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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

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2 mileage on authorized training; eliminating the outdated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

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

24 (e) The county ~~court~~ commission is authorized and directed to
25 expend funds for the purpose of reimbursing such officials and
26 employees for the actual amount expended by them for food, lodging
27 and registration while in attendance at ~~meetings called by the~~
28 ~~Attorney General or the Tax Commissioner~~ authorized training for

1 the purpose of this section. ~~not to exceed \$35 per day, with~~
2 ~~mileage not to exceed the rate of ten cents per mile to be computed~~
3 ~~according to the distance by the nearest practicable route for~~
4 ~~travel to and from such meetings.~~

5 **§7-7-3. Classification of counties for purpose of determining**
6 **compensation of elected county officials.**

7 ~~(a) For the purpose of determining the compensation of elected~~
8 ~~county officials, the counties of the State of West Virginia are~~
9 ~~hereby grouped into seven classes based on their assessed valuation~~
10 ~~of property, all classes. These seven classes and the minimum and~~
11 ~~maximum valuation of property, all classes, established to~~
12 ~~determine the classification of each county are as follows:~~

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

23 ~~The assessed valuation of property, all classes, that shall be~~
24 ~~used as the base to determine the class of a county shall be the~~
25 ~~assessed valuation of property, all classes, of the county as~~
26 ~~certified by the county assessor, State Auditor and county clerk~~
27 ~~prior to March 29, 1972.~~

28 ~~Prior to March 29, 1974, and each second year thereafter, the~~

1 county court ~~[county commission]~~ of each county shall determine if
2 the assessed valuation of property, all classes, of the county, as
3 certified by the county assessor, State Auditor and county clerk,
4 is within the minimum and maximum limits of a class above or below
5 the class in which the county then is. If the county court so
6 determines, it shall record the new classification of the county
7 with the State Auditor and State Tax Commissioner and record its
8 action on its county court ~~[county commission]~~ record.

9 ~~The classification of each county shall be subject to review~~
10 ~~by the State Tax Commissioner. He~~ The State Tax Commissioner shall
11 ~~determine if the classification of each county is correct based on~~
12 ~~the final assessed valuation of property, all classes, certified to~~
13 ~~him or her by the county assessor, State Auditor and county clerk.~~
14 ~~If he~~ the State Tax Commissioner finds that a county is incorrectly
15 classified, ~~he~~ the State Tax Commissioner shall notify the county
16 court ~~[county commission]~~ of that county promptly of his or her
17 finding and in any case shall notify the county court prior to June
18 30 of that current fiscal year. Any county court ~~[county~~
19 ~~commission]~~ so notified shall correct its classification
20 immediately and make any necessary corrections in the salaries of
21 its elected county officials for the next fiscal year. Nothing in
22 this section shall be construed as authorizing an increase in
23 compensation except at such time as the affected county officer
24 begins a new term of office.

25 ~~(b)~~ (a) Effective July 1, 1996, and thereafter, for the
26 purpose of determining the compensation of elected county
27 officials, the counties of the State of West Virginia will be

1 grouped into ten classes based on their assessed valuation of
 2 property, all classes. These ten classes and the minimum and
 3 maximum valuation of property, all classes, established to
 4 determine the classification of each county are as follows:

5	Minimum Assessed	Maximum Assessed
6	Valuation of Property	Valuation of Property
7 Class	All Classes	All Classes
8 Class I	\$ 2,000,000,000	No Limit
9 Class II	\$ 1,500,000,000	\$ 1,999,999,999
10 Class III	\$ 1,000,000,000	\$ 1,499,999,999
11 Class IV	\$ 700,000,000	\$ 999,999,999
12 Class V	\$ 600,000,000	\$ 699,999,999
13 Class VI	\$ 500,000,000	\$ 599,999,999
14 Class VII	\$ 400,000,000	\$ 499,999,999
15 Class VIII	\$ 300,000,000	\$ 399,999,999
16 Class IX	\$ 200,000,000	\$ 299,999,999
17 Class X	\$-0-	\$ 199,999,999

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

23 (c) Prior to March 29, 1998, and each second year thereafter,
 24 the county commission of each county, shall determine if the
 25 assessed valuation of property, all classes, of the county, as
 26 certified by the county assessor, State Auditor and county clerk is

1 within the minimum and maximum limits of a class above or below the
2 class in which the county then is. If the county commission so
3 determines, it shall record the new classification of the county
4 with the State Auditor and State Tax Commissioner and record its
5 action on its county commission record.

