WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
Conv. Sub. for
HOUSE BILL No. 1552

(By Mr. Del. J. Martin & Del. J. Damron)

Passed ____________________ 1984

In Effect ____________________
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 section four, article seven of said chapter, all relating to compensation of county commissioners and other county officers; the equalization of compensation of all county commissioners within the same county; certain legislative findings and declarations with respect to the adjustment of such compensation; and county commissioners being excused from voting when having personal or pecuniary interest.

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 section four, article seven of said chapter be amended and reenacted, all to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

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

1 All county commissioners shall be paid compensation out
2 of the county treasury in amounts and according to the
3 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 (dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>20,000</td>
</tr>
<tr>
<td>II</td>
<td>15,500</td>
</tr>
<tr>
<td>III</td>
<td>14,000</td>
</tr>
<tr>
<td>IV</td>
<td>10,000</td>
</tr>
<tr>
<td>V</td>
<td>7,000</td>
</tr>
<tr>
<td>VI</td>
<td>4,200</td>
</tr>
</tbody>
</table>

The compensation hereinabove provided shall be paid on and after January one, one thousand nine hundred eighty-five, 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-five, 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 provisions of chapter fifteen, Acts of the Legislature, first extraordinary session, one thousand nine hundred eighty-three.

Each county commissioner present during any county commission meeting when any question is put, shall vote unless he is immediately and particularly interested therein. Before such question is put, any member having a direct personal or pecuniary interest therein should announce this fact, and request to be excused from voting. The disqualifying interest must be such as affects the member directly, and not as one of a class.

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 following 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>Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor</th>
<th>Prosecuting Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$24,200</td>
<td>$31,300</td>
<td>$31,300</td>
<td>$24,200</td>
<td>$41,500</td>
</tr>
<tr>
<td>Class II</td>
<td>$24,200</td>
<td>$28,000</td>
<td>$28,000</td>
<td>$24,200</td>
<td>$39,500</td>
</tr>
<tr>
<td>Class III</td>
<td>$24,200</td>
<td>$28,000</td>
<td>$28,000</td>
<td>$24,200</td>
<td>$30,000</td>
</tr>
<tr>
<td>Class IV</td>
<td>$22,300</td>
<td>$24,000</td>
<td>$24,000</td>
<td>$22,300</td>
<td>$26,500</td>
</tr>
<tr>
<td>Class V</td>
<td>$20,400</td>
<td>$22,000</td>
<td>$22,000</td>
<td>$20,400</td>
<td>$23,500</td>
</tr>
<tr>
<td>Class VI</td>
<td>$17,200</td>
<td>$17,200</td>
<td>$17,200</td>
<td>$17,200</td>
<td>$17,000</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 the first day of January, one thousand nine hundred eighty-five, to each elected county official.

In the case of a county that has a joint clerk of the county commission and circuit court, 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.

The Legislature finds, as a fact, that the duties imposed upon county clerks by the provisions of chapter sixty-four,
Acts of the Legislature, regular session, one thousand nine hundred eighty-two, and by chapter fifteen, acts of the Legislature, first extraordinary session, one thousand nine hundred eighty-three, constitute new and additional duties for county clerks and as such justify the additional compensation provided in this section without violating the provisions of section thirty-eight, article six of the constitution of West Virginia.

The Legislature further finds as a fact that the duties imposed upon circuit clerks by the provisions of chapters sixty-one and one hundred eighty-two, acts of the Legislature, regular session, one thousand nine hundred eighty-one, and by chapter sixty, acts of the Legislature, regular session, one thousand nine hundred eighty-three, constitute new and additional duties for circuit clerks and as such justify the additional compensation provided by this section without violating the provisions of section thirty-eight, article six of the constitution of West Virginia.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.


 Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within __________________ approved this the ______ day of ______ , 1984.

Governor