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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 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

1 the limitations on food, lodging, registration fees and
2 mileage on authorized training; eliminating the outdated
3 property valuations used to determine the compensation of
4 elected county officials; permitting a county sheriff to turn
5 over an impounded dog to the local humane society instead of
6 killing it; eliminating references to county positions that no
7 longer exist; and removing the limitation of the costs for the
8 housing and feeding of prisoners in counties having a
9 population of thirty thousand or less.

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

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

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

16 **§7-7-2. Establishment of county in-service training programs;**
17 **further additional duties for prosecuting attorney in**
18 **any county in excess of two hundred thousand.**

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

21 (b) The Attorney General is hereby authorized and directed to
22 establish such in-service training programs as in his or her
23 opinion will do most to assist the prosecuting attorneys in the
24 performance of their duties. The Attorney General is authorized to
25 accept any federal aid which may be made available or any financial
26 assistance which may be available from any private nonprofit
27 organization for the purposes of this section. The prosecuting
28 attorney in any county having a population in excess of two hundred

1 thousand shall also discharge the additional duties imposed upon
2 him or her by the provisions of section thirteen-a, article five,
3 chapter forty-nine of this code.

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

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

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

28 **§7-7-3. Classification of counties for purpose of determining**

1 **compensation of elected county officials.**

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

12	Minimum Assessed	Maximum Assessed
13	Valuation of Property	Valuation of Property
14 Class	All Classes	All Classes
15 Class I	\$ 2,000,000,000	No Limit
16 Class II	\$ 1,500,000,000	\$ 1,999,999,999
17 Class III	\$ 1,000,000,000	\$ 1,499,999,999
18 Class IV	\$ 700,000,000	\$ 999,999,999
19 Class V	\$ 600,000,000	\$ 699,999,999
20 Class VI	\$ 500,000,000	\$ 599,999,999
21 Class VII	\$ 400,000,000	\$ 499,999,999
22 Class VIII	\$ 300,000,000	\$ 399,999,999
23 Class IX	\$ 200,000,000	\$ 299,999,999
24 Class X	\$-0-	\$ 199,999,999

25 (b) The assessed valuation of property, all classes, that
26 shall be used as the base to determine the class of a county shall
27 be the assessed valuation of property, all classes, of the county
28 as certified by the county assessor, State Auditor and county clerk

1 prior to March 29, 1996.

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

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

22 (e) Notwithstanding the provisions of this article, whenever
23 any other provision of this code refers to classifications of
24 counties for purposes of imposing any right, duty or responsibility,
25 the classification system set forth in subsection (a) of this
26 section shall be utilized for determining the classification of a
27 particular county.

1 **§7-7-4. Compensation of elected county officials and county**
2 **commissioners for each class of county; effective date.**

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

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

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

26 (B) Each county commissioner or other elected official

1 described in this subsection in office on the effective date of the
2 increased salaries provided by this subsection who desires to
3 receive the increased salary has prior to that date filed in the
4 office of the clerk of the county commission his or her written
5 agreement to accept the salary increase. The salary for the person
6 who holds the office of county commissioner or other elected
7 official described in this subsection who fails to file the written
8 agreement as required by this paragraph shall be the salary for that
9 office in effect immediately prior to the effective date of the
10 increased salaries provided by this subsection until the person
11 vacates the office or his or her term of office expires, whichever
12 first occurs.

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

18 (4) In any county having a tribunal in lieu of a county
19 commission, the county commissioners of that county may be paid less
20 than the minimum salary limits of the county commission for that
21 particular class of the county.

22 (5) COUNTY COMMISSIONERS

23

24	Class I	\$36,960
25	Class II	\$36,300
26	Class III	\$35,640

1	Class IV	\$34,980
2	Class V	\$34,320
3	Class VI	\$28,380
4	Class VII	\$27,720
5	Class VIII	\$25,080
6	Class IX	\$24,420
7	Class X	\$19,800

8 (6) For the purpose of determining the salaries to be paid to
9 the elected county officials of each county, the salaries for each
10 county office by class, set out in subdivision (7) of this
11 subsection, are established and shall be used by each county
12 commission in determining the salaries of each of their county
13 officials other than salaries of members of the county commission.

