WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1091

(By Mr. Damron & Mr. Mathis)

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Passed March 8, 1980
In Effect December 31, 1980
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 1091

(By Mr. Damron and Mr. Mathis)

(Originating in the House Committee on Political Subdivisions)

[Passed March 8, 1980; in effect December 31, 1980.]

AN ACT to repeal section four, article one, chapter seven; section seven, article one; sections five-a and five-a (one), article two, chapter eleven; and section two, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections five and five-a, article one; section four, article seven, chapter seven; and to further amend said article by adding thereto four new sections, designated sections six-a, six-b, six-c and six-d, all relating to compensation of county officers; duties of county officials; additional duties of assessors; duties of county commissioners and payment for services other than services in court.

Be it enacted by the Legislature of West Virginia:

That section four, article one, chapter seven; section seven, article one; sections five-a and five-a (one), article two, chapter eleven; and section two, article twenty, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; that sections five and five-a, article one; section four, article
seven, chapter seven be amended and reenacted; and that said article be further amended by adding thereto four new sections, designated sections six-a, six-b, six-c and six-d, all to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-5. Duties of county commissioner; payment for services other than services in court.

It shall be the duty of the county commissioners of each county to visit each quarter and inspect institutions within their county for housing and caring for the poor, to inspect the jails, to arrange for the feeding and care of the prisoners therein, to investigate the conditions of the poor within their county, not housed within such institutions; to visit detention homes for children within their counties, if any; to visit and inspect bridges and bridge approaches under their control, to provide for and have general supervision over the repair and maintenance of the county courthouse, jails, houses for the poor and other county property, so as to prevent the undue deterioration thereof; to supervise and control the maintenance and operation of airport or airports owned or operated by the county commission; to supervise and control the purchase, erection and maintenance of airport facilities; to supervise and control the purchase of furniture, fixtures and equipment and janitors' and other supplies for their county; to attend the annual meetings of county assessors and such district meetings as may be called by the state tax commissioner on matters pertaining to the work of the county assessors and the county court commission as boards of review and equalization; to review and equalize the assessments made by the assessors; to inspect and review the lists of property, both real and personal, made up by the assessor and his deputies for taxable purposes, and to point out to the assessor any property, real and personal, which the said assessors of their respective counties may have overlooked or omitted to place on said tax lists: to call to the attention of the assessor all real estate or personal property belonging to churches, lodges, schools or other charitable institutions which may have been overlooked or omitted by the assessor or his deputies in making up his lists of property for entry on the land and personal property books; to supervise
the general management of the fiscal affairs and business of each county; and as a further part of their duties they shall be empowered to purchase, lease, rent, control, supervise, inspect, maintain and erect public parks, playgrounds and recreational facilities, to purchase, lease or rent equipment therefor and to employ qualified recreational directors and personnel; to construct new Four-H camps on county property; to operate stone quarries and sand deposits on county-owned or leased property; to construct buildings for or aid in constructing or equipping buildings for emergency services on sites approved by the office of emergency services; to operate dog pounds for county municipalities; to purchase, lease, rent, control, supervise, inspect, maintain and erect public markets and to purchase, rent or lease equipment therefor and to employ qualified personnel to operate such public markets; and as a further part of their duties they shall be empowered to purchase, lease, rent, control, supervise, inspect, maintain and erect county mental health clinics and engage in any program designated for the betterment of the mental and physical well-being of the residents of their county and to cooperate with any public or private agency for these purposes; to establish and participate in regional planning and development councils; to establish and participate in county commissions on intergovernmental relations as required by section three-q of this article; to establish and participate in county commissions on crime, delinquency and corrections as required by section three-r of this article; to conduct a survey of all orphan roads within the county, which roads shall include roads or highways, not situated within a municipality, which are open to the public and which serve two or more persons, but shall exclude roads comprising or included within the state road system as defined by section two, article four, chapter seventeen of this code or comprising or included within any county road or highway system and which shall also exclude any road brought into the state road system for purposes of maintenance only by the commissioner of highways pursuant to statutory or regulatory authority; to prepare an inventory of all such orphaned roads within the county, which inventory shall be made available to any agency of the state or federal government upon request, and be filed and recorded in the office of the county clerk.
Compensation shall be allowed and paid out of the county treasury, in the same manner as salaries are paid, to each county commissioner of each county (except as otherwise provided by law for the county of Ohio) for services performed for such county concerning the visiting of the poor, inspection of jails, bridges and bridge approaches and for visiting detention homes for children and for providing for and supervising the repair and maintenance of the county courthouse, jails, houses for the poor and other county property; for supervising and controlling the maintenance and operation of airport or airports owned or operated by the county court commission and supervising and controlling the purchase, erection and maintenance of airport facilities; for supervising and controlling the purchase of furniture, fixtures and equipment and janitors' and other supplies of their county; for attending the annual meeting of assessors and such district meetings as may be called by the state tax commissioner on matters pertaining to the work of assessors and county court commissions as boards of review and equalization; for reviewing and equalizing the assessments made by the assessors; for inspecting and reviewing the lists of property, both real and personal, made up by the assessor and his deputies for taxable purposes and for pointing out to the assessor any property, real and personal, which the said assessors of their respective counties may have overlooked or omitted to place on said tax lists; for calling to the attention of the assessor all real estate or personal property belonging to churches, lodges, schools or other charitable institutions which may have been overlooked or omitted by the assessor or his deputies in making up their lists of property for entry on the land and personal property books; for purchasing, leasing, renting, controlling, supervising, inspecting, maintaining and erecting public parks, playgrounds and recreational facilities and the purchasing, leasing or renting the equipment therefor and employing qualified recreational directors and personnel therefor; for constructing new Four-H camps on county property; operating stone quarries and sand deposits on county-owned or leased property, constructing buildings for or aiding in construction or equipping buildings for emergency services on sites approved by the office of emergency services; operating dog pounds for county-municipalities; to purchase, lease, rent,
control, supervise, maintain and erect public markets,
and to purchase, rent or lease equipment therefor and to em-
ploy qualified personnel to operate such public markets; for
constructing fallout shelters and aiding individuals to construct
fallout shelters through furnishing available information; for
purchasing, leasing, renting, controlling, supervising, inspect-
ing, maintaining or erecting county mental health clinics or en-
gaging in programs for the betterment of the mental or physical
well-being of the residents of their county; for conducting a
survey of all abandoned and dilapidated buildings or structures
within the county and to prepare an inventory thereof, which
inventory shall be made available to any agency of state or
federal government or to local governmental agencies upon
request; for establishing and participating in regional planning
and development councils; to conduct a survey of all orphan
roads within the county, which roads shall include roads or
highways, not situated within a municipality, which are open
to the public and which serve two or more persons, but shall
exclude roads comprising or included within the state road
system as defined by section two, article four, chapter seven-
teen of this code or comprising or included within any county
road or highway system and which shall also exclude any road
brought into the state road system for purposes of maintenance
only by the commissioner of highways pursuant to statutory or
regulatory authority; to prepare an inventory of all such or-
phaned roads within the county, which inventory shall be made
available to any agency of the state or federal government upon
request, and be filed and recorded in the office of the county
clerk; for establishing and participating in county commis-
sions on intergovernmental relations as required by section
three-q of this article; for establishing and participating in
county commissions on crime, delinquency and correction as
required by section three-r of this article and for supervising
the general management of the fiscal affairs and business of
each county, within their counties, and other business by such
commissioners.”;

