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**WEST VIRGINIA LEGISLATURE**  
**EIGHTIETH LEGISLATURE**  
**REGULAR SESSION, 2011**

WEST VIRGINIA  
SENATE OF STATE

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 96**

(SENATORS LAIRD, MILLER, PLYMALE, BROWNING,  
UNGER AND D. FACEMIRE, ORIGINAL SPONSORS)

[PASSED MARCH 10, 2011; TO TAKE EFFECT JULY 1, 2011.]

SB 96

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AN ACT to amend and reenact §7-7-2, §7-7-3, §7-7-4, §7-7-4a, §7-7-6b, §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-12, §7-7-13, §7-7-14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20 of the Code of West Virginia, 1931, as amended, all relating generally to eliminating outmoded language concerning compensation of county elected officials by certain county classes; repealing the requirement that the compensation of certain county employees be in compliance with the Economic Stabilization Act of 1970; transferring some training program responsibilities and valuation classification of property responsibilities from the State Tax Commissioner to the State Auditor in accordance with existing code provisions; authorizing the State Tax Commissioner and State Auditor to establish training programs for certain employees; eliminating language regarding the transition from part-time to full-time prosecutors inconsistent with other code provisions; removing the limitations on food, lodging, registration fees and mileage on authorized training; eliminating the outdated property valuations used to determine the compensation of elected county officials; permitting a county sheriff to turn over an impounded dog to

the local humane society instead of killing it; eliminating references to county positions that no longer exist; and removing the limitation of the costs for the housing and feeding of prisoners in counties having a population of thirty thousand or less.

*Be it enacted by the Legislature of West Virginia:*

That §7-7-2, §7-7-3, §7-7-4, §7-7-4a, §7-7-6b, §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-12, §7-7-13, §7-7-14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

**§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 (a) There is hereby established county in-service training  
2 programs as hereinafter set forth.

3 (b) The Attorney General is hereby authorized and directed  
4 to establish such in-service training programs as in his or her  
5 opinion will do most to assist the prosecuting attorneys in  
6 the performance of their duties. The Attorney General is  
7 authorized to accept any federal aid which may be made  
8 available or any financial assistance which may be available  
9 from any private nonprofit organization for the purposes of  
10 this section. The prosecuting attorney in any county having  
11 a population in excess of two hundred thousand shall also  
12 discharge the additional duties imposed upon him or her by  
13 the provisions of section thirteen-a, article five, chapter  
14 forty-nine of this code.

15 (c) The State Auditor is hereby authorized and directed to  
16 establish such in-service training programs for county  
17 commissioners, county clerks, sheriffs and their assistants  
18 and employees as in his or her opinion will do most to  
19 modernize and improve the services of their respective

20 offices. The State Auditor in conjunction with the West  
 21 Virginia Supreme Court of Appeals is authorized and  
 22 directed to establish such in-service training programs for  
 23 circuit clerks and their assistants and employees. The State  
 24 Tax Commissioner is authorized and directed to establish  
 25 such in-service training programs for assessors and their  
 26 assistants and employees. The State Tax Commissioner, State  
 27 Auditor and the West Virginia Supreme Court of Appeals are  
 28 authorized to accept any federal aid which may be made  
 29 available or any financial assistance which may be available  
 30 from any private nonprofit organization for the purpose of  
 31 this article.

32 (d) Each of the county officials mentioned in this section,  
 33 and, at is or her option, one or more of his or her assistants,  
 34 deputies and employees, shall participate in the programs  
 35 established under this section.

36 (e) The county commission is authorized and directed to  
 37 expend funds for the purpose of reimbursing such officials  
 38 and employees for the actual amount expended by them for  
 39 food, lodging and registration while in attendance at autho-  
 40 rized training for the purpose of this section.

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

1 (a) Effective July 1, 1996, and thereafter, for the purpose of  
 2 determining the compensation of elected county officials, the  
 3 counties of the State of West Virginia will be grouped into  
 4 ten classes based on their assessed valuation of property, all  
 5 classes. These ten classes and the minimum and maximum  
 6 valuation of property, all classes, established to determine  
 7 the classification of each county are as follows:

	Minimum Assessed	Maximum Assessed
	Valuation of Property	Valuation of Property
10 Class	All Classes	All Classes
11 Class I	\$ 2,000,000,000	No Limit
12 Class II	\$ 1,500,000,000	\$ 1,999,999,999

