

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972



ENROLLED

*Committee Substitute
for*

HOUSE BILL No. 1202

(By Mr. Dinsmore)



PASSED March 11 1972

In Effect from Passage

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

MAR 29 11 35 PM '72



FILED IN THE OFFICE
JOHN D. COMPTON, IV
SECRETARY OF STATE
THIS DATE 3-29-72

1202

ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 1202

(By MR. DINSMORE)

(Originating in the House Committee on Political Subdivisions)

[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 1. 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 commis-
2 sion on intergovernmental relations. The commission
3 shall be composed of the members of the county court
4 and such other members as may be designated by the
5 county court. Members other than the county court
6 members shall serve at the will and pleasure of a ma-
7 jority of the county court members.

8 This commission shall assemble and disseminate in-
9 formation concerning federal programs which provide
10 financial assistance to the residents of their county. Such
11 programs shall include but not be limited to,

12 1. Public Health Service Act, as amended. Public
13 Law 89-97.

14 2. Housing and Urban Development Act of 1968, as
15 amended.

16 3. Health Insurance for the aged under Public Law
17 89-97, as amended.

18 4. Supplementary medical insurance for the aged under
19 Public Law 89-97, as amended.

20 5. Housing and Urban Development Act of 1968, as
21 amended, as it pertains to interest reduction payments
22 and rental and cooperative housing for lower income
23 families.

24 6. Housing Act of 1964, as amended, by Public Law
25 85-560, relating to rehabilitation loans.

26 7. The Emergency Employment Assistance Act of 1971.

27 8. Job opportunity programs and on the job training
28 under various federal acts.

29 9. Neighborhood improvement and development pro-
30 grams under various federal acts.

31 10. Library and other public facility improvements
32 programs under various federal programs.

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

38 The clerk of the county court of each county shall be
39 the executive secretary to the commission and as such
40 shall attend all meetings, keep a record of all proceedings,
41 assemble and disseminate such information as may be
42 required by the commission and to perform such other
43 duties as may reasonably be required by the commission
44 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
2 City Streets Act of 1968 and subsequent amendments
3 thereto which millions of federal dollars available to
4 local units of government in the fiscal year one thousand
5 nine hundred seventy-two-one thousand nine hundred
6 seventy-three and the probability that this program will
7 be continued and expanded in future years makes the es-
8 tablishment of a county agency to insure that the county
9 may make the best use of the benefits of this act.

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

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

23 The commission shall work closely with the governor's
24 committee on crime, delinquency and correction estab-
25 lished by Executive Order 7-A66 dated September one, one
26 thousand nine hundred sixty-six.

27 The commission shall analyze the data and informa-
28 tion herein required, shall determine federal funds
29 available under the provisions of the state plan de-
30 veloped by the aforesaid governor's committee on
31 crime, delinquency and correction, and shall make
32 recommendations to the governing body with respect
33 to priorities in the expenditure of funds.

34 The commission may make recommendations with
35 respect to steps to be taken in the county designed to
36 improve the criminal justice system.

37 The clerks of the circuit court of each county shall be
38 the executive secretary to the commission and as such
39 shall attend all meetings, keep a record of all proceed-
40 ings, shall collect and compile such data and information
41 as may be required by the commission and perform
42 such other duties as reasonably may be required by the
43 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
2 shall receive for his services two dollars per day for every
3 day he shall so attend, to be paid out of the county
4 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
2 each county to visit each quarter and inspect institutions
3 within their county for housing and caring for the poor,
4 to inspect the jails, and to arrange for the feeding and
5 care of the prisoners therein, and to investigate the con-
6 ditions of the poor within their county, not housed within
7 such institutions; to visit detention homes for children
8 within their counties, if any, and to visit and inspect
9 bridges and bridge approaches under their control; to
10 provide for and have general supervision over the repair
11 and maintenance of the county courthouse, jails, houses
12 for the poor and other county property, so as to prevent
13 the undue deterioration thereof; to supervise and control
14 the maintenance and operation of airport or airports
15 owned and/or operated by the county court; and to super-
16 vise and control the purchase, erection and maintenance
17 of airport facilities; to supervise and control the purchase
18 of furniture, fixtures and equipment, and janitors' and
19 other supplies, for their county; to attend the annual
20 meeting of county assessors, and such district meetings
21 as may be called by the state tax commissioner, on mat-
22 ters pertaining to the work of the county assessors and

