ENROLLED

Committee Substitute

HOUSE BILL No. 1202

(By Mr. Dinamarco)

PASSED March 11, 1972

In Effect from Passage
AN ACT to repeal sections five-(one) through five-(fifty-four), inclusive, article one, chapter seven; to repeal sections five, five-(one) through five-(fifty-five), inclusive, article two, chapter eleven; to amend and reenact section five, article one, chapter seven; to further amend said article one by adding thereto four new sections, designated sections three-q, three-r, four and five-a; and to amend and reenact article seven of said chapter seven, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to county government, county courts and other county officers and their deputies, assistants and employees; the composition, powers and duties of county courts and other county officers; setting forth legislative findings of fact and a declaration of policy with respect to such compensation, powers and duties; establishing county in-service training programs; classifying counties on the basis of assessed valuations for the purpose of determining compensation of elected county officials; the compensation of county commissioners and the compensation of other elected county officials, county deputies, assistants and employees; the county budget;
assistant prosecuting attorneys, and their appointment and compensation; the appointment of an attorney to prosecute cases; the procedure for the payment of compensation of county officials, deputies, assistants and employees; affidavits as to compensation; illegal orders for compensation; providing prohibitions; the allowance for the expenses of sheriffs and prosecuting attorneys; the training of sheriffs and their deputies; the payment of training expenses by the county court; the mileage allowance for county officials and their deputies, assistants and employees and reports in connection therewith; annual reports by county officers; 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That sections five-(one) through five-(fifty-four), inclusive, article one, chapter seven be repealed; that sections five, five-(one) through five-(fifty-five), inclusive, article two, chapter eleven be repealed; that section five, article one, chapter seven be amended and reenacted; that said article one be further amended by adding thereto four new sections, designated sections three-q, three-r, four and five-a; and that article seven of said chapter seven be amended and reenacted, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all to read as follows:

ARTICLE I. COUNTY COURTS GENERALLY.

§7-1-3q. County commissions on intergovernmental relations created and established; composition of commission; powers and duties of commission; executive secretary; duties of executive secretary.

1 There is hereby established in each county a commission on intergovernmental relations. The commission shall be composed of the members of the county court and such other members as may be designated by the county court. Members other than the county court members shall serve at the will and pleasure of a majority of the county court members.

This commission shall assemble and disseminate information concerning federal programs which provide financial assistance to the residents of their county. Such programs shall include but not be limited to,

3. Health Insurance for the aged under Public Law 89-97, as amended.
4. Supplementary medical insurance for the aged under Public Law 89-97, as amended.
5. Housing and Urban Development Act of 1968, as amended, as it pertains to interest reduction payments and rental and cooperative housing for lower income families.
8. Job opportunity programs and on the job training under various federal acts.
9. Neighborhood improvement and development programs under various federal acts.
10. Library and other public facility improvements programs under various federal programs.

The commission shall cooperate with municipalities, other county agencies, state and federal agencies to effect the purposes of this section. Appropriate state agencies are authorized to give such technical assistance as may be requested by the commission.

The clerk of the county court of each county shall be the executive secretary to the commission and as such shall attend all meetings, keep a record of all proceedings, assemble and disseminate such information as may be required by the commission and to perform such other duties as may reasonably be required by the commission to effectuate the purposes of this section.
§7-1-3r. Purposes of section; county commissions on crime, delinquency and correction created and established; composition of commission; powers and duties of commission; executive secretary; duties of executive secretary.

1 The enactment of the Omnibus Crime Control and Safe City Streets Act of 1968 and subsequent amendments thereto which millions of federal dollars available to local units of government in the fiscal year one thousand nine hundred seventy-two-one thousand nine hundred seventy-three and the probability that this program will be continued and expanded in future years makes the establishment of a county agency to insure that the county may make the best use of the benefits of this act.

There is hereby established in each county a county commission on crime, delinquency and correction. The commission shall consist of the members of the county court and such other members as may be designated by the county court. Members other than the county court members shall serve at the will and pleasure of the county court.

This commission shall collect and compile all data and other information with respect to police agencies, courts of record and justice of peace courts, prosecution of crimes, probation, jails, juvenile detention facilities, and such other matters as might be concerned with the total criminal justice system.