13	Class III	\$ 1,000,000,000	\$ 1,499,999,999
14	Class IV	\$ 700,000,000	\$ 999,999,999
15	Class V	\$ 600,000,000	\$ 699,999,999
16	Class VI	\$ 500,000,000	\$ 599,999,999
17	Class VII	\$ 400,000,000	\$ 499,999,999
18	Class VIII	\$ 300,000,000	\$ 399,999,999
19	Class IX	\$ 200,000,000	\$ 299,999,999
20	Class X	\$-0-	\$ 199,999,999

21 (b) The assessed valuation of property, all classes, that  
22 shall be used as the base to determine the class of a county  
23 shall be the assessed valuation of property, all classes, of the  
24 county as certified by the county assessor, State Auditor and  
25 county clerk prior to March 29, 1996.

26 (c) Prior to March 29, 1998, and each second year thereaf-  
27 ter, the county commission of each county, shall determine  
28 if the assessed valuation of property, all classes, of the  
29 county, as certified by the county assessor, State Auditor and  
30 county clerk is within the minimum and maximum limits of  
31 a class above or below the class in which the county then is.  
32 If the county commission so determines, it shall record the  
33 new classification of the county with the State Auditor and  
34 State Tax Commissioner and record its action on its county  
35 commission record.

36 (d) The classification of each county shall be subject to  
37 review by State Auditor. He or she shall determine if the  
38 classification of each county is correct based on the final  
39 assessed valuation of property, all classes, certified to him or  
40 her by the county assessor, State Auditor and county clerk.  
41 If he or she finds that a county is incorrectly classified, he or  
42 she shall notify the county commission of that county  
43 promptly of his or her finding and in any case shall notify the  
44 county prior to June 30 of that current fiscal year. Any  
45 county commission so notified shall correct its classification  
46 immediately and make any necessary corrections in the  
47 salaries of its elected county officials for the next fiscal year.

48 (e) Notwithstanding the provisions of this article, when-  
49 ever any other provision of this code refers to classifications

50 of counties for purposes of imposing any right, duty or  
51 responsibility, the classification system set forth in subsec-  
52 tion (a) of this section shall be utilized for determining the  
53 classification of a particular county.

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

1 (1) The increased salaries to be paid to the county commis-  
2 sioners and the other elected county officials described in  
3 this subsection on and after July 1, 2006, are set out in  
4 subdivisions (5) and (7) of this subsection. Every county  
5 commissioner and elected county official in each county,  
6 whose term of office commenced prior to or on or after July  
7 1, 2006, shall receive the same annual salary by virtue of  
8 legislative findings of extra duties as set forth in section one  
9 of this article.

10 (2) Before the increased salaries, as set out in subdivisions  
11 (5) and (7) of this subsection, are paid to the county commis-  
12 sioners and the elected county officials, the following  
13 requirements must be met:

14 (A) The Auditor has certified that the proposed annual  
15 county budget for the fiscal year beginning the first days of  
16 July, 2006, has increased over the previous fiscal year in an  
17 amount sufficient for the payment of the increase in the  
18 salaries, set out in subdivisions (5) and (7) of this subsection,  
19 and the related employment taxes: *Provided*, That the  
20 Auditor may not approve the budget certification for any  
21 proposed annual county budget containing anticipated  
22 receipts which are unreasonably greater or lesser than that  
23 of the previous year. For purposes of this subdivision, the  
24 term "receipts" does not include unencumbered fund balance  
25 or federal or state grants; and

26 (B) Each county commissioner or other elected official  
27 described in this subsection in office on the effective date of  
28 the increased salaries provided by this subsection who  
29 desires to receive the increased salary has prior to that date

30 filed in the office of the clerk of the county commission his  
 31 or her written agreement to accept the salary increase. The  
 32 salary for the person who holds the office of county commis-  
 33 sioner or other elected official described in this subsection  
 34 who fails to file the written agreement as required by this  
 35 paragraph shall be the salary for that office in effect immedi-  
 36 ately prior to the effective date of the increased salaries  
 37 provided by this subsection until the person vacates the  
 38 office or his or her term of office expires, whichever first  
 39 occurs.

40 (3) If there is an insufficient projected increase in revenues  
 41 to pay the increased salaries and the related employment  
 42 taxes, then the salaries of that county's elected officials and  
 43 commissioners shall remain at the level in effect at the time  
 44 certification was sought.

45 (4) In any county having a tribunal in lieu of a county  
 46 commission, the county commissioners of that county may be  
 47 paid less than the minimum salary limits of the county  
 48 commission for that particular class of the county.