23 the county courts as boards of review and equalization;
24 to review and equalize the assessments made by the as-
25 sessors; to inspect and review the lists of property, both
26 real and personal, made up by the assessor and his dep-
27 uties for taxable purposes, and to point out to the as-
28 sessor any property, real and personal, which the said
29 assessors of their respective counties may have over-
30 looked or omitted to place on said tax lists; to call to the
31 attention of the assessor all real estate or personal prop-
32 erty belonging to churches, lodges, schools or other charit-
33 able institutions which may have been overlooked or
34 omitted by the assessor or his deputies in making up his
35 lists of property for entry on the land and personal prop-
36 erty books; to cooperate with the county public assistance
37 council and supervise the general management of the
38 fiscal affairs and business of each county; and as a further
39 part of their duties they shall be empowered to pur-
40 chase, lease, rent, control, supervise, inspect, maintain and
41 erect public parks, playgrounds and recreational facilities,
42 to purchase, lease or rent equipment therefor, and to em-
43 ploy qualified recreational directors and personnel; to
44 construct new Four-H camps on county property; to
45 operate stone quarries and sand deposits on county-
46 owned or leased property; to construct buildings for or
47 aid in constructing and/or equipping civilian defense
48 buildings on sites approved by state office of civilian de-
49 fense; and to operate dog pounds for county-municipal-
50 ities; and to purchase, lease, rent, control, supervise, in-
51 spect, maintain, and erect public markets and to purchase,
52 rent or lease equipment therefor, and to employ qualified
53 personnel to operate such public markets; and as a further
54 part of their duties they shall be empowered to purchase,
55 lease, rent, control, supervise, inspect, maintain and erect
56 county mental health clinics and engage in any program
57 designed for the betterment of the mental and physical
58 well-being of the residents of their county, and to co-
59 operate with any public or private agency for these pur-
60 poses; to establish and participate in regional planning
61 and development councils; to establish and participate in
62 county commissions on intergovernmental relations as
63 required by section three-q of this article; to establish

64 and participate in county commissions on crime, de-
65 linquency and correction as required by section three-r
66 of this article.

67 Compensation shall be allowed and paid out of the
68 county treasury, in the same manner as salaries are paid,
69 to each county commissioner of each county (except as
70 otherwise provided by law for the county of Ohio), for
71 services performed for such county concerning the visit-
72 ing of the poor, inspection of jails, bridges and bridge ap-
73 proaches, and for visiting detention homes for children;
74 and for providing for and supervising the repair and
75 maintenance of the county courthouse, jails, houses for
76 the poor and other county property; for supervising and
77 controlling the maintenance and operation of airport or
78 airports owned and/or operated by the county court, and
79 supervising and controlling the purchase, erection and
80 maintenance of airport facilities; and for supervising and
81 controlling the purchase of furniture, fixtures and equip-
82 ment and janitors' and other supplies of their county;
83 and for attending the annual meeting of assessors and
84 such district meetings as may be called by the state tax
85 commissioner, on matters pertaining to the work of as-
86 sors and county courts as boards of review and equali-
87 zation; for reviewing and equalizing the assessments made
88 by the assessors; for inspecting and reviewing the lists of
89 property, both real and personal, made up by the assessor
90 and his deputies for taxable purposes, and for pointing
91 out to the assessor any property, real and personal, which
92 the said assessors of their respective counties may **have**
93 overlooked or omitted to place on said tax lists; for call-
94 ing to the attention of the assessor all real estate or per-
95 sonal property belonging to churches, lodges, schools or
96 other charitable institutions which may have been over-
97 looked or omitted by the assessor or his deputies in mak-
98 ing up his lists of property for entry on the land and
99 personal property books; for purchasing, leasing, renting,
100 controlling, supervising, inspecting, maintaining and erect-
101 ing public parks, playgrounds and recreational facilities,
102 and the purchasing, leasing or renting the equipment
103 therefor, and employing qualified recreational directors
104 and personnel therefor; for constructing new Four-H

