WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

ENROLLED

HOUSE BILL No. 2688

(By Mr. Speaker, Mr. Chamberlain and Delegate Roop)

Passed March 9, 1991
In Effect July 1, 1991
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 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 and county commissioners for each class of county; effective date.

(a)(1) 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>$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>$ 4,000</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.

(2) 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>Clerk</th>
<th>Assessor</th>
<th>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 compen-
sation provided by this section without violating the
provisions of section thirty-eight, article six of the
constitution of West Virginia.

(b) Prior to the primary election in the year one
thousand nine hundred ninety-two, and for the fiscal
year beginning on the first day of July, one thousand
nine hundred ninety-two, or for any subsequent fiscal
year if the approval set out herein is not granted for any
fiscal year, and at least thirty days prior to the meeting
to approve the county budget, the commission shall
provide notice to the public of the date and time of the
meeting and that the purpose of the meeting of the
county commission is to decide upon their budget
certification to the tax department. Upon submission by
the county commission to the chief inspector division of
the department of tax and revenue of a proposed annual
budget which contains anticipated receipts into the
county's general revenue fund, less anticipated monies
from the unencumbered fund balance, equal to antici-
pated receipts into the county's general revenue fund,
less anticipated monies from the unencumbered fund
balance and any federal or state special grants, for the
immediately preceding fiscal year, plus such additional
amount as is necessary for payment of the increases in
the salaries set out herein and related employment taxes
over that paid for the immediately preceding fiscal year,
and upon approval thereof by the chief inspector, which
approval shall not be granted for any proposed annual
budget containing anticipated receipts which are unreasonably greater or lesser than that of the immediately preceding fiscal year, for the purpose of determining the compensation to be paid to the elected county officials of 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: 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.

COUNTY COMMISSIONERS’

<table>
<thead>
<tr>
<th>Class</th>
<th>Compensation ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>24,000</td>
</tr>
<tr>
<td>II</td>
<td>18,600</td>
</tr>
<tr>
<td>III</td>
<td>16,800</td>
</tr>
<tr>
<td>IV</td>
<td>12,000</td>
</tr>
<tr>
<td>V</td>
<td>8,400</td>
</tr>
</tbody>
</table>

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

OTHER ELECTED OFFICIALS

<table>
<thead>
<tr>
<th>Class</th>
<th>County Clerk</th>
<th>Circuit Clerk</th>
<th>Assessor Clerk</th>
<th>Prosecuting Attorney</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>29,040</td>
<td>37,560</td>
<td>37,560</td>
<td>29,040</td>
</tr>
<tr>
<td>II</td>
<td>29,040</td>
<td>33,600</td>
<td>33,600</td>
<td>29,040</td>
</tr>
<tr>
<td>III</td>
<td>29,040</td>
<td>33,600</td>
<td>33,600</td>
<td>29,040</td>
</tr>
<tr>
<td>IV</td>
<td>26,760</td>
<td>28,800</td>
<td>28,800</td>
<td>26,760</td>
</tr>
<tr>
<td>V</td>
<td>24,480</td>
<td>26,400</td>
<td>26,400</td>
<td>24,480</td>
</tr>
<tr>
<td>VI</td>
<td>24,480</td>
<td>26,400</td>
<td>26,400</td>
<td>24,480</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 or her public duties to the exclusion of any other employment: Provided, That any such public official, whose term of office begins when his or her county’s classification imposes no restriction on his or her outside activities, shall not be restricted on his or her outside activities during the remainder of the term for which he or she is elected. If the approval set out hereinabove is granted, the compensation hereinabove provided shall be paid on and after the first day of January, one thousand nine hundred ninety-three, 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.

Prior to the primary election in the year one thousand nine hundred ninety-two, in the case of a Class III, Class IV or Class V county which has a part-time prosecuting attorney, the county commission may find that such facts and circumstances exist that require the prosecuting attorney to devote full time to his or her public duties for the four-year term, beginning the first day of January, one thousand nine hundred ninety-three. If the county commission makes such a finding, it may by proper order adopted and entered, require the prosecuting attorney who takes office on the first day of January, one thousand nine hundred ninety-three to devote full-time to his or her public duties and the county commission shall then compensate said prosecuting attorney at the same rate of compensation as that of a prosecuting attorney in a Class II county.
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.
Takes effect July 1, 1991.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within appears this the 3rd day of , 1991.

Governor