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

All county commissioners shall be paid compensation
out of the county treasury in amounts and according to
the schedule hereafter set forth for each class of county
as determined by the provisions of section three, article
seven, chapter seven: Provided, That as to any county
having a tribunal in lieu of a county commission, the
county commissioners of such county may be paid less than
the minimum compensation limits of the county commission
for the particular class of such county.

<table>
<thead>
<tr>
<th>Class</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$16,100</td>
</tr>
<tr>
<td>II</td>
<td>12,300</td>
</tr>
<tr>
<td>III</td>
<td>11,500</td>
</tr>
<tr>
<td>IV</td>
<td>8,200</td>
</tr>
<tr>
<td>V</td>
<td>5,500</td>
</tr>
<tr>
<td>VI</td>
<td>3,200</td>
</tr>
<tr>
<td>VII</td>
<td>1,300</td>
</tr>
</tbody>
</table>

The compensation hereinabove provided shall be paid on
and after January one, one thousand nine hundred eighty-one
to each county commissioner. Within each county, every
county commissioner whose term of office commenced prior to
the first day of January, one thousand nine hundred eighty-one,
shall receive the same annual compensation as commissioners
commencing a term of office on or after that date by virtue of
the new duties imposed upon county commissioners pursuant
to the amended provisions of section five of this article.

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES,
ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS;
COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

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

For the purpose of determining the compensation to be
paid to the elected county officials of each county, the follow-
ing compensations for each county office by class are hereby
established and shall be used by each county commission in
determining the compensation of each of their county officials
other than compensation of members of the county commission:

<table>
<thead>
<tr>
<th>Class</th>
<th>Sheriff</th>
<th>County Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor</th>
<th>Prosecuting Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$19,200</td>
<td>$26,300</td>
<td>$26,300</td>
<td>$19,200</td>
<td>$36,500</td>
</tr>
<tr>
<td>II</td>
<td>19,200</td>
<td>23,000</td>
<td>23,000</td>
<td>19,200</td>
<td>34,500</td>
</tr>
<tr>
<td>III</td>
<td>17,900</td>
<td>21,000</td>
<td>21,000</td>
<td>19,200</td>
<td>25,000</td>
</tr>
<tr>
<td>IV</td>
<td>17,300</td>
<td>17,500</td>
<td>17,500</td>
<td>17,300</td>
<td>21,500</td>
</tr>
<tr>
<td>V</td>
<td>15,400</td>
<td>15,500</td>
<td>15,500</td>
<td>15,400</td>
<td>18,500</td>
</tr>
<tr>
<td>VI</td>
<td>12,200</td>
<td>12,200</td>
<td>12,200</td>
<td>12,200</td>
<td>12,000</td>
</tr>
</tbody>
</table>

Any county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, county assessor, sheriff and prosecuting attorney of a Class I county, any assessor of a Class II and Class III county, any sheriff of a Class II and Class III county, and any prosecuting attorney of a Class II county shall devote full time to his public duties to the exclusion of any other employment: Provided, That any such public official, whose term of office begins when his county's classification imposes no restriction on his outside activities, shall not be restricted on his outside activities during the remainder of the term for which he is elected. The compensation hereinabove provided shall be paid on and after January one, one thousand nine hundred and eighty-one, to each elected county official.