105 camps on county property; operating stone quarries and
106 sand deposits on county-owned or leased property, con-
107 structing buildings for or aiding in construction and/or
108 equipping civil defense buildings on sites approved by
109 state office of civil defense; operating dog pounds for
110 county-municipalities; and to purchase, lease, rent, con-
111 trol, supervise, inspect, maintain and erect public markets,
112 and to purchase, rent or lease equipment therefor, and to
113 employ qualified personnel to operate such public markets;
114 for constructing fallout shelters and aiding individuals to
115 construct fallout shelters through furnishing available in-
116 formation; for purchasing, leasing, renting, controlling,
117 supervising, inspecting, maintaining and/or erecting
118 county mental health clinics and/or engaging in pro-
119 grams for the betterment of the mental and/or physical
120 well-being of the residents of their county; for conducting
121 a survey of all abandoned and dilapidated buildings or
122 structures within the county and to prepare an inventory
123 thereof which inventory shall be made available to any
124 agency of state or federal government or to local govern-
125 mental agencies upon request; for establishing and par-
126 ticipating in regional planning and development councils;
127 for establishing and participating in county commissions
128 on intergovernmental relations as required by section
129 three-q of this article; for establishing and participating
130 in county commissions on crime, delinquency and cor-
131 rection as required by section three-r of this article; and
132 for supervising the general management of the fiscal af-
133 fairs and business of each county, within their counties,
134 and other business by such commissioners, in addition to
135 compensation for services in court, the sums of money
136 provided in section five-a of this article.

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

1 In addition to the payment for services in court as
2 described in section four of this article, all county com-
3 missioners shall be paid compensation out of the county
4 treasury in amounts hereafter set forth for each class
5 of county as determined by the provisions of section
6 three, article seven, chapter seven: *Provided*, That as to
7 any county having a tribunal in lieu of a county court,

8 the county commissioners of such county may be paid
 9 less than the minimum compensation limits of the county
 10 court for the particular class of such county.

11	Class I	\$12,600
12	Class II	\$ 9,000
13	Class III	\$ 7,500
14	Class IV	\$ 5,400
15	Class V	\$ 3,600
16	Class VI	\$ 2,100
17	Class VII	\$ 900

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

**ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES,
 ETC.; COMPENSATION OF ELECTED COUNTY OF-
 FICIALS; COUNTY ASSISTANTS, DEPUTIES AND
 EMPLOYEES, THEIR NUMBER AND COMPENSA-
 TION.**

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

1 The Legislature hereby takes cognizance of the pro-
 2 visions of chapter twenty-three, acts of the Legislature,
 3 regular session, one thousand nine hundred seventy-one,
 4 as partially amended by chapter thirteen, acts of the
 5 Legislature, first extraordinary session, one thousand
 6 nine hundred seventy-one, and the decision of the su-
 7 preme court of appeals, Case No. 13156, decided by the
 8 supreme court on February twenty-two, one thousand
 9 nine hundred seventy-two, and the conclusions set forth
 10 in the opinion of the court in said proceeding.