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

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

24 **§7-7-4. Compensation of elected county officials and county**
25 **commissioners for each class of county; effective date.**

26 (1) The increased salaries to be paid to the county

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

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

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

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

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

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

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

19 (5) COUNTY COMMISSIONERS

20

21	Class I	\$36,960
22	Class II	\$36,300
23	Class III	\$35,640
24	Class IV	\$34,980
25	Class V	\$34,320
26	Class VI	\$28,380

1	Class VII	\$27,720
2	Class VIII	\$25,080
3	Class IX	\$24,420
4	Class X	\$19,800

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

11 (7) OTHER ELECTED OFFICIALS

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

24 (8) Any county clerk, circuit clerk, county assessor or
25 sheriff of a Class I through Class V county, inclusive, any
26 assessor or any sheriff of a Class VI through Class IX county,

1 inclusive, shall devote full-time to his or her public duties to
2 the exclusion of any other employment: *Provided*, That any public
3 official, whose term of office begins when his or her county's
4 classification imposes no restriction on his or her outside
5 activities, may not be restricted on his or her outside activities
6 during the remainder of the term for which he or she is elected.

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

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

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

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

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

25 (d) Nothing in this section may be construed to prohibit a
26 part-time prosecuting attorney from remaining part-time with the

1 mutual agreement of the county commission.

2 **§7-7-6b. Additional compensation of assessors according to county**
3 **classification.**

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

14 ~~Notwithstanding this section or any other section of the code~~
15 ~~to the contrary, in no event shall the additional compensation~~
16 ~~paid to the county assessors for performance of additional duties~~
17 ~~as provided in section six-a of this article be less than the~~
18 ~~additional compensation such county assessors received on January~~
19 ~~1, 1976.~~

20 **§7-7-6d. Collection of head tax on dogs; duties of assessor and**
21 **sheriff; registration of dogs; disposition of head**
22 **tax; taxes on dogs not collected by assessor.**

23 (a) It shall be the duty of the county assessor and ~~his~~ the
24 assessor's deputies of each county within the state, at the time
25 they are making assessment of the personal property within such
26 county, to assess and collect a head tax of \$1 on each male or

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

26 (b) At the same time as the head tax is assessed, the

1 assessor and ~~his~~ the assessor's deputies shall, on the forms
2 prescribed under section four, article twenty, chapter nineteen of
3 this code, take down the age, sex, color, character of hair (long
4 or short) and breed (if known) and the name and address of the
5 owner, keeper or harbinger thereof. When the head tax, and extra
6 charges, if any, are paid, the officer to whom payment is made
7 shall issue a certificate of registration and a registration tag
8 for such dog.

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

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

24 (e) The assessor collecting the head tax on dogs shall be
25 allowed a commission of ten percent upon all such taxes collected
26 by ~~him~~ the assessor and shall turn in to the county treasurer

1 ninety percent of such taxes so collected, as are levied by this
2 section; and the assessor shall turn over to the treasurer or
3 other proper officer of each and every municipality within the
4 county ninety percent of such taxes levied by the ordinances of
5 such municipality. All such dog taxes, except those belonging to
6 municipalities, shall be accredited to the dog and kennel fund
7 provided for in section ten, article twenty, chapter nineteen of
8 this code. Such dog taxes as are collected for and turned over to
9 municipalities shall be deposited by the proper officer of such
10 municipality to such fund and shall be expended in such manner as
11 the law of such municipality may provide. All taxes on dogs not
12 collected by the assessor shall be collected by the regular tax
13 collecting officer of the county and placed to the credit of the
14 dog and kennel fund.

