7-14. Training of sheriffs and deputies; payment of
expenses thereof by county court.**

1 The county court of each county is authorized, at its
2 discretion, to expend from the general county fund, upon
3 request and requisition by the sheriff of the county, the
4 necessary and proper travel expenses, per diem allowance
5 of not less than three dollars fifty cents per day and
6 tuition expenses for the training of the sheriff and his
7 deputies of the county in the performance of their duties,
8 as sheriff and deputy, at any training school or academy
9 available therefor located in this state.

§7-7-15. Allowance for expenses of prosecuting attorney.

1 In addition to his compensation, the prosecuting at-
2 torney and his assistants shall be reimbursed for actual
3 traveling expenses within the state in the performance
4 of their official duties, and when out of the state for the
5 purpose of taking depositions in cases in which other

6 counsel is not employed by the court under section one,
7 article three, chapter sixty-two of this code, which ex-
8 penses shall be duly itemized and verified, and shall, if
9 found correct, be allowed by the county court and be
10 paid monthly out of the general county fund.

**§7-7-16. Mileage allowance for county officials, their
assistants, deputies and employees.**

1 The county court of each county shall allow to each
2 county official and to their deputies, assistants and em-
3 ployees, when they are required to drive their personally
4 owned car in the actual performance and discharge of
5 their official duties, reimbursement at the rate of ten
6 cents for each mile traveled in their personally owned
7 car.

8 Every county official shall file monthly, under oath, a
9 full and accurate account of all the actual mileage driven
10 by him, his deputies, assistants and employees, in the
11 performance and discharge of their official duties sup-
12 ported by verified accounts before reimbursement thereof
13 shall be allowed by the county court. Reimbursement,
14 properly allowed, shall be made from the general county
15 fund.

§7-7-17. Annual reports by county officers of expenditures for assistants, deputies and employees.

1 Every county official named in this article shall, on the
2 first day of June of each year, file with the county court
3 and with the state tax commissioner, an itemized sworn
4 statement of the amount expended by him, including com-
5 pensation, emoluments and other outlay of money or
6 thing of value for the twelve months last preceding the
7 time of filing the report, for the services of all his as-
8 sistants, deputies and employees.

§7-7-18. Source of compensation paid judges of courts of limited jurisdiction.

1 The compensation of every judge of a court of record
2 of limited jurisdiction established by the Legislature
3 under section nineteen, article eight of the constitution,
4 and the compensation of every person who serves as
5 judge of any of those courts when the judge of the
6 court cannot act, shall be paid out of the treasury of
7 the county and not out of the treasury of the state.

§7-7-19. Penalties.

1 If any county clerk, circuit clerk, joint clerk of any
2 county and circuit court, sheriff, county assessor or

3 prosecuting attorney fail to file the detailed request for
4 appropriations or the budget statement as provided in
5 section seven of this article or fail to file the monthly or
6 semimonthly statement as provided in section nine of
7 this article or fail to file the statement of expenditures as
8 provided for in section seventeen of this article, or if any
9 county clerk, circuit clerk, joint clerk, or any county and
10 circuit court, sheriff, county assessor, prosecuting at-
11 torney, their assistants, deputies or employees, fail to
12 comply with any of the requirements provided in this
13 article, he shall, except where another penalty is prescrib-
14 ed, be guilty of a misdemeanor, and, upon conviction
15 thereof, shall be fined not less than fifty dollars nor more
16 than one hundred dollars, or imprisoned in the county
17 jail not less than thirty days nor more than six months, or
18 both fined and imprisoned.

§7-7-20. Severability.

1 If any provision of this article or the application thereof
2 to any person or circumstance is held invalid, such in-
3 validity shall not affect other provisions or applications

4 of the article, and to this end the provisions of this article
5 are declared to be severable.

CHAPTER 11. TAXATION.

ARTICLE 2. ASSESSORS.

§11-2-2. Deputy assessors.

1 The assessor in every county shall select his deputies,
2 assistants and other employees in the same manner as is
3 provided for the selection of deputies, assistants and em-
4 ployees of sheriffs and clerks of courts.

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

Russell H. Bace
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Howard Myers
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

E. Hans McQuinn
President of the Senate

Lewis N. McManus
Speaker House of Delegates

The within approved this the 1st
day of April, 1971.

Arch A. Starnes Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/71

Time 1:47 p.m.

RECEIVED

APR 2 11 56 PM '71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA