

RECEIVED
1991 APR -3 AM 11:13
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

ENROLLED

HOUSE BILL No. 2688

(By Mr. Speaker Mr. Chambers and
Delegate Roop)

— ● —

Passed March 9, 1991

In Effect July 1, 1991 ~~Enacted~~

ENROLLED
H. B. 2688

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE ROOP)

[Passed March 9, 1991; in effect July 1, 1991.]

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 additional duties of county officials and compensation therefor.

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 to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-5a. Excusal of commissioner from voting where conflict of interest involved.

1 Each county commissioner present during any county
2 commission meeting when any question is put, shall vote
3 unless he is immediately and particularly interested
4 therein. Before such question is put, any member having
5 a direct personal or pecuniary interest therein should
6 announce this fact, and request to be excused from
7 voting. The disqualifying interest must be such as
8 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 and
county commissioners for each class of county;
effective date.**

1 (a) (1) All county commissioners shall be paid compen-
2 sation out of the county treasury in amounts and
3 according to the schedule hereafter set forth for each
4 class of county as determined by the provisions of section
5 three, article seven, chapter seven: *Provided*, That as to
6 any county having a tribunal in lieu of a county
7 commission, the county commissioners of such county
8 may be paid less than the minimum compensation limits
9 of the county commission for the particular class of such
10 county.

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

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

29 (2) For the purpose of determining the compensation
30 to be paid to the elected county officials of each county,

31 the following compensations for each county office by
 32 class are hereby established and shall be used by each
 33 county commission in determining the compensation of
 34 each of their county officials other than compensation of
 35 members of the county commission:

36		County	Circuit		Prosecuting	
37		Sheriff	Clerk	Clerk	Assessor	Attorney
38	Class I	\$24,200	\$31,300	\$31,300	\$24,200	\$41,500
39	Class II	\$24,200	\$28,000	\$28,000	\$24,200	\$39,500
40	Class III	\$24,200	\$28,000	\$28,000	\$24,200	\$30,000
41	Class IV	\$22,300	\$24,000	\$24,000	\$22,300	\$26,500
42	Class V	\$20,400	\$22,000	\$22,000	\$20,400	\$23,500
43	Class VI	\$17,200	\$17,200	\$17,200	\$17,200	\$17,000

44 Any county clerk, circuit clerk, joint clerk of the
 45 county commission and circuit court, if any, county
 46 assessor, sheriff and prosecuting attorney of a Class I
 47 county, any assessor of a Class II and Class III county,
 48 any sheriff of a Class II and Class III county, and any
 49 prosecuting attorney of a Class II county shall devote
 50 full time to his public duties to the exclusion of any other
 51 employment: *Provided*, That any such public official,
 52 whose term of office begins when his county's classifi-
 53 cation imposes no restriction on his outside activities,
 54 shall not be restricted on his outside activities during
 55 the remainder of the term for which he is elected. The
 56 compensation hereinabove provided shall be paid on and
 57 after the first day of January, one thousand nine
 58 hundred eighty-five, to each elected county official.

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

65 The Legislature finds, as a fact, that the duties
 66 imposed upon county clerks by the provisions of chapter
 67 sixty-four, Acts of the Legislature, regular session, one
 68 thousand nine hundred eighty-two and by chapter
 69 fifteen, Acts of the Legislature, first extraordinary
 70 session, one thousand nine hundred eighty-three,

71 constitute new and additional duties for county clerks
72 and as such justify the additional compensation provided
73 in this section without violating the provisions of section
74 thirty-eight, article six of the constitution of West
75 Virginia.

76 The Legislature further finds as a fact that the duties
77 imposed upon circuit clerks by the provisions of
78 chapters sixty-one and one hundred eighty-two, Acts of
79 the Legislature, regular session, one thousand nine
80 hundred eighty-one, and by chapter sixty, Acts of the
81 Legislature, regular session, one thousand nine hundred
82 eighty-three, constitute new and additional duties for
83 circuit clerks and as such justify the additional compen-
84 sation provided by this section without violating the
85 provisions of section thirty-eight, article six of the
86 constitution of West Virginia.