49 (5) COUNTY COMMISSIONERS

50	Class I	\$36,960
51	Class II	\$36,300
52	Class III	\$35,640
53	Class IV	\$34,980
54	Class V	\$34,320
55	Class VI	\$28,380
56	Class VII	\$27,720
57	Class VIII	\$25,080
58	Class IX	\$24,420
59	Class X	\$19,800

60 (6) For the purpose of determining the salaries to be paid  
 61 to the elected county officials of each county, the salaries for  
 62 each county office by class, set out in subdivision (7) of this  
 63 subsection, are established and shall be used by each county  
 64 commission in determining the salaries of each of their

65 county officials other than salaries of members of the county  
66 commission.

67 (7) OTHER ELECTED OFFICIALS

68		County	Circuit	Prosecuting		
69		Sheriff	Clerk	Clerk	assessor	Attorney
70	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
71	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
72	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
73	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
74	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
75	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
76	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
77	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
78	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
79	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

80 (8) Any county clerk, circuit clerk, county assessor or  
81 sheriff of a Class I through Class V county, inclusive, any  
82 assessor or any sheriff of a Class VI through Class IX county,  
83 inclusive, shall devote full-time to his or her public duties to  
84 the exclusion of any other employment: *Provided*, That any  
85 public official, whose term of office begins when his or her  
86 county's classification imposes no restriction on his or her  
87 outside activities, may not be restricted on his or her outside  
88 activities during the remainder of the term for which he or  
89 she is elected.

**§7-7-4a. Authorizing the option of full-time status for part-time prosecuting attorneys.**

1 (a) On or before the first day of January, two thousand  
2 nine, a county may not have a part-time prosecutor. The  
3 county commissions of counties in Class VI through X shall  
4 then compensate all prosecuting attorneys that have changed  
5 to full-time by virtue of this section at the same rate of  
6 compensation established for a prosecuting attorney in a  
7 Class V county: *Provided*, That, upon mutual agreement of



8 the prosecuting attorney and the county commission, the  
9 prosecuting attorney may choose to remain a part-time  
10 prosecuting attorney.

11 (b) If, after the first day of January, two thousand nine,  
12 during the course of a term of office, pursuant to subsection  
13 (a) of this section, any prosecutor who becomes full-time or  
14 chooses to remain part-time who believes that the responsi-  
15 bilities of his or her office either no longer requires a full-  
16 time position or believes that the duties of the part-time  
17 position have become full-time, may, by mutual agreement  
18 with the county commission, either return to part-time status  
19 or change to full-time status: Provided, That, if the decision  
20 to change to full-time or part-time status is made during an  
21 election year, the decision must be by mutual agreement  
22 between the county commission and the prosecutor-elect:  
23 Provided, however, That any prosecutor who returns to part-  
24 time status shall, thereafter, be compensated at the rate of  
25 compensation set forth in section four of this article for a  
26 prosecuting attorney of his or her class county and any  
27 prosecutor that changes to full-time status shall, thereafter,  
28 be compensated at the same rate of compensation established  
29 for a prosecuting attorney in a Class V county.

30 (c) If, after the first day of January, two thousand nine, any  
31 prosecutor or prosecutor-elect desires to change to full-time  
32 status and the county commission objects to such change due  
33 to an alleged financial condition of the county, then either  
34 party may request the State Auditor's office to examine the  
35 county's financial condition and certify whether or not there  
36 are sufficient funds to support a full-time position. The State  
37 Auditor shall then, within ninety days of such request,  
38 certify whether or not there are sufficient funds available to  
39 support a full-time prosecutor in the county. If the State  
40 Auditor certifies that there are sufficient funds available,  
41 then the prosecutor or prosecutor elect must be changed to  
42 full-time status and be compensated at the same rate of pay  
43 as a prosecutor in a Class V county.

44 (d) Nothing in this section may be construed to prohibit a  
45 part-time prosecuting attorney from remaining part-time  
46 with the mutual agreement of the county commission.

**§7-7-6b. Additional compensation of assessors according to county classification.**

1 For the purpose of determining the additional compensa-  
2 tion to be paid to the county assessor of each county for the  
3 additional duties provided by section six-a of this article, the  
4 following compensations for each county assessor by class,  
5 as provided in section three of this article, are hereby  
6 established and shall be used by each county commission in  
7 determining the compensation of each county assessor; for  
8 assessors in Class I - V counties, inclusive, \$15,000; for  
9 assessors in Class VI and VII counties, \$10,000; for assessors  
10 in Class VIII and IX counties, \$9,000; for assessors in Class  
11 X counties, \$6,500.

