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LEGISLATIVE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4035

(By Delegate Stemple)



Passed March 11, 2000

In Effect Ninety Days from Passage

LEGISLATIVE
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OFFICE OF THE CLERK
OF THE HOUSE OF DELEGATES

ENROLLED

H. B. 4035

(BY DELEGATE STEMPLE)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article fourteen by adding thereto a new section, designated section seventeen-e, all relating to compensating deputy sheriffs for required work during holidays.

Be it enacted by the Legislature of West Virginia:

That section seven, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article fourteen of said chapter be amended by adding thereto a new section, designated section seventeen-e, to read as follows:

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

**§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 commission and circuit court, if any, sheriff, county assessor

3 and prosecuting attorney, by and with the advice and consent of
4 the county commission, may appoint and employ, to assist them
5 in the discharge of their official duties for and during their
6 respective terms of office, assistants, deputies and employees.
7 The county clerk may designate one or more of his or her
8 assistants as responsible for all probate matters.

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

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

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

30 The county officials, in fixing the individual compensation
31 of their assistants, deputies and employees and the county
32 commission in fixing the total amount of money to be expended
33 by the county, shall give due consideration to the duties,
34 responsibilities and work required of the assistants, deputies
35 and employees and their compensation shall be reasonable and
36 proper.

37 After the county commission has fixed the total amount of
38 money to be expended by the county for the ensuing fiscal year
39 and after each county official has fixed the compensation of
40 each of his or her assistants, deputies and employees, as
41 provided in this section, each county official shall file prior to
42 the thirtieth day of June, with the clerk of the county commis-
43 sion, a budget statement for the ensuing fiscal year setting forth
44 the name, or the position designation if then vacant, of each of
45 his or her assistants, deputies and employees, the period of time
46 for which each is employed, or to be employed if the position
47 is then vacant, and his or her monthly or semimonthly compen-
48 sation.

49 All budget statements required to be filed by this section
50 shall be verified by an affidavit by the county official making
51 them. Among other things contained in the affidavit shall be the
52 statement that the amounts shown in the budget statement are
53 the amounts actually paid or intended to be paid to the assis-
54 tants, deputies and employees without rebate, and without any
55 agreement, understanding or expectation that any part thereof
56 shall be repaid to him or her, and that, prior to the time the
57 affidavit is made, nothing has been paid or promised him or her
58 on that account, and that if he or she shall thereafter receive any
59 money, or thing of value, on account thereof, he or she will
60 account for and pay the same to the county. Until the statements
61 required by this section have been filed, no allowance or
62 payments shall be made to any county official or their assis-
63 tants, deputies and employees.

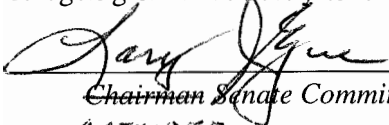
64 Each county official named in this section shall have the
65 authority to discharge any of his or her assistants, deputies or
66 employees by filing with the clerk of the county commission a
67 discharge statement specifying the discharge action: *Provided,*
68 That no deputy sheriff appointed pursuant to the provisions of
69 article fourteen, chapter seven of this code, shall be discharged
70 contrary to the provisions of that article.”

ARTICLE 14. CIVIL SERVICE FOR DEPUTY SHERIFFS.

§7-14-17e. Deputy sheriffs who are required to work during holidays; how compensated.

1 From the effective date of this section, if any deputy sheriff
2 is required to work during a legal holiday as specified in section
3 one, article two, chapter two of this code, or if a legal holiday
4 falls on the deputy sheriff's regular scheduled day off, the
5 sheriff shall decide either that, the deputy sheriff shall be
6 allowed equal time off at a time approved by the sheriff under
7 whom the deputy sheriff serves, or in the alternative, shall be
8 paid at a rate not less than one and one-half times the deputy
9 sheriff's regular rate of pay.

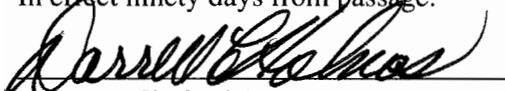
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

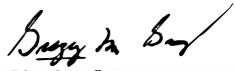

 Chairman Senate Committee
 MEMBER

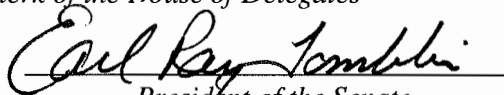

 Chairman House Committee

Originating in the House.


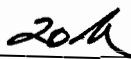

In effect ninety days from passage.

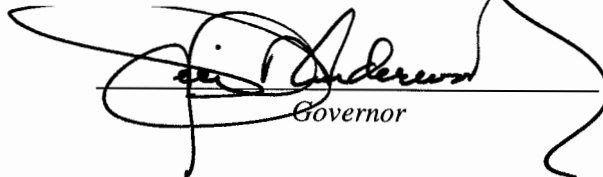

 Clerk of the Senate


 Clerk of the House of Delegates


 President of the Senate


 Speaker of the House of Delegates

The within  this the 
 day of  2000.


 Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/00

Time 12:25 pm