15 **§7-7-7. County assistants, deputies and employees; their number**
16 **and compensation; county budget.**

17 (a) The county clerk, circuit clerk, ~~joint clerk of the~~
18 ~~county commission and circuit court, if any,~~ sheriff, county
19 assessor and prosecuting attorney, by and with the advice and
20 consent of the county commission, may appoint and employ, to
21 assist them in the discharge of their official duties for and
22 during their respective terms of office, assistants, deputies and
23 employees. The county clerk may designate one or more of his or
24 her assistants as responsible for all probate matters.

25 (b) The county clerk, circuit clerk, ~~joint clerk of the~~
26 ~~county commission and circuit court, if any,~~ sheriff, county

1 assessor and prosecuting attorney shall, prior to March 2 of each
2 year, file with the county commission a detailed request for
3 appropriations for anticipated or expected expenditures for their
4 respective offices, including the compensation for their
5 assistants, deputies and employees, for the ensuing fiscal year.

6 (c) The county commission shall, prior to ~~the twenty-ninth~~
7 ~~day of~~ March 29 of each year by order fix the total amount of
8 money to be expended by the county for the ensuing fiscal year,
9 which amount shall include the compensation of county assistants,
10 deputies and employees. Each county commission shall enter its
11 order upon its county commission record.

12 (d) The county clerk, circuit clerk, ~~joint clerk of the~~
13 ~~county commission and circuit court, if any,~~ sheriff, county
14 assessor and prosecuting attorney shall then fix the compensation
15 of their assistants, deputies and employees based on the total
16 amount of money designated for expenditure by their respective
17 offices by the county commission and the amount expended shall not
18 exceed the total expenditure designated by the county commission
19 for each office.

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

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

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

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

8 **§7-7-7a. Limit of budget expenditures.**

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

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

22 **§7-7-9. Procedure for payment of compensation.**

23 (a) The compensation of the county clerk, circuit clerk,
24 ~~joint clerk of the county and circuit court, if any,~~ sheriff,
25 county assessor, prosecuting attorney, and their assistants,
26 deputies and employees shall be paid monthly or semimonthly by the

1 county court, which compensation shall be paid out of the county
2 treasury in the manner prescribed by law.

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

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

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

22 **§7-7-11. Illegal orders for compensation.**

23 If any clerk shall issue and deliver a draft to any county
24 clerk, circuit clerk, ~~joint clerk of the county and circuit court,~~
25 ~~if any,~~ sheriff, county assessor, prosecuting attorney, or any of
26 their assistants, deputies or employees, in payment of their

1 compensation, without all the applicable requirements of this
2 article being complied with, the draft so issued and delivered
3 shall be illegal and invalid. The clerk and the sureties on his
4 or her bond shall be liable to the county ~~court~~ commission of his
5 or her county for the payment thereof.

6 **§7-7-12. Sharing compensation prohibited.**

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

20 **§7-7-13. Allowance for expenses of sheriff.**

21 ~~The county commission of every county having a population of~~
22 ~~thirty thousand or less as determined by the latest official~~
23 ~~census available and which, as provided in section two a, article~~
24 ~~eight of this chapter, has directed the sheriff as jailer to feed~~
25 ~~prisoners shall, in addition to his or her compensation, allow to~~
26 ~~the sheriff for keeping and feeding each prisoner, other than~~

1 ~~federal prisoners or prisoners held under civil process as~~
2 ~~provided by law, not more than \$5 per day for each prisoner.~~

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

7 ~~All supplies of whatever kind for keeping and feeding~~
8 ~~prisoners shall be purchased upon the requisition of the sheriff~~
9 ~~under rules prescribed by the county commission. At the end of~~
10 ~~each month the sheriff shall file with the county commission a~~
11 ~~detailed statement showing the name of each prisoner, date of~~
12 ~~commitment, date of discharge, the number of days in jail and an~~
13 ~~itemized statement showing each purchase and the cost for keeping~~
14 ~~and feeding prisoners.~~

