

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 96

(By Senators Laird, Miller, Plymale,
Browning, Unger and D. Facemire)

[Originating in the Committee on Government
Organization; reported February 11, 2011.]

A BILL 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removing the limitations on food, lodging, registration fees and mileage on authorized training; eliminating the outdated property valuations used to determine the compensation of elected county officials; permitting a county sheriff to turn over an impounded dog to the local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 ~~Tax Commissioner~~ Auditor is hereby autho-
16 rized and directed to establish such in-service training
17 programs for county commissioners, county clerks, ~~circuit~~
18 ~~clerks, assessors,~~ sheriffs and their assistants and employees
19 as in his or her opinion will do most to modernize and

20 improve the services of their respective offices. The State
21 Auditor in conjunction with the West Virginia Supreme
22 Court of Appeals is authorized and directed to establish such
23 in-service training programs for circuit clerks and their
24 assistants and employees. The State Tax Commissioner is
25 authorized and directed to establish such in-service training
26 programs for assessors and their assistants and employees.
27 The State Tax Commissioner, State Auditor and the West
28 Virginia Supreme Court of Appeals ~~is~~ are authorized to
29 accept any federal aid which may be made available or any
30 financial assistance which may be available from any private
31 nonprofit organization for the purpose of 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 ~~court~~ commission is authorized and directed
37 to 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 ~~meet-~~
40 ~~ings called by the Attorney General or the Tax Commissioner~~
41 authorized training for the purpose of this section. ~~not to~~

42 exceed \$35 per day, with mileage not to exceed the rate of
 43 ten cents per mile to be computed according to the distance
 44 by the nearest practicable route for travel to and from such
 45 meetings.

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

1 ~~(a) For the purpose of determining the compensation of~~
 2 ~~elected county officials, the counties of the State of West~~
 3 ~~Virginia are hereby grouped into seven classes based on their~~
 4 ~~assessed valuation of property, all classes. These seven~~
 5 ~~classes and the minimum and maximum valuation of prop-~~
 6 ~~erty, all classes, established to determine the classification of~~
 7 ~~each county are as follows:~~

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

18 ~~The assessed valuation of property, all classes, that shall be~~
19 ~~used as the base to determine the class of a county shall be~~
20 ~~the assessed valuation of property, all classes, of the county~~
21 ~~as certified by the county assessor, State Auditor and county~~
22 ~~clerk prior to March 29, 1972.~~

23 ~~Prior to March 29, 1974, and each second year thereafter,~~
24 ~~the county court [county commission] of each county shall~~
25 ~~determine if the assessed valuation of property, all classes, of~~
26 ~~the county, as certified by the county assessor, State Auditor~~
27 ~~and county clerk, is within the minimum and maximum~~
28 ~~limits of a class above or below the class in which the county~~
29 ~~then is. If the county court so determines, it shall record the~~
30 ~~new classification of the county with the State Auditor and~~
31 ~~State Tax Commissioner and record its action on its county~~
32 ~~court [county commission] record.~~

33 ~~The classification of each county shall be subject to review~~
34 ~~by the State Tax Commissioner. He The State Tax Commis-~~
35 ~~sioner shall determine if the classification of each county is~~
36 ~~correct based on the final assessed valuation of property, all~~
37 ~~classes, certified to him or her by the county assessor, State~~
38 ~~Auditor and county clerk. If he the State Tax Commissioner~~
39 ~~finds that a county is incorrectly classified, he the State Tax~~

40 ~~Commissioner shall notify the county court [county commis-~~
 41 ~~sion] of that county promptly of his or her finding and in any~~
 42 ~~case shall notify the county court prior to June 30 of that~~
 43 ~~current fiscal year. Any county court [county commission] so~~
 44 ~~notified shall correct its classification immediately and make~~
 45 ~~any necessary corrections in the salaries of its elected county~~
 46 ~~officials for the next fiscal year. Nothing in this section shall~~
 47 ~~be construed as authorizing an increase in compensation~~
 48 ~~except at such time as the affected county officer begins a~~
 49 ~~new term of office.~~

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

	Minimum Assessed	Maximum Assessed
	Valuation of Property	Valuation of Property
59 Class	All Classes	All Classes
60 Class I	\$ 2,000,000,000	No Limit
61 Class II	\$ 1,500,000,000	\$ 1,999,999,999

62	Class III	\$ 1,000,000,000	\$ 1,499,999,999
63	Class IV	\$ 700,000,000	\$ 999,999,999
64	Class V	\$ 600,000,000	\$ 699,999,999
65	Class VI	\$ 500,000,000	\$ 599,999,999
66	Class VII	\$ 400,000,000	\$ 499,999,999
67	Class VIII	\$ 300,000,000	\$ 399,999,999
68	Class IX	\$ 200,000,000	\$ 299,999,999
69	Class X	\$-0-	\$ 199,999,999

70 (b) The assessed valuation of property, all classes, that
71 shall be used as the base to determine the class of a county
72 shall be the assessed valuation of property, all classes, of the
73 county as certified by the county assessor, State Auditor and
74 county clerk prior to March 29, 1996.