**§7-7-6d. Collection of head tax on dogs; duties of assessor and sheriff; registration of dogs; disposition of head tax; taxes on dogs not collected by assessor.**

1 (a) It shall be the duty of the county assessor and the  
2 assessor's deputies of each county within the state, at the  
3 time they are making assessment of the personal property  
4 within such county, to assess and collect a head tax of \$1 on  
5 each male or spayed female dog and of \$2 on each unspayed  
6 female dog; and in addition to the above, the assessor and the  
7 assessor's deputies shall have the further duty of collecting  
8 any such head tax on dogs as may be levied by the ordi-  
9 nances of each and every municipality within the county. In  
10 the event that the owner, keeper, or person having in his or  
11 her possession or allowing to remain on any premises under  
12 his or her control any dog above the age of six months, shall  
13 refuse or fail to pay such tax, when the same is assessed or  
14 within fifteen days thereafter, to the assessor or deputy  
15 assessor, then such assessor or deputy assessor shall certify  
16 such tax to the county dog warden; if there be no county dog  
17 warden he or she shall certify such tax to the county sheriff,  
18 who shall take charge of the dog for which the tax is delin-  
19 quent and impound the same for a period of fifteen days, for  
20 which service he or she shall be allowed a fee of \$1.50 to be  
21 charged against such delinquent taxpayer in addition to the

22 taxes herein provided for. In case the tax and impounding  
23 charge herein provided for shall not have been paid within  
24 the period of fifteen days, then the sheriff may sell the  
25 impounded dog and deduct the impounding charge and the  
26 delinquent tax from the amount received therefor, and return  
27 the balance, if any, to the delinquent taxpayer. Should the  
28 sheriff fail to sell the dog so impounded within the time  
29 specified herein, he or she shall turn the animal over to the  
30 local humane society or similar organization.

31 (b) At the same time as the head tax is assessed, the  
32 assessor and the assessor's deputies shall, on the forms  
33 prescribed under section four, article twenty, chapter  
34 nineteen of this code, take down the age, sex, color, charac-  
35 ter of hair (long or short) and breed (if known) and the name  
36 and address of the owner, keeper or harbinger thereof. When  
37 the head tax, and extra charges, if any, are paid, the officer  
38 to whom payment is made shall issue a certificate of registra-  
39 tion and a registration tag for such dog.

40 (c) In addition to the assessment and registration above  
41 provided for, whenever a dog either is acquired or becomes  
42 six months of age after the assessment of the personal  
43 property of the owner, keeper or harbinger thereof, the said  
44 owner, keeper or harbinger of said dog shall, within ten days  
45 after the acquisition or maturation, register the said dog with  
46 the assessor, and pay the head tax thereon unless the prior  
47 owner, keeper or harbinger paid the head tax.

48 (d) All certificates of registration and registration tags  
49 issued pursuant to the provisions of this section shall be  
50 issued for the fiscal year and shall be valid from the date on  
51 which issued until June 30 of that fiscal year, or until  
52 reissued by the assessor or the assessor's deputy in the  
53 regular performance of his or her duties, but in no case shall  
54 previous registration tags be valid after September 30 of the  
55 next ensuing fiscal year.

56 (e) The assessor collecting the head tax on dogs shall be  
57 allowed a commission of ten percent upon all such taxes

58 collected by the assessor and shall turn in to the county  
59 treasurer ninety percent of such taxes so collected, as are  
60 levied by this section; and the assessor shall turn over to the  
61 treasurer or other proper officer of each and every municipi-  
62 pality within the county ninety percent of such taxes levied  
63 by the ordinances of such municipality. All such dog taxes,  
64 except those belonging to municipalities, shall be accredited  
65 to the dog and kennel fund provided for in section ten, article  
66 twenty, chapter nineteen of this code. Such dog taxes as are  
67 collected for and turned over to municipalities shall be  
68 deposited by the proper officer of such municipality to such  
69 fund and shall be expended in such manner as the law of  
70 such municipality may provide. All taxes on dogs not  
71 collected by the assessor shall be collected by the regular tax  
72 collecting officer of the county and placed to the credit of the  
73 dog and kennel fund.

