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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1552

(By *Mr. Del. J. Martin & Del. J. Amos*)



Passed March 10, 1984

In Effect January 1, 1985 ~~Page~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1552

(By DELEGATE J. MARTIN and DELEGATE I. DAMRON)

[Passed March 10, 1984; in effect January 1, 1985.]

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

4 determined by the provisions of section three, article seven,
5 chapter seven: *Provided*, That as to any county having
6 a tribunal in lieu of a county commission, the county com-
7 missioners of such county may be paid less than the minimum
8 compensation limits of the county commission for the partic-
9 ular class of such county.

10	Class I	\$20,000
11	Class II	\$15,500
12	Class III	\$14,000
13	Class IV	\$10,000
14	Class V	\$ 7,000
15	Class VI	\$ 4,200

16 The compensation hereinabove provided shall be paid on
17 and after January one, one thousand nine hundred eighty-
18 five, to each county commissioner. Within each county,
19 every county commissioner whose term of office commenced
20 prior to the first day of January, one thousand nine hundred
21 eighty-five, shall receive the same annual compensation as
22 commissioners commencing a term of office on or after that
23 date by virtue of the new duties imposed upon county
24 commissioners pursuant to the provisions of chapter fifteen,
25 Acts of the Legislature, first extraordinary session, one thou-
26 sand nine hundred eighty-three.

27 Each county commissioner present during any county com-
28 mission meeting when any question is put, shall vote unless he
29 is immediately and particularly interested therein. Before such
30 question is put, any member having a direct personal or pecu-
31 niary interest therein should announce this fact, and request to
32 be excused from voting. The disqualifying interest must be
33 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 OFFI-
CIALS; COUNTY ASSISTANTS, DEPUTIES AND EM-
PLOYEES, THEIR NUMBER AND COMPENSATION.**

**§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
 3 following compensations for each county office by class are
 4 hereby established and shall be used by each county com-
 5 mission in determining the compensation of each of their
 6 county officials other than compensation of members of the
 7 county commission:

		County	Circuit		Prosecuting
	Sheriff	Clerk	Clerk	Assessor	Attorney
10	Class I	\$24,200	\$31,300	\$31,300	\$24,200 \$41,500
11	Class II	\$24,200	\$28,000	\$28,000	\$24,200 \$39,500
12	Class III	\$24,200	\$28,000	\$28,000	\$24,200 \$30,000
13	Class IV	\$22,300	\$24,000	\$24,000	\$22,300 \$26,500
14	Class V	\$20,400	\$22,000	\$22,000	\$20,400 \$23,500
15	Class VI	\$17,200	\$17,200	\$17,200	\$17,200 \$17,000

16 Any county clerk, circuit clerk, joint clerk of the county
 17 commission and circuit court, if any, county assessor, sheriff
 18 and prosecuting attorney of a Class I county, any assessor
 19 of a Class II and Class III county, any sheriff of a Class II
 20 and Class III county, and any prosecuting attorney of a Class
 21 II county shall devote full time to his public duties to the
 22 exclusion of any other employment: *Provided*, That any such
 23 public official, whose term of office begins when his county's
 24 classification imposes no restriction on his outside activities,
 25 shall not be restricted on his outside activities during the
 26 remainder of the term for which he is elected. The com-
 27 pensation hereinabove provided shall be paid on and after
 28 the first day of January, one thousand nine hundred eighty-
 29 five, to each elected county official.

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

36 The Legislature finds, as a fact, that the duties imposed
 37 upon county clerks by the provisions of chapter sixty-four,

38 Acts of the Legislature, regular session, one thousand nine
39 hundred eighty-two, and by chapter fifteen, acts of the
40 Legislature, first extraordinary session, one thousand nine
41 hundred eighty-three, constitute new and additional duties
42 for county clerks and as such justify the additional compen-
43 sation provided in this section without violating the provisions
44 of section thirty-eight, article six of the constitution of West
45 Virginia.

46 The Legislature further finds as a fact that the duties
47 imposed upon circuit clerks by the provisions of chapters
48 sixty-one and one hundred eighty-two, acts of the Legislature,
49 regular session, one thousand nine hundred eighty-one, and
50 by chapter sixty, acts of the Legislature, regular session, one
51 thousand nine hundred eighty-three, constitute new and addi-
52 tional duties for circuit clerks and as such justify the addi-
53 tional compensation provided by this section without violating
54 the provisions of section thirty-eight, article six of the con-
55 stitution of West Virginia.

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

Harold E. Holm

Chairman Senate Committee

Ronald Anello

Chairman House Committee

Originating in the House.

Takes effect January 1, 1985.

Arld C. Withers

Clerk of the Senate

Donald L. Hogg

Clerk of the House of Delegates

Mark Spink

President of the Senate

W. M. See, Jr.

Speaker House of Delegates

The within is approved this the 30
day of March, 1984.

John A. Dyer

Governor

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SECY. OF STATE