75 (c) Prior to March 29, 1998, and each second year thereaf-
76 ter, the county commission of each county, shall determine
77 if the assessed valuation of property, all classes, of the
78 county, as certified by the county assessor, State Auditor and
79 county clerk is within the minimum and maximum limits of
80 a class above or below the class in which the county then is.
81 If the county commission so determines, it shall record the
82 new classification of the county with the State Auditor and

83 State Tax Commissioner and record its action on its county
84 commission record.

85 (d) The classification of each county shall be subject to
86 review by ~~the state Tax Commission~~ State Auditor. He or she
87 shall determine if the classification of each county is correct
88 based on the final assessed valuation of property, all classes,
89 certified to him or her by the county assessor, State Auditor
90 and county clerk. If he or she finds that a county is incor-
91 rectly classified, he or she shall notify the county commission
92 of that county promptly of his or her finding and in any case
93 shall notify the county prior to June 30 of that current fiscal
94 year. Any county commission so notified shall correct its
95 classification immediately and make any necessary correc-
96 tions in the salaries of its elected county officials for the next
97 fiscal year.

98 (e) Notwithstanding the provisions of this article, when-
99 ever any other provision of this code refers to classifications
100 of counties for purposes of imposing any right, duty or
101 responsibility, the classification system set forth in subsec-
102 tion (a) of this section shall be utilized for determining the
103 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) ~~Notwithstanding the provisions of section four of this~~
2 ~~article to the contrary, o~~ On or before the first day of Janu-
3 ary, two thousand nine, a county may not have a part-time
4 prosecutor. The county commissions of counties in Class VI
5 through X shall then compensate all prosecuting attorneys
6 that have changed to full-time by virtue of this section at the
7 same rate of compensation established for a prosecuting
8 attorney in a Class V county: *Provided*, That, upon mutual
9 agreement of the prosecuting attorney and the county
10 commission, the prosecuting attorney may choose to remain
11 a part-time prosecuting attorney.

12 (b) If, after the first day of January, two thousand nine,
13 during the course of a term of office, pursuant to subsection
14 (a) of this section, any prosecutor who becomes full-time or
15 chooses to remain part-time who believes that the responsi-
16 bilities of his or her office either no longer requires a full-

17 time position or believes that the duties of the part-time
18 position have become full-time, may, by mutual agreement
19 with the county commission, either return to part-time status
20 or change to full-time status: *Provided*, That, if the decision
21 to change to full-time or part-time status is made during an
22 election year, the decision must be by mutual agreement
23 between the county commission and the prosecutor-elect:
24 *Provided, however*, That any prosecutor who returns to part-
25 time status shall, thereafter, be compensated at the rate of
26 compensation set forth in section four of this article for a
27 prosecuting attorney of his or her class county and any
28 prosecutor that changes to full-time status shall, thereafter,
29 be compensated at the same rate of compensation established
30 for a prosecuting attorney in a Class V county.

31 (c) If, after the first day of January, two thousand nine, any
32 prosecutor or prosecutor-elect desires to change to full-time
33 status and the county commission objects to such change due
34 to an alleged financial condition of the county, then either
35 party may request the State Auditor's office to examine the
36 county's financial condition and certify whether or not there
37 are sufficient funds to support a full-time position. The State
38 Auditor shall then, within ninety days of such request,

39 certify whether or not there are sufficient funds available to
40 support a full-time prosecutor in the county. If the State
41 Auditor certifies that there are sufficient funds available,
42 then the prosecutor or prosecutor elect must be changed to
43 full-time status and be compensated at the same rate of pay
44 as a prosecutor in a Class V county.

45 (d) Nothing in this section may be construed to prohibit a
46 part-time prosecuting attorney from remaining part-time
47 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.

12 ~~Notwithstanding this section or any other section of the~~
 13 ~~code to the contrary, in no event shall the additional com-~~
 14 ~~pen-sation paid to the county assessors for performance of~~
 15 ~~additional duties as provided in section six-a of this article~~
 16 ~~be less than the additional compensation such county~~
 17 ~~assessors received on January 1, 1976.~~

**§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 ~~his~~ 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 ~~his~~
 7 the assessor's deputies shall have the further duty of collect-
 8 ing any such head tax on dogs as may be levied by the
 9 ordinances of each and every municipality within the county.
 10 In the event that the owner, keeper, or person having in his
 11 or her possession or allowing to remain on any premises
 12 under his or her control any dog above the age of six months,
 13 shall refuse or fail to pay such tax, when the same is assessed

14 or 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 ~~shall kill such dog and dispose of its~~
30 ~~body~~ or she shall turn the animal over to the local humane
31 society or similar organization.