The commission shall work closely with the governor's committee on crime, delinquency and correction established by Executive Order 7-466 dated September one, one thousand nine hundred sixty-six.

The commission shall analyze the data and information herein required, shall determine federal funds available under the provisions of the state plan developed by the aforesaid governor's committee on crime, delinquency and correction, and shall make recommendations to the governing body with respect to priorities in the expenditure of funds.
The commission may make recommendations with respect to steps to be taken in the county designed to improve the criminal justice system.

The clerks of the circuit court of each county shall be the executive secretary to the commission and as such shall attend all meetings, keep a record of all proceedings, shall collect and compile such data and information as may be required by the commission and perform such other duties as reasonably may be required by the commission to effectuate the purposes of this section.

§7-1-4. Compensation of commissioners for services in court.

1 Each commissioner who attends the session of said court shall receive for his services two dollars per day for every day he shall so attend, to be paid out of the county treasury.

§7-1-5. Duties of county commissioners; payment for services other than services in court.

1 It shall be the duty of the county commissioners of each county to visit each quarter and inspect institutions within their county for housing and caring for the poor, to inspect the jails, and to arrange for the feeding and care of the prisoners therein, and to investigate the conditions of the poor within their county, not housed within such institutions; to visit detention homes for children within their counties, if any, and to visit and inspect bridges and bridge approaches under their control; to provide for and have general supervision over the repair and maintenance of the county courthouse, jails, houses for the poor and other county property, so as to prevent the undue deterioration thereof; to supervise and control the maintenance and operation of airport or airports owned and/or operated by the county court; and to supervise and control the purchase, erection and maintenance of airport facilities; to supervise and control the purchase of furniture, fixtures and equipment, and janitors' and other supplies, for their county; to attend the annual meeting of county assessors, and such district meetings as may be called by the state tax commissioner, on matters pertaining to the work of the county assessors and...
the county courts as boards of review and equalization;

to review and equalize the assessments made by the as-
sessors; to inspect and review the lists of property, both
real and personal, made up by the assessor and his dep-
uties for taxable purposes, and to point out to the as-
sessor any property, real and personal, which the said
assessors of their respective counties may have over-
looked or omitted to place on said tax lists; to call to the
attention of the assessor all real estate or personal prop-
erty belonging to churches, lodges, schools or other charit-
able institutions which may have been overlooked or
omitted by the assessor or his deputies in making up his
lists of property for entry on the land and personal prop-
erty books; to cooperate with the county public assistance

council and supervise the general management of the
fiscal affairs and business of each county; and as a further
part of their duties they shall be empowered to pur-
chase, lease, rent, control, supervise, inspect, maintain and
erect public parks, playgrounds and recreational facilities,
to purchase, lease or rent equipment therefor, and to em-
ploy qualified recreational directors and personnel; to
construct new Four-H camps on county property; to
operate stone quarries and sand deposits on county-
owned or leased property; to construct buildings for or
aid in constructing and/or equipping civilian defense
buildings on sites approved by state office of civilian de-
fense; and to operate dog pounds for county-municipal-
ities; and to purchase, lease, rent, control, supervise, in-
spect, maintain, and erect public markets and to purchase,
rent or lease equipment therefor, and to employ qualified
personnel to operate such public markets; and as a further
part of their duties they shall be empowered to purchase,
lease, rent, control, supervise, inspect, maintain and erect
county mental health clinics and engage in any program
designed for the betterment of the mental and physical
well-being of the residents of their county, and to co-
operate with any public or private agency for these pur-
poses; to establish and participate in regional planning
and development councils; to establish and participate in
county commissions on intergovernmental relations as
required by section three-q of this article; to establish
and participate in county commissions on crime, delinquency and correction as required by section three-r of this article.