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

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

8 (b) The county clerk, circuit clerk, sheriff, county assessor  
9 and prosecuting attorney shall, prior to March 2 of each year,  
10 file with the county commission a detailed request for  
11 appropriations for anticipated or expected expenditures for  
12 their respective offices, including the compensation for their  
13 assistants, deputies and employees, for the ensuing fiscal  
14 year.

15 (c) The county commission shall, prior to March 29 of each  
16 year by order fix the total amount of money to be expended  
17 by the county for the ensuing fiscal year, which amount shall  
18 include the compensation of county assistants, deputies and

19 employees. Each county commission shall enter its order  
20 upon its county commission record.

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

28 (e) The county officials, in fixing the individual compensa-  
29 tion of their assistants, deputies and employees and the  
30 county commission in fixing the total amount of money to be  
31 expended by the county, shall give due consideration to the  
32 duties, responsibilities and work required of the assistants,  
33 deputies and employees and their compensation shall be  
34 reasonable and proper.

35 (f) After the county commission has fixed the total amount  
36 of money to be expended by the county for the ensuing fiscal  
37 year and after each county official has fixed the compensa-  
38 tion of each of his or her assistants, deputies and employees,  
39 as provided in this section, each county official shall file  
40 prior to June 30, with the clerk of the county commission, a  
41 budget statement for the ensuing fiscal year setting forth the  
42 name, or the position designation if then vacant, of each of  
43 his or her assistants, deputies and employees, the period of  
44 time for which each is employed, or to be employed if the  
45 position is then vacant, and his or her monthly or semi-  
46 monthly compensation.

47 (g) All budget statements required to be filed by this  
48 section shall be verified by an affidavit by the county official  
49 making them. Among other things contained in the affidavit  
50 shall be the statement that the amounts shown in the budget  
51 statement are the amounts actually paid or intended to be  
52 paid to the assistants, deputies and employees without  
53 rebate, and without any agreement, understanding or  
54 expectation that any part thereof shall be repaid to him or

55 her, and that, prior to the time the affidavit is made, nothing  
56 has been paid or promised him or her on that account, and  
57 that if he or she shall thereafter receive any money, or thing  
58 of value, on account thereof, he or she will account for and  
59 pay the same to the county. Until the statements required by  
60 this section have been filed, no allowance or payments shall  
61 be made to any county official or their assistants, deputies  
62 and employees.

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

**§7-7-7a. Limit of budget expenditures.**

1 (a) No county clerk, circuit clerk, sheriff, county assessor  
2 or prosecuting attorney may, without the approval of the  
3 county commission, spend or obligate, before the end of the  
4 calendar year, more than fifty percent of the funds allocated  
5 for his or her office in the fiscal year budget, in any fiscal  
6 year where the person holding the office is leaving office due  
7 to either resignation or the results of an election.

8 (b) As used in subsection (a) of this section, "spend or  
9 obligate" includes, but is not limited to, increasing employee  
10 salaries to a level that would create a deficit in the budget if  
11 paid during the remainder of the fiscal year in addition to  
12 other anticipated expenditures.

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

1 (a) The compensation of the county clerk, circuit clerk,  
2 sheriff, county assessor, prosecuting attorney, and their  
3 assistants, deputies and employees shall be paid monthly or  
4 semimonthly by the county court, which compensation shall

5 be paid out of the county treasury in the manner prescribed  
6 by law.

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

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

24 (d) When the order for the draft has been entered of record,  
25 the president and clerk of the county court shall be autho-  
26 rized to issue and approve by their signature the draft.

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

1 If any clerk shall issue and deliver a draft to any county  
2 clerk, circuit clerk, sheriff, county assessor, prosecuting  
3 attorney, or any of their assistants, deputies or employees, in  
4 payment of their compensation, without all the applicable  
5 requirements of this article being complied with, the draft so  
6 issued and delivered shall be illegal and invalid. The clerk  
7 and the sureties on his or her bond shall be liable to the  
8 county commission of his or her county for the payment  
9 thereof.

**§7-7-12. Sharing compensation prohibited.**

1 No county official shall receive or be paid, directly or  
2 indirectly, any part of the compensation of any assistant,

3 deputy or employee, or any fee or reward for appointing him  
4 or her to his or her position. No member of a county commis-  
5 sion shall receive or be paid, directly or indirectly, any part  
6 of the compensation of any other county officer named in  
7 this article, or of any county assistant, deputy or employee.  
8 If any county commissioner or county official violates the  
9 provisions of this section, he or she shall be guilty of a  
10 misdemeanor, and, upon conviction thereof, shall be fined  
11 not more than \$500, or imprisoned in the county jail not  
12 more than one year, or both fined and imprisoned. Any  
13 county commissioner or county official so convicted shall  
14 forfeit his or her office.