11 The Legislature hereby finds as a fact that the Legis-
 12 lature did impose upon the county commissioners in each
 13 county broad new and additional duties by the enact-
 14 ment of committee substitute for house bill number
 15 three, passed in special session November three, one thou-
 16 sand nine hundred seventy-one, and that the new and
 17 additional duties of county commissioners under said
 18 act will begin with the organizational meetings of the
 19 various regional planning and development councils dur-
 20 ing the month of May, one thousand nine hundred seventy-
 21 two. The Legislature hereby finds as a fact that the new

22 and additional duties imposed under the provisions of
23 the aforementioned house bill number three, are such
24 that they would justify the increase in compensation
25 as provided in section five-a, article one of this chapter
26 without being in violation of the provisions of section
27 thirty-eight, article six of the constitution of West Vir-
28 ginia.

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

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

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

53 The Legislature hereby further finds and declares that
54 the amendments made by this act to this article are in-
55 tended to modify the provisions of this article so as to
56 cause the same to be in full compliance with the provi-
57 sions of the constitution of West Virginia, and to be in
58 full compliance with the decisions of the supreme court of
59 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.

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

3 The attorney general is hereby authorized and di-
4 rected to establish such in-service training programs as
5 in his opinion will do most to assist the prosecuting at-
6 torneys in the performance of their duties. The attorney
7 general 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 for
10 the purposes of this section. The prosecuting attorney in
11 any county having a population in excess of two hundred
12 thousand shall also discharge the additional duties im-
13 posed 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
17 for county commissioners, county clerks, circuit clerks,
18 assessors, sheriffs and their assistants and employees as
19 in his opinion will do most to modernize and improve
20 the services of their respective offices. The state tax
21 commissioner is authorized to accept any federal aid
22 which may be made available or any financial assistance
23 which may be available from any private nonprofit orga-
24 nization 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
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 valuation
 6 of property, all classes, established to determine the
 7 classification of each county are as follows:

	Minimum Assessed Valuation of Property,	Maximum Assessed Valuation of Property,
8	All Classes	All Classes
9		
10	All Classes	All Classes
11	Class I \$600,000,000	No limit
12	Class II \$450,000,000	\$599,999,999
13	Class III \$200,000,000	\$449,999,999
14	Class IV \$100,000,000	\$199,999,999
15	Class V \$ 50,000,000	\$ 99,999,999
16	Class VI \$ 15,000,000	\$ 49,999,999
17	Class VII 0	\$ 14,999,999

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

24 Prior to March twenty-nine, one thousand nine hun-
 25 dred seventy-six and each fourth year thereafter, the
 26 county court of each county shall determine if the as-
 27 sessed valuation of property, all classes, of the county, as
 28 certified by the county assessor, state auditor and county
 29 clerk, is within the minimum and maximum limits of a
 30 class above or below the class in which the county then
 31 is. If the county court so determines, it shall record the
 32 new classification of the county with the state auditor
 33 and state tax commissioner and record its action on its
 34 county court record.

35 The classification of each county shall be subject to re-
 36 view by the state tax commissioner. He shall determine
 37 if the classification of each county is correct based on the

38 final assessed valuation of property, all classes, certified
 39 to him by the county assessor, state auditor and county
 40 clerk. If he finds that a county is incorrectly classified
 41 he shall notify the county court of that county promptly
 42 of his finding and in any case shall notify the county
 43 court prior to June thirtieth of that current fiscal year.
 44 Any county court so notified shall correct its classification
 45 immediately and make any necessary corrections in the
 46 salaries of its elected county officials for the next fiscal
 47 year.