Compensation shall be allowed and paid out of the county treasury, in the same manner as salaries are paid, to each county commissioner of each county (except as otherwise provided by law for the county of Ohio), for services performed for such county concerning the visiting of the poor, inspection of jails, bridges and bridge approaches, and for visiting detention homes for children; and for providing for and supervising the repair and maintenance of the county courthouse, jails, houses for the poor and other county property; for supervising and controlling the maintenance and operation of airport or airports owned and/or operated by the county court, and supervising and controlling the purchase, erection and maintenance of airport facilities; and for supervising and controlling the purchase of furniture, fixtures and equipment and janitors' and other supplies of their county; and for attending the annual meeting of assessors and such district meetings as may be called by the state tax commissioner, on matters pertaining to the work of assessors and county courts as boards of review and equalization; for reviewing and equalizing the assessments made by the assessors; for inspecting and reviewing the lists of property, both real and personal, made up by the assessor and his deputies for taxable purposes, and for pointing out to the assessor any property, real and personal, which the said assessors of their respective counties may have overlooked or omitted to place on said tax lists; for calling to the attention of the assessor all real estate or personal property belonging to churches, lodges, schools or other charitable institutions which may have been overlooked or omitted by the assessor or his deputies in making up his lists of property for entry on the land and personal property books; for purchasing, leasing, renting, controlling, supervising, inspecting, maintaining and erecting public parks, playgrounds and recreational facilities, and the purchasing, leasing or renting the equipment therefor, and employing qualified recreational directors and personnel therefor; for constructing new Four-H
camps on county property; operating stone quarries and sand deposits on county-owned or leased property, constructing buildings for or aiding in construction and/or equipping civil defense buildings on sites approved by state office of civil defense; operating dog pounds for county-municipalities; and to purchase, lease, rent, control, supervise, inspect, maintain and erect public markets, and to purchase, rent or lease equipment therefor, and to employ qualified personnel to operate such public markets; for constructing fallout shelters and aiding individuals to construct fallout shelters through furnishing available information; for purchasing, leasing, renting, controlling, supervising, inspecting, maintaining and/or erecting county mental health clinics and/or engaging in programs for the betterment of the mental and/or physical well-being of the residents of their county; for conducting a survey of all abandoned and dilapidated buildings or structures within the county and to prepare an inventory thereof which inventory shall be made available to any agency of state or federal government or to local governmental agencies upon request; for establishing and participating in regional planning and development councils; for establishing and participating in county commissions on intergovernmental relations as required by section three-q of this article; for establishing and participating in county commissions on crime, delinquency and correction as required by section three-r of this article; and for supervising the general management of the fiscal affairs and business of each county, within their counties, and other business by such commissioners, in addition to compensation for services in court, the sums of money provided in section five-a of this article.

§7-1-5a. Salaries of county commissioners.

In addition to the payment for services in court as described in section four of this article, all county commissioners shall be paid compensation out of the county treasury in amounts hereafter set forth for each class of county as determined by the provisions of section three, article seven, chapter seven: Provided, That as to any county having a tribunal in lieu of a county court,
the county commissioners of such county may be paid less than the minimum compensation limits of the county court for the particular class of such county.

<table>
<thead>
<tr>
<th>Class</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$12,600</td>
</tr>
<tr>
<td>II</td>
<td>$9,000</td>
</tr>
<tr>
<td>III</td>
<td>$7,500</td>
</tr>
<tr>
<td>IV</td>
<td>$5,400</td>
</tr>
<tr>
<td>V</td>
<td>$3,600</td>
</tr>
<tr>
<td>VI</td>
<td>$2,100</td>
</tr>
<tr>
<td>VII</td>
<td>$900</td>
</tr>
</tbody>
</table>

The compensation hereinabove provided shall be paid on and after January one, one thousand nine hundred seventy-three.

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

§7-7-1. Legislative findings and purpose.

The Legislature hereby takes cognizance of the provisions of chapter twenty-three, acts of the Legislature, regular session, one thousand nine hundred seventy-one, as partially amended by chapter thirteen, acts of the Legislature, first extraordinary session, one thousand nine hundred seventy-one, and the decision of the supreme court of appeals, Case No. 13156, decided by the supreme court on February twenty-two, one thousand nine hundred seventy-two, and the conclusions set forth in the opinion of the court in said proceeding.