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

1 (a) The county commission of every county shall allow the  
2 actual and necessary expenses incurred by the sheriff in the  
3 discharge of his or her duties including, but not limited to,  
4 those incurred in arresting, pursuing or transporting persons  
5 accused or convicted of crimes and offenses; in the cost of  
6 law-enforcement and safety equipment; in conveying or  
7 transporting a prisoner from and to jail to participate in  
8 court proceedings; and in conveying or transferring any  
9 person to or from any state institution where he or she may  
10 be committed from his or her county, where the sheriff is  
11 authorized to convey or transfer the person: *Provided*, That  
12 the law-enforcement agency that places a person under  
13 arrest shall be responsible for the person's initial transporta-  
14 tion to a regional or county jail, except where there is a  
15 preexisting agreement between the county and the political  
16 body the other law-enforcement agency serves. Any person  
17 transported to the regional jail as provided for by the  
18 provisions of this section shall, upon conviction for the  
19 offense causing his or her incarceration, pay the reasonable  
20 costs of the transportation. The money is to be collected by  
21 the court of conviction at the current mileage reimbursement  
22 rate. The county commission shall allow the actual and  
23 necessary expenses incurred in serving summonses, notices  
24 or other official papers in connection with the sheriff's office.



25 (b) Every sheriff shall file monthly, under oath, an accurate  
26 account of all the actual and necessary expenses incurred by  
27 him or her, his or her deputies, assistants and employees in  
28 the performance and discharge of their official duties  
29 supported by verified accounts before reimbursement thereof  
30 shall be allowed by the county commission. Reimbursement,  
31 properly allowed, shall be made from the general county  
32 fund.

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

1 The county commission 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 and tuition expenses  
5 for the training of the sheriff and his or her deputies of the  
6 county in the performance of their duties, as sheriff and  
7 deputy.

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

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

**§7-7-16. Mileage allowance for county officials and employees.**

1 (a) The county commission of each county shall allow to  
2 each county official and to their deputies, assistants and  
3 employees, when they are required to drive their personally  
4 owned vehicles in the actual performance and discharge of

5 their official duties, reimbursement at a uniform rate for all  
6 individuals as approved by the county commission.

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

**§7-7-16a. Motor vehicles owned by the county.**

1 The sheriff of each county and his or her deputies who are  
2 engaged in law-enforcement activities may, in the discretion  
3 of the sheriff, use a motor vehicle owned by the county to  
4 travel from his or her residence to his or her workplace and  
5 return. Any other county official or employee may, or may  
6 not, in the discretion of the county commission, be furnished  
7 with the use of a motor vehicle owned by the county to travel  
8 from his or her residence to his or her workplace and return:  
9 *Provided*, That such usage is subject to the supervision of  
10 said sheriff or commission and is directly connected with and  
11 required by the nature and in the performance of such  
12 sheriff's, deputy's, county official or employee's duties and  
13 responsibilities.

**§7-7-20. Penalties.**

1 If any county clerk, circuit clerk, sheriff, county assessor  
2 or prosecuting attorney fail to file the detailed request for  
3 appropriations or the budget statement as provided in  
4 section seven of this article or fail to file the monthly or  
5 semimonthly statement as provided in section nine of this  
6 article or fail to file the statement of expenditures as pro-  
7 vided for in section seventeen of this article, or if any county  
8 clerk, circuit clerk, sheriff, county assessor, prosecuting  
9 attorney, their assistants, deputies or employees, fail to  
10 comply with any of the requirements provided in this article,

11 he or she shall, except where another penalty is prescribed,  
12 be guilty of a misdemeanor, and, upon conviction thereof,  
13 shall be fined not less than \$50 nor more than \$100, or  
14 confined in jail not less than thirty days nor more than six  
15 months, or both fined and confined.

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

*[Signature]*  
.....  
Chairman Senate Committee

*Michael T. Feun*  
.....  
Vice Chairman House Committee

Originated in the Senate.

To take effect July 1, 2011.

*Dassel Elmet*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
Acting President of the Senate

*[Signature]*  
.....  
Speaker of the House of Delegates

2011 MAR 30 PM 3:18  
SECRETARY OF STATE  
VIRGINIA

The within *is approved* ..... this the *30th*  
*March* ..... 2011.

*Carl Ray Tomblin*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 23 2011

Time 10:50 am