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

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

		County	Circuit		Prosecuting
	Sheriff	Clerk	Clerk	Assessor	Attorney
10 Class I	\$12,000	\$15,000	\$15,000	\$12,000	\$22,000
11 Class II	8,400	12,000	12,000	8,400	13,500
12 Class III	10,000	13,000	13,000	12,000	14,000
13 Class IV	10,000	10,800	10,800	10,000	13,500
14 Class V	9,000	9,600	9,600	9,000	9,600
15 Class VI	6,900	6,900	6,900	6,900	6,900
16 Class VII	4,200	3,000	2,400	3,600	2,100

17 Any county clerk, circuit clerk, joint clerk of the county
 18 and circuit court, if any, county assessor, sheriff and
 19 prosecuting attorney in Class I county shall devote full
 20 time to his public duties to the exclusion of any other em-
 21 ployment. Notwithstanding the effective date of this act,
 22 the compensation provided in this section for sheriffs,
 23 assessors and prosecuting attorneys shall become effec-
 24 tive January one, one thousand nine hundred seventy-
 25 three, and the compensation provided in this section for
 26 county clerks, circuit clerks and joint clerks of county and

27 circuit courts shall become effective January one, one
28 thousand nine hundred seventy-five.

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

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

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

	Calendar year	Calendar year
	ending	ending
	Dec. 31, 1973	Dec. 31, 1974
15 Class I	\$3,000	\$3,000
16 Class II	\$1,000	\$1,000
17 Class III	\$2,400	\$2,400
18 Class IV	\$2,100	\$2,100
19 Class V	\$1,500	\$1,500
20 Class VI	\$1,200	\$1,200
21 Class VII	\$ 600	\$ 600

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

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

1 In addition to the salary provided for the circuit
2 clerks in section four of this article, the county court of
3 each county shall pay additional compensation in the
4 amounts hereinafter set forth in this section to each

5 clerk for the performance of the new and additional duties
6 required of the clerk by the provisions of section three-r,
7 article one, chapter seven. Such additional compensation
8 shall be paid for by the calendar years ending December
9 thirty-first, one thousand nine hundred seventy-three and
10 December thirty-first, one thousand nine hundred seventy-
11 four, in the following amounts.

	Calendar year	Calendar year
	ending	ending
	Dec. 31, 1973	Dec. 31, 1974
15 Class I	\$3,000	\$3,000
16 Class II	\$1,000	\$1,000
17 Class III	\$2,400	\$2,400
18 Class IV	\$2,100	\$2,100
19 Class V	\$1,500	\$1,500
20 Class VI	\$1,200	\$1,200
21 Class VII	\$ 600	\$ 600

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

§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 offi-
52 cial 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 recommended 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 their assistants,
4 deputies and employees shall be paid monthly or semi-
5 monthly by the county court, which compensation shall
6 be paid out of the county treasury in the manner pre-
7 scribed 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 to

3 the clerk of the county court an affidavit which shall be
4 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 by
29 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 im-
12 prisoned in the county jail not more than one year, or
13 both fined and imprisoned. Any county commissioner or
14 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 con-
 38 nection 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 reim-
 44 bursement thereof shall be allowed by the county court.
 45 Reimbursement, properly allowed, shall be made from the
 46 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 of
 4 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 lim-
ited 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. Compliance with Economic Stabilization Act of 1970.

1 Nothing herein contained shall be construed to permit
 2 the compensation of the judge of any statutory court, of-
 3 ficer or employee to be in excess of the amount (taking
 4 into consideration the compensation he now receives as
 5 supplemental compensation from any county, county
 6 court, or other political subdivision) which can be paid
 7 under the rules and regulations of the pay board estab-
 8 lished by the president of the United States by virtue of
 9 the authority vested in him by the Economic Stabilization
 10 Act of 1970, as from time to time amended; nor shall this
 11 section be construed to permit the annual salary of such
 12 judge, officer or employee to be reduced to a sum below
 13 that which he was being paid by the state of West Vir-
 14 ginia and any county, county court, or other political sub-
 15 division on June thirty, one thousand nine hundred
 16 seventy-two.

§7-7-20. 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.

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

James G. Beall
Chairman Senate Committee

Phyllis J. Rutledge
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Person
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

E. H. McCourt
President of the Senate

Lewis W. M. Maurer
Speaker House of Delegates

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

Arva Shaver Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/20/72

Time 10:17 a.m.