87 (b) Prior to the primary election in the year one
88 thousand nine hundred ninety-two, and for the fiscal
89 year beginning on the first day of July, one thousand
90 nine hundred ninety-two, or for any subsequent fiscal
91 year if the approval set out herein is not granted for any
92 fiscal year, and at least thirty days prior to the meeting
93 to approve the county budget, the commission shall
94 provide notice to the public of the date and time of the
95 meeting and that the purpose of the meeting of the
96 county commission is to decide upon their budget
97 certification to the tax department. Upon submission by
98 the county commission to the chief inspector division of
99 the department of tax and revenue of a proposed annual
100 budget which contains anticipated receipts into the
101 county's general revenue fund, less anticipated monies
102 from the unencumbered fund balance, equal to antici-
103 pated receipts into the county's general revenue fund,
104 less anticipated monies from the unencumbered fund
105 balance and any federal or state special grants, for the
106 immediately preceding fiscal year, plus such additional
107 amount as is necessary for payment of the increases in
108 the salaries set out herein and related employment taxes
109 over that paid for the immediately preceding fiscal year,
110 and upon approval thereof by the chief inspector, which
111 approval shall not be granted for any proposed annual

112 budget containing anticipated receipts which are
 113 unreasonably greater or lesser than that of the imme-
 114 diately preceding fiscal year, for the purpose of
 115 determining the compensation to be paid to the elected
 116 county officials of each county office by class are hereby
 117 established and shall be used by each county commission
 118 in determining the compensation of each of their county
 119 officials: *Provided*, That as to any county having a
 120 tribunal in lieu of a county commission, the county
 121 commissioners of such county may be paid less than the
 122 minimum compensation limits of the county commission
 123 for the particular class of such county.

124 COUNTY COMMISSIONERS'

125	Class I	\$24,000
126	Class II	\$18,600
127	Class III	\$16,800
128	Class IV	\$12,000
129	Class V	\$ 8,400

130 If the approval set out hereinabove is granted, the
 131 compensation hereinabove provided shall be paid on and
 132 after January one, one thousand nine hundred ninety-
 133 three, to each county commissioner. Within each county,
 134 every county commissioner shall receive the same
 135 annual compensation by virtue of the new duties
 136 imposed upon county commissioners pursuant to the
 137 provisions of chapter one seventy-two, acts of the
 138 Legislature, second regular session, one thousand nine
 139 hundred ninety and chapter five acts of the Legislature,
 140 third extraordinary session one thousand nine hundred
 141 ninety.

142 OTHER ELECTED OFFICIALS

143		County	Circuit		Prosecuting
144		Sheriff	Clerk	Assessor	Attorney
145	Class I	\$29,040	\$37,560	\$29,040	\$59,500
146	Class II	\$29,040	\$33,600	\$29,040	\$59,500
147	Class III	\$29,040	\$33,600	\$29,040	\$36,000
148	Class IV	\$26,760	\$28,800	\$26,760	\$31,800
149	Class V	\$24,480	\$26,400	\$24,480	\$28,200
150	Class VI	\$24,480	\$26,400	\$24,480	\$28,200

151 Any county clerk, circuit clerk, joint clerk of the
152 county commission and circuit court, if any, county
153 assessor, sheriff and prosecuting attorney of a Class I
154 county, any assessor of a Class II and Class III county,
155 any sheriff of a Class II and Class III county, and any
156 prosecuting attorney of a Class II county shall devote
157 full time to his or her public duties to the exclusion of
158 any other employment: *Provided*, That any such public
159 official, whose term of office begins when his or her
160 county's classification imposes no restriction on his or
161 her outside activities, shall not be restricted on his or
162 her outside activities during the remainder of the term
163 for which he or she is elected. If the approval set out
164 hereinabove is granted, the compensation hereinabove
165 provided shall be paid on and after the first day of
166 January, one thousand nine hundred ninety-three, to
167 each elected county official.

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

174 Prior to the primary election in the year one thousand
175 nine hundred ninety-two, in the case of a Class III, Class
176 IV or Class V county which has a part-time prosecuting
177 attorney, the county commission may find that such
178 facts and circumstances exist that require the prosecut-
179 ing attorney to devote full time to his or her public
180 duties for the four-year term, beginning the first day of
181 January, one thousand nine hundred ninety-three. If the
182 county commission makes such a finding, it may by
183 proper order adopted and entered, require the prosecut-
184 ing attorney who takes office on the first day of January,
185 one thousand nine hundred ninety-three to devote full-
186 time to his or her public duties and the county commis-
187 sion shall then compensate said prosecuting attorney at
188 the same rate of compensation as that of a prosecuting
189 attorney in a Class II county.

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

Somer Seck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect July 1, 1991.

Samuel E. Albus
.....
Clerk of the Senate

Donald G. Kepp
.....
Clerk of the House of Delegates

Keith Brantley
.....
President of the Senate

BTCCO
.....
Speaker of the House of Delegates

The within *appeared* this the *3rd*
day of *April*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/91

Time 5:00 pm