14 (7) OTHER ELECTED OFFICIALS

15		County	Circuit		Prosecuting
16		Sheriff	Clerk	assessor	Attorney
17	Class I	\$44,880	\$55,440	\$44,880	\$ 96,600
18	Class II	\$44,220	\$54,780	\$44,220	\$ 94,400
19	Class III	\$43,890	\$53,460	\$43,890	\$ 92,200
20	Class IV	\$43,560	\$53,154	\$43,560	\$ 90,000
21	Class V	\$43,230	\$52,800	\$43,230	\$ 87,800
22	Class VI	\$42,900	\$49,500	\$42,900	\$ 59,400
23	Class VII	\$42,570	\$48,840	\$42,570	\$ 56,760
24	Class VIII	\$42,240	\$48,180	\$42,240	\$ 54,120
25	Class IX	\$41,910	\$47,520	\$41,910	\$ 50,160
26	Class X	\$38,280	\$42,240	\$38,280	\$ 46,200

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

10 **§7-7-4a. Authorizing the option of full-time status for part-time**
11 **prosecuting attorneys.**

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

21 (b) If, after the first day of January, two thousand nine,
22 during the course of a term of office, pursuant to subsection (a)
23 of this section, any prosecutor who becomes full-time or chooses
24 to remain part-time who believes that the responsibilities of his
25 or her office either no longer requires a full-time position or
26 believes that the duties of the part-time position have become

1 full-time, may, by mutual agreement with the county commission,
2 either return to part-time status or change to full-time status:
3 Provided, That, if the decision to change to full-time or part-
4 time status is made during an election year, the decision must be
5 by mutual agreement between the county commission and the
6 prosecutor-elect: Provided, however, That any prosecutor who
7 returns to part-time status shall, thereafter, be compensated at
8 the rate of compensation set forth in section four of this article
9 for a prosecuting attorney of his or her class county and any
10 prosecutor that changes to full-time status shall, thereafter, be
11 compensated at the same rate of compensation established for a
12 prosecuting attorney in a Class V county.

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

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

4 **§7-7-6b. Additional compensation of assessors according to county**
5 **classification.**

6 For the purpose of determining the additional compensation to
7 be paid to the county assessor of each county for the additional
8 duties provided by section six-a of this article, the following
9 compensations for each county assessor by class, as provided in
10 section three of this article, are hereby established and shall be
11 used by each county commission in determining the compensation of
12 each county assessor; for assessors in Class I - V counties,
13 inclusive, \$15,000; for assessors in Class VI and VII counties,
14 \$10,000; for assessors in Class VIII and IX counties, \$9,000; for
15 assessors in Class X counties, \$6,500.

16 **§7-7-6d. Collection of head tax on dogs; duties of assessor and**
17 **sheriff; registration of dogs; disposition of head**
18 **tax; taxes on dogs not collected by assessor.**

19 (a) It shall be the duty of the county assessor and the
20 assessor's deputies of each county within the state, at the time
21 they are making assessment of the personal property within such
22 county, to assess and collect a head tax of \$1 on each male or
23 spayed female dog and of \$2 on each unspayed female dog; and in
24 addition to the above, the assessor and the assessor's deputies
25 shall have the further duty of collecting any such head tax on
26 dogs as may be levied by the ordinances of each and every