The Legislature hereby finds as a fact that the Legislature did impose upon the county commissioners in each county broad new and additional duties by the enactment of committee substitute for house bill number three, passed in special session November three, one thousand nine hundred seventy-one, and that the new and additional duties of county commissioners under said act will begin with the organizational meetings of the various regional planning and development councils during the month of May, one thousand nine hundred seventy-two. The Legislature hereby finds as a fact that the new
and additional duties imposed under the provisions of
the aforementioned house bill number three, are such
that they would justify the increase in compensation
as provided in section five-a, article one of this chapter
without being in violation of the provisions of section
thirty-eight, article six of the constitution of West Vir-
ginia.

The Legislature hereby further finds, as a fact, that
the duties required by sections three-q and three-r, ar-
ticle one, chapter seven as herein provided, constitute
new and additional duties for county commissioners and
as such justify the increased compensation provided by
section five-a, article one, chapter seven without violating
the provisions of section thirty-eight, article six of the
constitution of West Virginia.

The Legislature hereby further finds as a fact that
the duties imposed upon county clerks by the provisions
of section three-q, article one, chapter seven, as herein
provided, constitute new and additional duties for county
clerks and as such justify the additional compensation
provided by section five of this article without violating
the provisions of section thirty-eight, article six of the
constitution of West Virginia.

The Legislature hereby further finds as a fact that the
duties imposed upon circuit clerks by the provisions of
section three-q, article one, chapter seven, as herein pro-
vided, constitute new and additional duties for circuit
clerks and as such justify the additional compensation
provided by section six of this article without violating
the provisions of section thirty-eight, article six of the
constitution of West Virginia.

The Legislature hereby further finds and declares that
the amendments made by this act to this article are in-
tended to modify the provisions of this article so as to
cause the same to be in full compliance with the provi-
sions of the constitution of West Virginia, and to be in
full compliance with the decisions of the supreme court of
appeals of West Virginia.
§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.

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

The attorney general is hereby authorized and directed to establish such in-service training programs as in his opinion will do most to assist the prosecuting attorneys in the performance of their duties. The attorney general is authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purposes of this section. The prosecuting attorney in any county having a population in excess of two hundred thousand shall also discharge the additional duties imposed upon him by the provisions of section thirteen-a, article five, chapter forty-nine of this code.

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

Each of the county officials mentioned in this section, and, at his option, one or more of his assistants, deputies and employees, shall participate in the programs established under this section.

The county court is authorized and directed to expend funds for the purpose of reimbursing such officials and employees for the actual amount expended by them for food, lodging and registration while in attendance at meetings called by the attorney general or the tax commissioner for the purpose of this section, not to exceed thirty-five dollars per day, with mileage not to exceed the rate of ten cents per mile to be computed according to the distance by the nearest practicable route for travel to and from such meetings.
§7-7-3. Classification of counties for purpose of determining compensation of elected county officials.

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Assessed Valuation of Property, All Classes</th>
<th>Maximum Assessed Valuation of Property, All Classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$600,000,000</td>
<td>No limit</td>
</tr>
<tr>
<td>Class II</td>
<td>$450,000,000</td>
<td>$599,999,999</td>
</tr>
<tr>
<td>Class III</td>
<td>$200,000,000</td>
<td>$449,999,999</td>
</tr>
<tr>
<td>Class IV</td>
<td>$100,000,000</td>
<td>$199,999,999</td>
</tr>
<tr>
<td>Class V</td>
<td>$50,000,000</td>
<td>$99,999,999</td>
</tr>
<tr>
<td>Class VI</td>
<td>$15,000,000</td>
<td>$49,999,999</td>
</tr>
<tr>
<td>Class VII</td>
<td>0</td>
<td>$14,999,999</td>
</tr>
</tbody>
</table>

The assessed valuation of property, all classes, that shall be used as the base to determine the class of a county shall be the assessed valuation of property, all classes, of the county as certified by the county assessor, state auditor and county clerk prior to March twenty-nine, one thousand nine hundred seventy-two.

Prior to March twenty-nine, one thousand nine hundred seventy-six and each fourth year thereafter, the county court of each county shall determine if the assessed valuation of property, all classes, of the county, as certified by the county assessor, state auditor and county clerk, is within the minimum and maximum limits of a class above or below the class in which the county then is. If the county court so determines, it shall record the new classification of the county with the state auditor and state tax commissioner and record its action on its county court record.

