WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2011

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.]
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§7-7-16, §7-7-16a and §7-7-20 of the Code of West Virginia, 1931, as amended, all relating generally to eliminating outdated language concerning compensation of county elected officials by certain county classes; repealing the requirement that the compensation of certain county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removing the limitations on food, lodging, registration fees and mileage on authorized training; eliminating the outdated property valuations used to determine the compensation of elected county officials; permitting a county sheriff to turn over an impounded dog to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.

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

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

(c) The State Auditor is hereby authorized and directed to establish such in-service training programs for county commissioners, county clerks, sheriffs and their assistants and employees as in his or her opinion will do most to modernize and improve the services of their respective
offices. The State Auditor in conjunction with the West Virginia Supreme Court of Appeals is authorized and directed to establish such in-service training programs for circuit clerks and their assistants and employees. The State Tax Commissioner is authorized and directed to establish such in-service training programs for assessors and their assistants and employees. The State Tax Commissioner, State Auditor and the West Virginia Supreme Court of Appeals are authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purpose of this article.

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

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

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

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Minimum Assessed Valuation of Property</th>
<th>Maximum Assessed Valuation of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$2,000,000,000</td>
<td>No Limit</td>
</tr>
<tr>
<td>Class II</td>
<td>$1,500,000,000</td>
<td>$1,999,999,999</td>
</tr>
</tbody>
</table>
(b) The assessed valuation of property, all classes, that shall be used as the base to determine the class of a county shall be the assessed valuation of property, all classes, of the county as certified by the county assessor, State Auditor and county clerk prior to March 29, 1996.

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

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

(e) Notwithstanding the provisions of this article, whenever any other provision of this code refers to classifications
§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 commissioners and the other elected county officials described in this subsection on and after July 1, 2006, are set out in subdivisions (5) and (7) of this subsection. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, 2006, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in section one of this article.

2. (2) Before the increased salaries, as set out in subdivisions (5) and (7) of this subsection, are paid to the county commissioners and the elected county officials, the following requirements must be met:

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

(B) Each county commissioner or other elected official described in this subsection in office on the effective date of the increased salaries provided by this subsection who 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

<table>
<thead>
<tr>
<th>Class</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$36,960</td>
</tr>
<tr>
<td>II</td>
<td>$36,300</td>
</tr>
<tr>
<td>III</td>
<td>$35,640</td>
</tr>
<tr>
<td>IV</td>
<td>$34,980</td>
</tr>
<tr>
<td>V</td>
<td>$34,320</td>
</tr>
<tr>
<td>VI</td>
<td>$28,380</td>
</tr>
<tr>
<td>VII</td>
<td>$27,720</td>
</tr>
<tr>
<td>VIII</td>
<td>$25,080</td>
</tr>
<tr>
<td>IX</td>
<td>$24,420</td>
</tr>
<tr>
<td>X</td>
<td>$19,800</td>
</tr>
</tbody>
</table>

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

(7) OTHER ELECTED OFFICIALS

<table>
<thead>
<tr>
<th>Class</th>
<th>County Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor</th>
<th>Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$44,880</td>
<td>$55,440</td>
<td>$44,880</td>
<td>$96,600</td>
</tr>
<tr>
<td>II</td>
<td>$44,220</td>
<td>$54,780</td>
<td>$44,220</td>
<td>$94,400</td>
</tr>
<tr>
<td>III</td>
<td>$43,890</td>
<td>$53,460</td>
<td>$43,890</td>
<td>$92,200</td>
</tr>
<tr>
<td>IV</td>
<td>$43,560</td>
<td>$53,154</td>
<td>$43,560</td>
<td>$90,000</td>
</tr>
<tr>
<td>V</td>
<td>$43,230</td>
<td>$52,800</td>
<td>$43,230</td>
<td>$87,800</td>
</tr>
<tr>
<td>VI</td>
<td>$42,900</td>
<td>$49,500</td>
<td>$42,900</td>
<td>$59,400</td>
</tr>
<tr>
<td>VII</td>
<td>$42,570</td>
<td>$48,840</td>
<td>$42,570</td>
<td>$56,760</td>
</tr>
<tr>
<td>VIII</td>
<td>$42,240</td>
<td>$48,180</td>
<td>$42,240</td>
<td>$54,120</td>
</tr>
<tr>
<td>IX</td>
<td>$41,910</td>
<td>$47,520</td>
<td>$41,910</td>
<td>$50,160</td>
</tr>
<tr>
<td>X</td>
<td>$38,280</td>
<td>$42,240</td>
<td>$38,280</td>
<td>$46,200</td>
</tr>
</tbody>
</table>