1 municipality within the county. In the event that the owner,
2 keeper, or person having in his or her possession or allowing to
3 remain on any premises under his or her control any dog above the
4 age of six months, shall refuse or fail to pay such tax, when the
5 same is assessed or within fifteen days thereafter, to the
6 assessor or deputy assessor, then such assessor or deputy assessor
7 shall certify such tax to the county dog warden; if there be no
8 county dog warden he or she shall certify such tax to the county
9 sheriff, who shall take charge of the dog for which the tax is
10 delinquent and impound the same for a period of fifteen days, for
11 which service he or she shall be allowed a fee of \$1.50 to be
12 charged against such delinquent taxpayer in addition to the taxes
13 herein provided for. In case the tax and impounding charge herein
14 provided for shall not have been paid within the period of fifteen
15 days, then the sheriff may sell the impounded dog and deduct the
16 impounding charge and the delinquent tax from the amount received
17 therefor, and return the balance, if any, to the delinquent
18 taxpayer. Should the sheriff fail to sell the dog so impounded
19 within the time specified herein, he or she shall turn the animal
20 over to the local humane society or similar organization.

21 (b) At the same time as the head tax is assessed, the
22 assessor and the assessor's deputies shall, on the forms
23 prescribed under section four, article twenty, chapter nineteen of
24 this code, take down the age, sex, color, character of hair (long
25 or short) and breed (if known) and the name and address of the
26 owner, keeper or harbinger thereof. When the head tax, and extra

1 charges, if any, are paid, the officer to whom payment is made
2 shall issue a certificate of registration and a registration tag
3 for such dog.

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

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

19 (e) The assessor collecting the head tax on dogs shall be
20 allowed a commission of ten percent upon all such taxes collected
21 by the assessor and shall turn in to the county treasurer ninety
22 percent of such taxes so collected, as are levied by this section;
23 and the assessor shall turn over to the treasurer or other proper
24 officer of each and every municipality within the county ninety
25 percent of such taxes levied by the ordinances of such
26 municipality. All such dog taxes, except those belonging to

1 municipalities, shall be accredited to the dog and kennel fund
2 provided for in section ten, article twenty, chapter nineteen of
3 this code. Such dog taxes as are collected for and turned over to
4 municipalities shall be deposited by the proper officer of such
5 municipality to such fund and shall be expended in such manner as
6 the law of such municipality may provide. All taxes on dogs not
7 collected by the assessor shall be collected by the regular tax
8 collecting officer of the county and placed to the credit of the
9 dog and kennel fund.

10 **§7-7-7. County assistants, deputies and employees; their number**
11 **and compensation; county budget.**

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

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

25 (c) The county commission shall, prior to March 29 of each
26 year by order fix the total amount of money to be expended by the

1 county for the ensuing fiscal year, which amount shall include the
2 compensation of county assistants, deputies and employees. Each
3 county commission shall enter its order upon its county commission
4 record.

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

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

19 (f) After the county commission has fixed the total amount of
20 money to be expended by the county for the ensuing fiscal year and
21 after each county official has fixed the compensation of each of
22 his or her assistants, deputies and employees, as provided in this
23 section, each county official shall file prior to June 30, with
24 the clerk of the county commission, a budget statement for the
25 ensuing fiscal year setting forth the name, or the position
26 designation if then vacant, of each of his or her assistants,

1 deputies and employees, the period of time for which each is
2 employed, or to be employed if the position is then vacant, and
3 his or her monthly or semimonthly compensation.

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

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

26 **§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 county
3 commission, spend or obligate, before the end of the calendar
4 year, more than fifty percent of the funds allocated for his or
5 her office in the fiscal year budget, in any fiscal year where the
6 person holding the office is leaving office due to either
7 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 other
12 anticipated expenditures.

13 **§7-7-9. Procedure for payment of compensation.**

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

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

26 (c) The draft shall not be issued to the county official,

1 assistant, deputy or employee until the proper county official has
2 filed a detailed monthly or semimonthly statement with the county
3 treasurer and has filed with the county clerk a duplicate copy of
4 the monthly or semimonthly statement, together with a receipt from
5 the county treasurer, showing that the person to be paid has paid
6 into the county treasury all moneys belonging to the county that
7 have been collected by him or her during that pay period as shown
8 by the monthly or semimonthly statement.