The classification of each county shall be subject to review by the state tax commissioner. He shall determine if the classification of each county is correct based on the
to him by the county assessor, state auditor and county clerk. If he finds that a county is incorrectly classified he shall notify the county court of that county promptly of his finding and in any case shall notify the county court prior to June thirtieth of that current fiscal year. Any county court so notified shall correct its classification immediately and make any necessary corrections in the salaries of its elected county officials for the next fiscal year.

§7-7-4. Compensation of elected county officials other than county commissioners for each class of county; effective date.

For the purpose of determining the compensation to be paid to the elected county officials of each county, the following compensation for each county office by class are hereby established and shall be used by each county court in determining the compensation of each of their county officials other than compensation of members of the county court.

<table>
<thead>
<tr>
<th>Class</th>
<th>Sheriff</th>
<th>County Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor</th>
<th>Prosecuting Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$12,000</td>
<td>$15,000</td>
<td>$15,000</td>
<td>$12,000</td>
<td>$22,000</td>
</tr>
<tr>
<td>Class II</td>
<td>8,400</td>
<td>12,000</td>
<td>12,000</td>
<td>8,400</td>
<td>13,500</td>
</tr>
<tr>
<td>Class III</td>
<td>10,000</td>
<td>13,000</td>
<td>13,000</td>
<td>12,000</td>
<td>14,000</td>
</tr>
<tr>
<td>Class IV</td>
<td>10,000</td>
<td>10,800</td>
<td>10,800</td>
<td>10,000</td>
<td>13,500</td>
</tr>
<tr>
<td>Class V</td>
<td>9,000</td>
<td>9,600</td>
<td>9,600</td>
<td>9,000</td>
<td>9,600</td>
</tr>
<tr>
<td>Class VI</td>
<td>6,900</td>
<td>6,900</td>
<td>6,900</td>
<td>6,900</td>
<td>6,900</td>
</tr>
<tr>
<td>Class VII</td>
<td>4,200</td>
<td>3,000</td>
<td>2,400</td>
<td>3,600</td>
<td>2,100</td>
</tr>
</tbody>
</table>

Any county clerk, circuit clerk, joint clerk of the county and circuit court, if any, county assessor, sheriff and prosecuting attorney in Class I county shall devote full time to his public duties to the exclusion of any other employment. Notwithstanding the effective date of this act, the compensation provided in this section for sheriffs, assessors and prosecuting attorneys shall become effective January one, one thousand nine hundred seventy-three, and the compensation provided in this section for county clerks, circuit clerks and joint clerks of county and
circuit courts shall become effective January one, one thousand nine hundred seventy-five.

In the case of a county that has a joint clerk of the county and circuit court, the compensation of the joint clerk shall be fixed in an amount twenty-five percent higher than the compensation would be fixed for the county clerk if it had separate offices of county clerk and circuit clerk.

§7-7-5. Additional compensation of county clerks.

In addition to the salary provided for the county clerks in section four of this article, the county court of each county shall pay additional compensation in the amounts hereinafter set forth in this section to each clerk for the performance of the new and additional duties required of the clerk by the provisions of section three-q, article one, chapter seven. Such additional compensation shall be paid for by the calendar year ending December thirty-first, one thousand nine hundred seventy-three and December thirty-first, one thousand nine hundred seventy-four, in the following amounts.

<table>
<thead>
<tr>
<th>Class</th>
<th>Calendar year ending Dec. 31, 1973</th>
<th>Calendar year ending Dec. 31, 1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Class II</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>Class III</td>
<td>$2,400</td>
<td>$2,400</td>
</tr>
<tr>
<td>Class IV</td>
<td>$2,100</td>
<td>$2,100</td>
</tr>
<tr>
<td>Class V</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class VI</td>
<td>$1,200</td>
<td>$1,200</td>
</tr>
<tr>
<td>Class VII</td>
<td>$600</td>
<td>$600</td>
</tr>
</tbody>
</table>

There shall be no additional compensation paid for these duties after the calendar year ending December thirty-first, one thousand nine hundred seventy-four.

§7-7-6. Additional compensation for circuit clerks.