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

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

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

(b) If, after the first day of January, two thousand nine,
during the course of a term of office, pursuant to subsection
(a) of this section, any prosecutor who becomes full-time or
chooses to remain part-time who believes that the responsi-

bilities of his or her office either no longer requires a full-
time position or believes that the duties of the part-time
position have become full-time, may, by mutual agreement
with the county commission, either return to part-time status
or change to full-time status: Provided, That, if the decision
to change to full-time or part-time status is made during an
election year, the decision must be by mutual agreement
between the county commission and the prosecutor-elect:
Provided, however, That any prosecutor who returns to part-
time status shall, thereafter, be compensated at the rate of
compensation set forth in section four of this article for a
prosecuting attorney of his or her class county and any
prosecutor that changes to full-time status shall, thereafter,
be compensated at the same rate of compensation established
for a prosecuting attorney in a Class V county.

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

(d) Nothing in this section may be construed to prohibit a
part-time prosecuting attorney from remaining part-time
with the mutual agreement of the county commission.
§7-7-6b. Additional compensation of assessors according to county classification.

For the purpose of determining the additional compensation to be paid to the county assessor of each county for the additional duties provided by section six-a of this article, the following compensations for each county assessor by class, as provided in section three of this article, are hereby established and shall be used by each county commission in determining the compensation of each county assessor; for assessors in Class I - V counties, inclusive, $15,000; for assessors in Class VI and VII counties, $10,000; for assessors in Class VIII and IX counties, $9,000; for assessors in Class 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.

(a) It shall be the duty of the county assessor and the assessor's deputies of each county within the state, at the time they are making assessment of the personal property within such county, to assess and collect a head tax of $1 on each male or spayed female dog and of $2 on each unspayed female dog; and in addition to the above, the assessor and the assessor's deputies shall have the further duty of collecting any such head tax on dogs as may be levied by the ordinances of each and every municipality within the county. In the event that the owner, keeper, or person having in his or her possession or allowing to remain on any premises under his or her control any dog above the age of six months, shall refuse or fail to pay such tax, when the same is assessed or within fifteen days thereafter, to the assessor or deputy assessor, then such assessor or deputy assessor shall certify such tax to the county dog warden; if there be no county dog warden he or she shall certify such tax to the county sheriff, who shall take charge of the dog for which the tax is delinquent and impound the same for a period of fifteen days, for which service he or she shall be allowed a fee of $1.50 to be charged against such delinquent taxpayer in addition to the
In case the tax and impounding charge herein provided for shall not have been paid within the period of fifteen days, then the sheriff may sell the impounded dog and deduct the impounding charge and the delinquent tax from the amount received therefor, and return the balance, if any, to the delinquent taxpayer. Should the sheriff fail to sell the dog so impounded within the time specified herein, he or she shall turn the animal over to the local humane society or similar organization.

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

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

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

(e) The assessor collecting the head tax on dogs shall be allowed a commission of ten percent upon all such taxes
collected by the assessor and shall turn in to the county
treasurer ninety percent of such taxes so collected, as are
levied by this section; and the assessor shall turn over to the
treasurer or other proper officer of each and every munici-
pality within the county ninety percent of such taxes levied
by the ordinances of such municipality. All such dog taxes,
except those belonging to municipalities, shall be accredited
to the dog and kennel fund provided for in section ten, article
twenty, chapter nineteen of this code. Such dog taxes as are
collected for and turned over to municipalities shall be
deposited by the proper officer of such municipality to such
fund and shall be expended in such manner as the law of
such municipality may provide. All taxes on dogs not
collected by the assessor shall be collected by the regular tax
collecting officer of the county and placed to the credit of the
dog and kennel fund.

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

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

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

(c) The county commission shall, prior to March 29 of each
year by order fix the total amount of money to be expended
by the county for the ensuing fiscal year, which amount shall
include the compensation of county assistants, deputies and
employees. Each county commission shall enter its order upon its county commission record.

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

(e) The county officials, in fixing the individual compensation of their assistants, deputies and employees and the county commission in fixing the total amount of money to be expended by the county, shall give due consideration to the duties, responsibilities and work required of the assistants, deputies and employees and their compensation shall be reasonable and proper.