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

12 **§7-7-11. Illegal orders for compensation.**

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

21 **§7-7-12. Sharing compensation prohibited.**

22 No county official shall receive or be paid, directly or
23 indirectly, any part of the compensation of any assistant, deputy
24 or employee, or any fee or reward for appointing him or her to his
25 or her position. No member of a county commission shall receive
26 or be paid, directly or indirectly, any part of the compensation

1 of any other county officer named in this article, or of any
2 county assistant, deputy or employee. If any county commissioner
3 or county official violates the provisions of this section, he or
4 she shall be guilty of a misdemeanor, and, upon conviction
5 thereof, shall be fined not more than \$500, or imprisoned in the
6 county jail not more than one year, or both fined and imprisoned.
7 Any county commissioner or county official so convicted shall
8 forfeit his or her office.

9 **§7-7-13. Allowance for expenses of sheriff.**

10 (a) The county commission of every county shall allow the
11 actual and necessary expenses incurred by the sheriff in the
12 discharge of his or her duties including, but not limited to,
13 those incurred in arresting, pursuing or transporting persons
14 accused or convicted of crimes and offenses; in the cost of law-
15 enforcement and safety equipment; in conveying or transporting a
16 prisoner from and to jail to participate in court proceedings; and
17 in conveying or transferring any person to or from any state
18 institution where he or she may be committed from his or her
19 county, where the sheriff is authorized to convey or transfer the
20 person: *Provided*, That the law-enforcement agency that places a
21 person under arrest shall be responsible for the person's initial
22 transportation to a regional or county jail, except where there is
23 a preexisting agreement between the county and the political body
24 the other law-enforcement agency serves. Any person transported
25 to the regional jail as provided for by the provisions of this
26 section shall, upon conviction for the offense causing his or her

1 incarceration, pay the reasonable costs of the transportation.
2 The money is to be collected by the court of conviction at the
3 current mileage reimbursement rate. The county commission shall
4 allow the actual and necessary expenses incurred in serving
5 summonses, notices or other official papers in connection with the
6 sheriff's office.

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

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

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

22 **§7-7-15. Allowance for expenses of prosecuting attorney.**

23 In addition to his or her compensation, the prosecuting
24 attorney and his or her assistants shall be reimbursed for actual
25 traveling expenses within the state in the performance of their
26 official duties, and when out of the state for the purpose of

1 taking depositions in cases in which other counsel is not employed
2 by the court under section one, article three, chapter sixty-two
3 of this code, which expenses shall be duly itemized and verified,
4 and shall, if found correct, be allowed by the county commission
5 and be paid monthly out of the general county fund.

6 **§7-7-16. Mileage allowance for county officials and employees.**

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

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

20 **§7-7-16a. Motor vehicles owned by the county.**

21 The sheriff of each county and his or her deputies who are
22 engaged in law-enforcement activities may, in the discretion of
23 the sheriff, use a motor vehicle owned by the county to travel
24 from his or her residence to his or her workplace and return. Any
25 other county official or employee may, or may not, in the
26 discretion of the county commission, be furnished with the use of

1 a motor vehicle owned by the county to travel from his or her
2 residence to his or her workplace and return: *Provided*, That such
3 usage is subject to the supervision of said sheriff or commission
4 and is directly connected with and required by the nature and in
5 the performance of such sheriff's, deputy's, county official or
6 employee's duties and responsibilities.

7 **§7-7-20. Penalties.**

8 If any county clerk, circuit clerk, sheriff, county assessor
9 or prosecuting attorney fail to file the detailed request for
10 appropriations or the budget statement as provided in section
11 seven of this article or fail to file the monthly or semimonthly
12 statement as provided in section nine of this article or fail to
13 file the statement of expenditures as provided for in section
14 seventeen of this article, or if any county clerk, circuit clerk,
15 sheriff, county assessor, prosecuting attorney, their assistants,
16 deputies or employees, fail to comply with any of the requirements
17 provided in this article, he or she shall, except where another
18 penalty is prescribed, be guilty of a misdemeanor, and, upon
19 conviction thereof, shall be fined not less than \$50 nor more than
20 \$100, or confined in jail not less than thirty days nor more than
21 six months, or both fined and confined.