32 (b) At the same time as the head tax is assessed, the
33 assessor and ~~his~~ the assessor's deputies shall, on the forms
34 prescribed under section four, article twenty, chapter
35 nineteen of this code, take down the age, sex, color, charac-

36 ter of hair (long or short) and breed (if known) and the name
37 and address of the owner, keeper or harborer thereof. When
38 the head tax, and extra charges, if any, are paid, the officer
39 to whom payment is made shall issue a certificate of registra-
40 tion and a registration tag for such dog.

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

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

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

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

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

17 (c) The county commission shall, prior to ~~the twenty-ninth~~
18 ~~day of March~~ 29 of each year by order fix the total amount of
19 money to be expended by the county for the ensuing fiscal
20 year, which amount shall include the compensation of county
21 assistants, deputies and employees. Each county commission
22 shall enter its order upon its county commission record.

23 (d) The county clerk, circuit clerk, ~~joint clerk of the county~~
24 ~~commission and circuit court, if any~~, sheriff, county assessor

25 and prosecuting attorney shall then fix the compensation of
26 their assistants, deputies and employees based on the total
27 amount of money designated for expenditure by their
28 respective offices by the county commission and the amount
29 expended shall not exceed the total expenditure designated
30 by the county commission for each office.

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

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

47 time for which each is employed, or to be employed if the
48 position is then vacant, and his or her monthly or semi-
49 monthly compensation.

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

66 (h) Each county official named in this section shall have
67 the authority to discharge any of his or her assistants,
68 deputies or employees by filing with the clerk of the county

69 commission a discharge statement specifying the discharge
70 action: *Provided*, That no deputy sheriff appointed pursuant
71 to the provisions of article fourteen, chapter seven of this
72 code, shall be discharged contrary to the provisions of that
73 article.

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

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

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

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

1 (a) The compensation of the county clerk, circuit clerk,
2 ~~joint clerk of the county and circuit court, if any~~, sheriff,

3 county assessor, prosecuting attorney, and their assistants,
4 deputies and employees shall be paid monthly or semi-
5 monthly by the county court, which compensation shall be
6 paid out of the county treasury in the manner prescribed by
7 law.

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

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

25 (d) When the order for the draft has been entered of record,
26 the president and clerk of the county court shall be autho-
27 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, ~~joint clerk of the county and circuit~~
3 ~~court, if any~~, sheriff, county assessor, prosecuting attorney,
4 or any of their assistants, deputies or employees, in payment
5 of their compensation, without all the applicable require-
6 ments of this article being complied with, the draft so issued
7 and delivered shall be illegal and invalid. The clerk and the
8 sureties on his or her bond shall be liable to the county ~~court~~
9 commission of his or her county for the payment 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 ~~court~~
5 commission shall receive or be paid, directly or indirectly,
6 any part of the compensation of any other county officer
7 named in this article, or of any county assistant, deputy or
8 employee. If any county commissioner or county official

9 violates the provisions of this section, he or she shall be
10 guilty of a misdemeanor, and, upon conviction thereof, shall
11 be fined not more than \$500, or imprisoned in the county jail
12 not 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 ~~The county commission of every county having a popula-~~
2 ~~tion of thirty thousand or less as determined by the latest~~
3 ~~official census available and which, as provided in section~~
4 ~~two-a, article eight of this chapter, has directed the sheriff as~~
5 ~~jailer to feed prisoners shall, in addition to his or her~~
6 ~~compensation, allow to the sheriff for keeping and feeding~~
7 ~~each prisoner, other than federal prisoners or prisoners held~~
8 ~~under civil process as provided by law, not more than \$5 per~~
9 ~~day for each prisoner.~~

10 ~~The limitation per day shall not include cost of personal~~
11 ~~service, bed or bedding, soaps and disinfectants and items of~~
12 ~~like kind, the cost of which shall be paid out of the allowance~~
13 ~~fixed by the county commission under the provisions of~~
14 ~~present law.~~

15 ~~All supplies of whatever kind for keeping and feeding~~
16 ~~prisoners shall be purchased upon the requisition of the~~
17 ~~sheriff under rules prescribed by the county commission. At~~
18 ~~the end of each month the sheriff shall file with the county~~
19 ~~commission a detailed statement showing the name of each~~
20 ~~prisoner, date of commitment, date of discharge, the number~~
21 ~~of days in jail and an itemized statement showing each~~
22 ~~purchase and the cost for keeping and feeding prisoners.~~