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

(g) All budget statements required to be filed by this section shall be verified by an affidavit by the county official making them. Among other things contained in the affidavit shall be the statement that the amounts shown in the budget statement are the amounts actually paid or intended to be paid to the assistants, deputies and employees without rebate, and without any agreement, understanding or expectation that any part thereof shall be repaid to him or
her, and that, prior to the time the affidavit is made, nothing
has been paid or promised him or her on that account, and
that if he or she shall thereafter receive any money, or thing
of value, on account thereof, he or she will account for and
pay the same to the county. Until the statements required by
this section have been filed, no allowance or payments shall
be made to any county official or their assistants, deputies
and employees.

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

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

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

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

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

(a) The compensation of the county clerk, circuit clerk,
sheriff, county assessor, prosecuting attorney, and their
assistants, deputies and employees shall be paid monthly or
semimonthly by the county court, which compensation shall
be paid out of the county treasury in the manner prescribed by law.

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

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

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

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

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

§7-7-12. Sharing compensation prohibited.

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

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

(a) The county commission of every county shall allow the
actual and necessary expenses incurred by the sheriff in the
discharge of his or her duties including, but not limited to,
those incurred in arresting, pursuing or transporting persons
accused or convicted of crimes and offenses; in the cost of
law-enforcement and safety equipment; in conveying or
transporting a prisoner from and to jail to participate in
court proceedings; and in conveying or transferring any
person to or from any state institution where he or she may
be committed from his or her county, where the sheriff is
authorized to convey or transfer the person: Provided, That
the law-enforcement agency that places a person under
arrest shall be responsible for the person's initial transporta-
tion to a regional or county jail, except where there is a
preexisting agreement between the county and the political
body the other law-enforcement agency serves. Any person
transported to the regional jail as provided for by the
provisions of this section shall, upon conviction for the
offense causing his or her incarceration, pay the reasonable
costs of the transportation. The money is to be collected by
the court of conviction at the current mileage reimbursement
rate. The county commission shall allow the actual and
necessary expenses incurred in serving summonses, notices
or other official papers in connection with the sheriff's office.
Every sheriff shall file monthly, under oath, an accurate account of all the actual and necessary expenses incurred by him or her, his or her deputies, assistants and employees in the performance and discharge of their official duties supported by verified accounts before reimbursement thereof shall be allowed by the county commission. Reimbursement, properly allowed, shall be made from the general county fund.

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

The county commission of each county is authorized, at its discretion, to expend from the general county fund, upon request and requisition by the sheriff of the county, the necessary and proper travel expenses and tuition expenses for the training of the sheriff and his or her deputies of the county in the performance of their duties, as sheriff and deputy.

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

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

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

(a) The county commission of each county shall allow to each county official and to their deputies, assistants and employees, when they are required to drive their personally owned vehicles in the actual performance and discharge of
their official duties, reimbursement at a uniform rate for all
individuals as approved by the county commission.

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

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

The sheriff of each county and his or her deputies who are
engaged in law-enforcement activities may, in the discretion
of the sheriff, use a motor vehicle owned by the county to
travel from his or her residence to his or her workplace and
return. Any other county official or employee may, or may
not, in the discretion of the county commission, be furnished
with the use of a motor vehicle owned by the county to travel
from his or her residence to his or her workplace and return:
Provided, That such usage is subject to the supervision of
said sheriff or commission and is directly connected with and
required by the nature and in the performance of such
sheriff’s, deputy’s, county official or employee’s duties and
responsibilities.

§7-7-20. Penalties.

If any county clerk, circuit clerk, sheriff, county assessor
or prosecuting attorney fail to file the detailed request for
appropriations or the budget statement as provided in
section seven of this article or fail to file the monthly or
semimonthly statement as provided in section nine of this
article or fail to file the statement of expenditures as pro-
vided for in section seventeen of this article, or if any county
clerk, circuit clerk, sheriff, county assessor, prosecuting
attorney, their assistants, deputies or employees, fail to
comply with any of the requirements provided in this article,
he or she shall, except where another penalty is prescribed, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than $50 nor more than $100, or confined in jail not less than thirty days nor more than six months, or both fined and confined.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Vice Chairman House Committee

Originated in the Senate.

To take effect July 1, 2011.

Clerk of the Senate

Clerk of the House of Delegates

Acting President of the Senate

Speaker of the House of Delegates

The within is approved this the 30th Day of March, 2011.

Governor
PRESENTED TO THE GOVERNOR

MAR 2 3 2011

Time 10:30 am