15 (a) The county commission of every county shall allow the
16 actual and necessary expenses incurred by the sheriff in the
17 discharge of his or her duties including, but not limited to,
18 those incurred in arresting, pursuing or transporting persons
19 accused or convicted of crimes and offenses; in the cost of law-
20 enforcement and safety equipment; in conveying or transporting a
21 prisoner from and to jail to participate in court proceedings; and
22 in conveying or transferring any person to or from any state
23 institution where he or she may be committed from his or her
24 county, where the sheriff is authorized to convey or transfer the
25 person: *Provided*, That the law-enforcement agency that places a
26 person under arrest shall be responsible for the person's initial

1 transportation to a regional or county jail, except where there is
2 a preexisting agreement between the county and the political body
3 the other law-enforcement agency serves. Any person transported
4 to the regional jail as provided for by the provisions of this
5 section shall, upon conviction for the offense causing his or her
6 incarceration, pay the reasonable costs of the transportation.
7 The money is to be collected by the court of conviction at the
8 current mileage reimbursement rate. The county commission shall
9 allow the actual and necessary expenses incurred in serving
10 summonses, notices or other official papers in connection with the
11 sheriff's office.

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

19 **§7-7-14. Training of sheriffs and deputies; payment of expenses**
20 **thereof by county commission.**

21 The county ~~court~~ commission of each county is authorized, at
22 its discretion, to expend from the general county fund, upon
23 request and requisition by the sheriff of the county, the
24 necessary and proper travel expenses, ~~per diem allowance of not~~
25 ~~less than \$3.50 per day~~ and tuition expenses for the training of
26 the sheriff and his or her deputies of the county in the

1 performance of their duties, as sheriff and deputy. ~~at any~~
2 ~~training school or academy available therefor located in this~~
3 ~~state.~~

4 **§7-7-15. Allowance for expenses of prosecuting attorney.**

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

14 **§7-7-16. Mileage allowance for county officials and employees.**

15 (a) The county commission of each county shall allow to each
16 county official and to their deputies, assistants and employees,
17 when they are required to drive their personally owned vehicles in
18 the actual performance and discharge of their official duties,
19 reimbursement at a uniform rate for all individuals, ~~not to exceed~~
20 ~~the rate set by the commissioner of finance and administration for~~
21 ~~state employees~~ as approved by the county commission.

22 (b) Every county official shall file monthly, under oath, a
23 full and accurate account of all the actual mileage driven by him
24 or her, his or her deputies, assistants and employees, in the
25 performance and discharge of their official duties supported by
26 verified accounts before reimbursement thereof shall be allowed by

1 the county commission. Reimbursement, properly allowed, shall be
2 made from the general county fund.

3 **§7-7-16a. Motor vehicles owned by the county.**

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

17 **§7-7-20. Penalties.**

18 If any county clerk, circuit clerk, ~~joint clerk of any county~~
19 ~~and circuit court~~, sheriff, county assessor or prosecuting
20 attorney fail to file the detailed request for appropriations or
21 the budget statement as provided in section seven of this article
22 or fail to file the monthly or semimonthly statement as provided
23 in section nine of this article or fail to file the statement of
24 expenditures as provided for in section seventeen of this article,
25 or if any county clerk, circuit clerk, ~~joint clerk of any county~~
26 ~~and circuit court~~, sheriff, county assessor, prosecuting attorney,

1 their assistants, deputies or employees, fail to comply with any
2 of the requirements provided in this article, he or she shall,
3 except where another penalty is prescribed, be guilty of a
4 misdemeanor, and, upon conviction thereof, shall be fined not less
5 than \$50 nor more than \$100, or ~~imprisoned~~ confined in ~~the county~~
6 jail not less than thirty days nor more than six months, or both
7 fined and ~~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.)