In addition to the salary provided for the circuit clerks in section four of this article, the county court of each county shall pay additional compensation in the amounts hereinafter set forth in this section to each clerk.
clerk for the performance of the new and additional duties
required of the clerk by the provisions of section three-r,
article one, chapter seven. Such additional compensation
shall be paid for by the calendar years ending December
thirty-first, one thousand nine hundred seventy-three and
December thirty-first, one thousand nine hundred seventy-
four, in the following amounts.

<table>
<thead>
<tr>
<th>Class</th>
<th>Calendar year ending Dec. 31, 1973</th>
<th>Calendar year ending Dec. 31, 1974</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Class II</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>Class III</td>
<td>$2,400</td>
<td>$2,400</td>
</tr>
<tr>
<td>Class IV</td>
<td>$2,100</td>
<td>$2,100</td>
</tr>
<tr>
<td>Class V</td>
<td>$1,500</td>
<td>$1,500</td>
</tr>
<tr>
<td>Class VI</td>
<td>$1,200</td>
<td>$1,200</td>
</tr>
<tr>
<td>Class VII</td>
<td>$ 600</td>
<td>$ 600</td>
</tr>
</tbody>
</table>

There shall be no additional compensation paid for
these duties after the calendar year ending December
thirty-first, one thousand nine hundred seventy-four.

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

The county clerk, circuit clerk, joint clerk of the county
and circuit court, if any, sheriff, county assessor and
prosecuting attorney, by and with the advice and consent
of the county court, may appoint and employ to assist
them in the discharge of their official duties for and during
their respective terms of office assistants, deputies
and employees.

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

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

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

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

After the county court has fixed the total amount of
money to be expended by the county for the ensuing
fiscal year and after each county official has fixed the
compensation of each of his assistants, deputies and em-
ployees, as provided in this section, each county official
shall file prior to June thirtieth, with the clerk of the
county court a budget statement for the ensuing fiscal
year setting forth the name, or the position designation
if then vacant, of each of his assistants, deputies and
employees, the period of time for which each is em-
ployed, or to be employed if the position is then vacant,
and his monthly or semimonthly compensation.

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

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

§7-7-8. Assistant prosecuting attorneys; appointment and com-
pensation; when court may appoint attorney to pros-
cecute.

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

If, in any case, the prosecuting attorney and his as-
sistants are unable to act, or if in the opinion of the
court it would be improper for him or his assistants
to act, the court shall appoint some competent practicing
attorney to act in that case. The court shall certify
to the county court the performance of that service when
completed and recommended to the county court a reason-
able compensation for the attorney for his service, and
the compensation, when allowed by the county court,
shall be paid out of the county treasury. No provision
of this section shall be construed to prohibit the employ-
ment by any person of a practicing attorney to assist in
the prosecution of any person or corporation charged
with a crime.
The compensation to be paid to an assistant prosecuting attorney shall include compensation provided by law for any services he renders as attorney for any administrative board or officer of his county. No assistant prosecuting attorney shall serve as attorney for any other political subdivision of this state.

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

The compensation of the county clerk, circuit clerk, joint clerk of the county and circuit court, if any, sheriff, county assessor, prosecuting attorney, and their assistants, deputies and employees shall be paid monthly or semi-monthly by the county court, which compensation shall be paid out of the county treasury in the manner prescribed by law.

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

The draft shall not be issued to the county official, assistant, deputy or employee until the proper county official has filed a detailed monthly or semimonthly statement with the county treasurer and has filed with the county clerk a duplicate copy of the monthly or semimonthly statement, together with a receipt from the county treasurer, showing that the person to be paid has paid into the county treasury all moneys belonging to the county that have been collected by him during that pay period as shown by the monthly or semimonthly statement.

When the order for the draft has been entered of record, the president and clerk of the county court shall be authorized to issue and approve by their signature the draft.

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

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

No. __________________________, 19________
Name ________________________________
Position or job title __________________ County __________
Description of services rendered:
(Describe service and specify period [dates] of service)

I hereby certify that I have rendered the services herein stated, that I have received the full compensation to which I was entitled for those services rendered for my own use and benefit, and that I have not paid, deposited, assigned, or contracted to pay, deposit or assign, any part of my full compensation for the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for my position or job or the emoluments thereof to any other person.

