

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974



ENROLLED

HOUSE BILL No. 1305

Originating in the Committee
(By Mr. *on Political Subdivisions*)



PASSED March 9 1974

In Effect July 1, 1974 Passage



1305

FILED IN THE OFFICE
EDGAR F. WICKELL III
SECRETARY OF STATE
THIS DATE 3/29/74

ENROLLED

H. B. 1305

[Passed March 9, 1974; in effect July 1, 1974.]

AN ACT to amend and reenact section five-a, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections three and four, article seven of said chapter, all relating to county courts and officers; relating to classifying counties on the basis of assessed valuation; relating to compensation of county commissioners; relating to the compensation of other elected county officials; and relating to requiring certain county officers to devote full time to public duties to the exclusion of any other employment.

Be it enacted by the Legislature of West Virginia:

That section five-a, article one, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections three and four, article seven of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. COUNTY COURTS GENERALLY.

§7-1-5a. Salaries of county commissioners.

1 In addition to the payment for services in court as described
2 in section four of this article, all county commissioners shall
3 be paid compensation out of the county treasury in amounts
4 hereafter set forth for each class of county as determined
5 by the provisions of section three, article seven, chapter seven:
6 *Provided*, That as to any county having a tribunal in lieu
7 of a county court, the county commissioners of such county

8 may be paid less than the minimum compensation limits of
 9 the county court for the particular class of such county.

| | | |
|----|-----------|----------|
| 10 | Class I | \$12,600 |
| 11 | Class II | \$ 9,600 |
| 12 | Class III | \$ 9,000 |
| 13 | Class IV | \$ 6,400 |
| 14 | Class V | \$ 4,300 |
| 15 | Class VI | \$ 2,500 |
| 16 | Class VII | \$ 1,000 |

17 The compensation hereinabove provided shall be paid on
 18 and after January one, one thousand nine hundred seventy-
 19 five to each county commissioner beginning a new term of
 20 office. Salaries in effect December thirty-one, one thousand
 21 nine hundred seventy-four shall remain in effect except as
 22 hereinbefore provided in this section.

**ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES,
 ETC: COMPENSATION OF ELECTED COUNTY OF-
 FICIALS: COUNTY ASSISTANTS, DEPUTIES AND
 EMPLOYEES, THEIR NUMBER AND COMPENSA-
 TION.**

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

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

| Class | Minimum Assessed Valuation of Property All Classes | Maximum Assessed Valuation of Property All Classes |
|--------------|--|--|
| 8 Class I | \$600,000,000 | No limit |
| 9 Class II | \$450,000,000 | \$599,999,999 |
| 10 Class III | \$200,000,000 | \$449,999,999 |
| 11 Class IV | \$100,000,000 | \$199,999,999 |
| 12 Class V | \$ 50,000,000 | \$ 99,999,999 |
| 13 Class VI | \$ 15,000,000 | \$ 49,999,999 |
| 14 Class VII | \$ 0 | \$ 14,999,999 |

15 The assessed valuation of property, all classes, that shall
16 be used as the base to determine the class of a county shall
17 be the assessed valuation of property, all classes, of the
18 county as certified by the county assessor, state auditor and
19 county clerk prior to March twenty-nine, one thousand nine
20 hundred seventy-two.

21 Prior to March twenty-nine, one thousand nine hundred
22 seventy-four and each second year thereafter, the county
23 court of each county shall determine if the assessed valuation
24 of property, all classes, of the county, as certified by the
25 county assessor, state auditor and county clerk, is within
26 the minimum and maximum limits of a class above or below
27 the class in which the county then is. If the county court so
28 determines, it shall record the new classification of the county
29 with the state auditor and state tax commissioner and record
30 its action on its county court record.

31 The classification of each county shall be subject to review
32 by the state tax commissioner. He shall determine if the
33 classification of each county is correct based on the final
34 assessed valuation of property, all classes, certified to him
35 by the county assessor, state auditor and county clerk. If
36 he finds that a county is incorrectly classified he shall notify
37 the county court of that county promptly of his finding and
38 in any case shall notify the county court prior to June
39 thirtieth of that current fiscal year. Any county court so
40 notified shall correct its classification immediately and make
41 any necessary corrections in the salaries of its elected county
42 officials for the next fiscal year. Nothing in this section shall
43 be construed as authorizing an increase in compensation
44 except as such time as the affected county officer begins a
45 new term of office.

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

1 For the purpose of determining the compensation to be
2 paid to the elected county officials of each county, the fol-
3 lowing compensations for each county office by class are
4 hereby established and shall be used by each county court in
5 determining the compensation of each of their county officials
6 other than compensation of members of the county court:

| | | Sheriff | County Clerk | Circuit Clerk | Assessor | Prosecuting Attorney |
|----|-----------|----------------|---------------------|----------------------|-----------------|-----------------------------|
| 7 | Class I | \$12,000 | \$19,500 | \$19,500 | \$12,000 | \$22,000 |
| 8 | Class II | \$ 8,400 | \$15,600 | \$15,600 | \$ 8,400 | \$22,000 |
| 9 | Class III | \$10,000 | \$15,600 | \$15,600 | \$12,000 | \$14,000 |
| 10 | Class IV | \$10,000 | \$13,000 | \$13,000 | \$10,000 | \$13,500 |
| 11 | Class V | \$ 9,000 | \$11,500 | \$11,500 | \$ 9,000 | \$ 9,600 |
| 12 | Class VI | \$ 6,900 | \$ 8,300 | \$ 8,300 | \$ 6,900 | \$ 6,900 |
| 13 | Class VII | \$ 4,200 | \$ 3,600 | \$ 3,000 | \$ 3,600 | \$ 2,100 |

14 Any county clerk, circuit clerk, joint clerk of the county
15 and circuit court, if any, county assessor, sheriff and prose-
16 cuting attorney of a Class I county and any prosecuting attorney
17 of a Class II county shall devote full time to his public duties to
18 the exclusion of any other employment. Notwithstanding the
19 effective date of this section the compensation provided in this
20 section for county clerks, circuit clerks and joint clerks of
21 county and circuit courts shall become effective January one,
22 one thousand nine hundred seventy-five, and the compensation
23 provided in this section for assessors, sheriffs and prosecuting
24 attorneys shall become effective January one, one thousand
25 nine hundred seventy-three.

26 In the case of a county that has a joint clerk of the county
27 and circuit court, the compensation of the joint clerk shall be
28 fixed in an amount twenty-five percent higher than the
29 compensation would be fixed for the county clerk if it had
30 separate offices of county clerk and circuit clerk.

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

H. Daniel Darby
Chairman Senate Committee

Lawrence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1974.

Howard W. Carson
Clerk of the Senate

V. Blankenship
Clerk of the House of Delegates

M. T. Brotherton, Jr.
President of the Senate

Lewis F. Mame
Speaker House of Delegates

The within approved this the 26th
day of March, 1974.

Arch A. Mame, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/15/74

Time 2:50 p.m.