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

§7-7-6a. Assessors; additional compensation; additional duties.

In addition to the salary or compensation provided elsewhere in this article, the county commission of each county shall pay to the assessor, on an annual basis, on and after July one, one thousand nine hundred seventy-seven, additional compensation in accordance with the provisions of this section and section.
six-b of this article for such additional duties required of him by
this section.

To receive such additional compensation, the following
duties are hereby imposed upon every assessor of this State:

1. He shall annually complete a sales ratio analysis in a
manner prescribed by the state tax commissioner.

2. He shall present to the tax commissioner a list of real
property transfers of the prior assessment year by December
first annually.

3. He shall on or before December first of each year supply
a list of new construction and improvements exceeding one
thousand dollars of the previous assessment year on forms
prescribed by the state tax commissioner.

4. He shall on or before December first of each year supply
a list of new businesses added to the assessment rolls and
businesses that have discontinued operations in the previous
assessment year and been removed from the assessment rolls.

5. He shall provide assistance to the tax commissioner to
disseminate information with respect to the taxation, classifi-
cation and valuation of nonutility and public utility property
to the end that all property shall be more equally and uni-
formly assessed throughout the state.

6. He shall annually assist the tax commissioner in deter-
mining the current use of such real property in his county
as the tax commissioner may require to accomplish a uniform
appraisal and assessment of real property.

The duties hereinbefore listed must be substantially com-
pleted by the assessor no later than the first day of November
each year, and each assessor shall certify to the tax com-
missioner that he has substantially completed such duties in
accordance with requirements of the tax commissioner. If
at this time there has been substantial completion of the above
duties to the satisfaction of the tax commissioner, the tax
commissioner, shall, but no later than the fifteenth day of
November of each year, certify to the county commission that
the assessor has substantially performed these duties, and is
entitled to the remuneration provided for in section six-b of this article.

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

For the purpose of determining the additional compensation to be paid to the county assessor of each county for the additional duties provided by section six-a of this article, the following compensations for each county assessor by class, as provided in section three of this article, are hereby established and shall be used by each county commission in determining the compensation of each county assessor; for assessors in Class I counties, twelve thousand dollars for the calendar year one thousand nine hundred and eighty and eleven thousand dollars for each calendar year thereafter; for assessors in Class II counties, six thousand dollars; for assessors in Class III counties, five thousand dollars; for assessors in Class IV counties, two thousand five hundred dollars; for assessors in Class V counties, one thousand five hundred dollars; and for assessors in Class VI counties, one thousand dollars.

Notwithstanding this section or any other section of the code to the contrary, in no event shall the additional compensation paid to the county assessors for performance of additional duties as provided in section six-a of this article be less than the additional compensation such county assessors received January one, one thousand nine hundred seventy-six.

§7-7-6c. Additional compensation of assessor.

The county commission of each county shall allow the assessor a reasonable compensation, not exceeding ten percent of his salary, as provided by section four of this article, for such work as may be required of him under article one, chapter nineteen of this code, by the commissioner of agriculture, and no county commission shall allow pay to assessor for performance of duties herein prescribed until such assessor has received a certificate that his reports are completed and satisfactory to said commissioner.
§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.

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

At the same time as the head tax is assessed, the assessor and his deputies shall, on the forms prescribed under section four of article twenty, chapter nineteen of this code, take down the age, sex, color, character of hair (long or short) and breed (if known) and the name and address of the owner, keeper or harbore thereof. When the head tax, and extra charges, if any, are paid, the officer to whom payment is made shall issue a certificate of registration and a registration tag for such dog.
In addition to the assessment and registration above provided for, whenever a dog either is acquired or becomes six months of age after the assessment of the personal property of the owner, keeper or harborer thereof, the said owner, keeper or harborer of said dog shall, within ten days after the acquisition or maturation, register the said dog with the assessor, and pay the head tax thereon unless the prior owner, keeper or harborer paid the head tax.

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

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

James L. Davis  
Chairman Senate Committee

Clarence T. Christiansen  
Chairman House Committee

Originated in the House.

Takes effect December 31, 1980.

J. W. Billings  
Clerk of the Senate

O. Blankenship  
Clerk of the House of Delegates

W. T. Battle  
President of the Senate

Clyde M. Lee, Jn.  
Speaker House of Delegates

The within  approved  this the 23  

day of  March  1980.

John D. Bulkeley  
Governor