(Signed) __________________________

If the services to the county of a county official, assistant, deputy or employee terminate before the end of a fiscal year, the official, assistant, deputy or employee shall, at the time his services end, sign and submit the above affidavit to the clerk of the county court.

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

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

If any clerk shall issue and deliver a draft to any county clerk, circuit clerk, joint clerk of the county and circuit court, if any, sheriff, county assessor, prosecuting attorney, or any of their assistants, deputies or employees, in payment of their compensation, without all the applicable requirements of this article being complied with, the draft so issued and delivered shall be illegal and invalid. The clerk and the sureties on his bond shall be liable to the county court of his county for the payment thereof.
§7-7-12. Sharing compensation prohibited.

No county official shall receive or be paid, directly or indirectly, any part of the compensation of any assistant, deputy or employee, or any fee or reward for appointing him to his position. No member of a county court shall receive or be paid, directly or indirectly, any part of the compensation of any other county officer named in this article, or of any county assistant, deputy or employee. If any county commissioner or county official violates the provisions of this section, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than one year, or both fined and imprisoned. Any county commissioner or county official so convicted shall forfeit his office.

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

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

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

All supplies of whatever kind for keeping and feeding prisoners shall be purchased upon the requisition of the sheriff under rules and regulations prescribed by the county court. At the end of each month the sheriff shall file with the county court a detailed statement showing the name of each prisoner, date of commitment and date of discharge, the number of days in jail, and shall also file an itemized statement showing each purchase and the cost thereof for keeping and feeding prisoners.
The county court of every county shall allow the actual and necessary expenses incurred or expended by the sheriff in the discharge of his duties, including, but not limited to those incurred in arresting, pursuing or transporting persons accused or convicted of crimes and offenses; in the cost of law enforcement and safety equipment; in conveying or transporting a prisoner from and to jail to participate in court proceedings, and in conveying or transporting any person to or from any state institution where he may be committed from his county, where by law the sheriff is authorized to convey or transfer the person. The county court shall allow the actual and necessary expenses incurred or expended in serving summonses, notices or other official papers in connection with the sheriff’s office.

Every sheriff shall file monthly, under oath, a full and accurate account of all the actual and necessary expenses incurred by him, his deputies, assistants and employees in the performance and discharge of their official duties supported by verified accounts before reimbursement thereof shall be allowed by the county court. Reimbursement, properly allowed, shall be made from the general county fund.

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

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

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

In addition to his compensation, the prosecuting attorney and his assistants shall be reimbursed for actual traveling expenses within the state in the performance of their official duties, and when out of the state for the
purpose of taking depositions in cases in which other
counsel is not employed by the court under section one,
article three, chapter sixty-two of this code, which ex-
penses shall be duly itemized and verified, and shall, if
found correct, be allowed by the county court and be
paid monthly out of the general county fund.

§7-7-16. Mileage allowance for county officials, their assistants,
depuities 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 lim-
ited jurisdiction.

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


Nothing herein contained shall be construed to permit the compensation of the judge of any statutory court, officer or employee to be in excess of the amount (taking into consideration the compensation he now receives as supplemental compensation from any county, county court, or other political subdivision) which can be paid under the rules and regulations of the pay board established by the president of the United States by virtue of the authority vested in him by the Economic Stabilization Act of 1970, as from time to time amended; nor shall this section be construed to permit the annual salary of such judge, officer or employee to be reduced to a sum below that which he was being paid by the state of West Virginia and any county, county court, or other political subdivision on June thirty, one thousand nine hundred seventy-two.

§7-7-20. Penalties.

If any county clerk, circuit clerk, joint clerk of any county and circuit court, sheriff, county assessor or prosecuting attorney fail to file the detailed request for appropriations or the budget statement as provided in section seven of this article or fail to file the monthly or semimonthly statement as provided in section nine of this article or fail to file the statement of expenditures as provided for in section seventeen of this article, or if any county clerk, circuit clerk, joint clerk, or any county and circuit court, sheriff, county assessor, prosecuting attorney, their assistants, deputies or employees, fail to comply with any of the requirements provided in this article, he shall, except where another penalty is prescribed, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars nor more 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 27th day of March, 1972.

Governor