23 (a) The county commission of every county shall allow the
24 actual and necessary expenses incurred by the sheriff in the
25 discharge of his or her duties including, but not limited to,
26 those incurred in arresting, pursuing or transporting persons
27 accused or convicted of crimes and offenses; in the cost of
28 law-enforcement and safety equipment; in conveying or
29 transporting a prisoner from and to jail to participate in
30 court proceedings; and in conveying or transferring any
31 person to or from any state institution where he or she may
32 be committed from his or her county, where the sheriff is
33 authorized to convey or transfer the person: *Provided*, That
34 the law-enforcement agency that places a person under
35 arrest shall be responsible for the person's initial transporta-
36 tion to a regional or county jail, except where there is a

37 preexisting agreement between the county and the political
38 body the other law-enforcement agency serves. Any person
39 transported to the regional jail as provided for by the
40 provisions of this section shall, upon conviction for the
41 offense causing his or her incarceration, pay the reasonable
42 costs of the transportation. The money is to be collected by
43 the court of conviction at the current mileage reimbursement
44 rate. The county commission shall allow the actual and
45 necessary expenses incurred in serving summonses, notices
46 or other official papers in connection with the sheriff's office.

47 (b) Every sheriff shall file monthly, under oath, an accurate
48 account of all the actual and necessary expenses incurred by
49 him or her, his or her deputies, assistants and employees in
50 the performance and discharge of their official duties
51 supported by verified accounts before reimbursement thereof
52 shall be allowed by the county commission. Reimbursement,
53 properly allowed, shall be made from the general county
54 fund.

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

1 The county ~~court~~ commission of each county is authorized,
2 at its discretion, to expend from the general county fund,

3 upon request and requisition by the sheriff of the county, the
4 necessary and proper travel expenses, ~~per diem allowance of~~
5 ~~not less than \$3.50 per day~~ and tuition expenses for the
6 training of the sheriff and his or her deputies of the county
7 in the performance of their duties, as sheriff and deputy. ~~at~~
8 ~~any training school or academy available therefor located in~~
9 ~~this state.~~

§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 ~~court~~ commission and be paid monthly out of
10 the 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, ~~not to exceed the rate set by the commissioner~~
 7 ~~of finance and administration for state employees as ap-~~
 8 proved by the county commission.

9 (b) Every county official shall file monthly, under oath, a
 10 full and accurate account of all the actual mileage driven by
 11 him or her, his or her deputies, assistants and employees, in
 12 the performance and discharge of their official duties
 13 supported by verified accounts before reimbursement thereof
 14 shall be allowed by the county commission. Reimbursement,
 15 properly allowed, shall be made from the general county
 16 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 ~~publicly provided carriage~~ a motor vehicle
 4 owned by the county to travel from his or her residence to his
 5 or her workplace and return. Any other county official or
 6 employee may, or may not, in the discretion of the county
 7 commission, be furnished with the use of ~~publicly provided~~
 8 ~~carriage~~ a motor vehicle owned by the county to travel from

9 his or her residence to his or her workplace and return:
10 *Provided*, That such usage is subject to the supervision of
11 said sheriff or commission and is directly connected with and
12 required by the nature and in the performance of such
13 sheriff's, deputy's, county official or employee's duties and
14 responsibilities.

§7-7-20. Penalties.

1 If any county clerk, circuit clerk, ~~joint clerk of any county~~
2 ~~and circuit court~~, sheriff, county assessor or prosecuting
3 attorney fail to file the detailed request for appropriations or
4 the budget statement as provided in section seven of this
5 article or fail to file the monthly or semimonthly statement
6 as provided in section nine of this article or fail to file the
7 statement of expenditures as provided for in section seven-
8 teen of this article, or if any county clerk, circuit clerk, ~~joint~~
9 ~~clerk of any county and circuit court~~, sheriff, county asses-
10 sor, prosecuting attorney, their assistants, deputies or
11 employees, fail to comply with any of the requirements
12 provided in this article, he or she shall, except where another
13 penalty is prescribed, be guilty of a misdemeanor, and, upon
14 conviction thereof, shall be fined not less than \$50 nor more

15 than \$100, or ~~imprisoned~~ confined in ~~the county~~ jail not less
16 than thirty days nor more than six months, or both fined and
17 ~~imprisoned~~ confined.

(NOTE: Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§7-7-4 has been completely rewritten; therefore, strike-throughs and underscoring have been omitted.)