WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4100

(By Delegates Staton, Browning, Beane, Manchin, Tabb, Howard, Wysong, Barker, Long, Caputo and G. White)

Passed March 11, 2006

In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4100

(BY DELEGATES STATON, BROWNING, BEANE,
MANCHIN, TABB, HOWARD, WYSONG, BARKER,
LONG, CAPUTO AND G. WHITE)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, all relating to salaries for elected county officials; providing for a salary increase for elected county officials; finding that additional duties have been imposed on county officials which justify the increased compensation to prosecuting attorneys generally; and providing that a prosecuting attorney for a class VI county which subsequently becomes a class V county may remain part-time and compensated at the class VI county level.

Be it enacted by the Legislature of West Virginia:

That §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:
§7-7-1. Legislative findings and purpose.

(a) The Legislature finds that it has, since the first day of January, two thousand three, consistently and annually imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys in each county board, new and additional duties by the enactment of new provisions and amendments to this code. The new and additional duties imposed upon the aforesaid county officials by these enactments are such that they would justify the increases in compensation as provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(b) The Legislature further finds that there are, from time to time, additional duties imposed upon all county officials through the acts of the Congress of the United States and that such acts constitute new and additional duties for county officials and, as such, justify the increases in compensation as provided by section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(c) The Legislature further finds that there is a direct correlation between the total assessed property valuations of a county on which the salary levels of the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys are based, and the new and additional duties that each of these officials is required to perform as they serve the best interests of their respective counties. Inasmuch as the reappraisal of the property valuations in each county has now been accomplished, the Legislature finds that a change in classification of counties by virtue of increased property valuations will occur on an infrequent basis. However, it is the further finding of the Legislature that when such change in classification of
counties does occur, that new and additional programs, economic developments, requirements of public safety and the need for new services provided by county officials all increase, that the same constitute new and additional duties for county officials as their respective counties reach greater heights of economic development, as exemplified by the substantial increases in property valuations and, as such, justify the increases in compensation provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(d) The Legislature further finds and declares that the amendments enacted to this article are intended to modify the provisions of this article so as to cause the same to be in full compliance with the provisions of the Constitution of West Virginia and to be in full compliance with the decisions of the Supreme Court of Appeals of West Virginia.

§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 set forth in subdivision (2) of this subsection for each class of county as determined by the provisions of section three of this article: Provided, That as to any county having a tribunal in lieu of a county commission, the county commissioners of the county may be paid less than the minimum compensation limits of the county commission for the particular class of such county.

(2) COUNTY COMMISSIONERS

<table>
<thead>
<tr>
<th>Class</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$20,000</td>
</tr>
<tr>
<td>Class II</td>
<td>$15,500</td>
</tr>
<tr>
<td>Class III</td>
<td>$14,000</td>
</tr>
</tbody>
</table>
(3) The compensation, set out in subdivision (2) of this subsection, shall be paid on and after the first day of January, 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.

(4) For the purpose of determining the compensation to be paid to the elected county officials of each county, the compensations for each office by class, set out in subdivision (5) of this subsection, are 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.

(5) OTHER ELECTED OFFICIALS

<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>$24.200</td>
<td>$31.300</td>
<td>$31.300</td>
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</tr>
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<td>II</td>
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<td>$28.000</td>
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<td>V</td>
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<td>$17.200</td>
<td>$17.200</td>
<td>$17.200</td>
<td>$17,000</td>
</tr>
</tbody>
</table>

(6) 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 public official,
whose term of office begins when his or her county's classifica-
tion 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. The
compensation, set out in subdivision (5) of this subsection, shall
be paid on and after the first day of January, one thousand nine
hundred eighty-five, to each elected county official.

(7) 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.

(8) The Legislature finds 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 VI of the Constitution of West Virginia.

(9) The Legislature further finds 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 VI of the Constitution of West Virginia.

(b)(1) 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 in subdivision (2) of this subsection, 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 auditor.

(2) Upon submission by the county commission to the auditor of a proposed annual budget which contains anticipated receipts into the county’s general revenue fund, less anticipated moneys from the unencumbered fund balance, equal to anticipated receipts into the county’s general revenue fund, less anticipated moneys 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 in subdivisions (3) and (5) of this subsection, and related employment taxes over that paid for the immediately preceding fiscal year, and upon approval thereof by the auditor, 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 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 the county may be paid less than
the minimum compensation limits of the county commission
for the particular class of the county.

(3) COUNTY COMMISSIONERS

Class I $24,000
Class II $18,600
Class III $16,800
Class IV $12,000
Class V $8,400

(4) If the approval, set out in subdivision (2) of this
subsection, is granted, the compensation, set out in subdivision
(3) of this subsection, shall be paid on and after the first day of
January, 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 hundred 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.

(5) OTHER ELECTED OFFICIALS

<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>Class I</td>
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<td>Class VI</td>
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<td>$26,400</td>
<td>$26,400</td>
<td>$24,480</td>
<td>$28,200</td>
</tr>
</tbody>
</table>

(6) 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 public official,
whose term of office begins when his or her county’s classifica-
tion 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 in subdivision (2) of this subsection, is
granted, the compensation, set out in subdivision (5) of this
subsection, shall be paid on and after the first day of January,
one thousand nine hundred ninety-three, to each elected county
official.

(7) 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.

(8) 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.

(9) For any county: (A) Which on and after the first day of
July, one thousand nine hundred ninety-four, is classified as a
Class II county; and (B) which prior to such date was classified
as a Class III, Class IV or Class V county and maintained a
part-time prosecuting attorney, the county commission may
elect to maintain the prosecuting attorney as a part-time
prosecuting attorney: Provided, That prior to the first day of
January, one thousand nine hundred ninety-six, the county
commission shall make a finding, by proper order and entered,
whether to maintain a full-time or part-time prosecuting
attorney. The part-time prosecuting attorney shall be compen-
sated at the same rate of compensation as that of a prosecuting
attorney in the class for the county prior to being classified as
a Class II county.

(c)(1) Prior to the primary election in the year one thousand
nine hundred ninety-six, and for the fiscal year beginning on the
first day of July, one thousand nine hundred ninety-six, or for
any subsequent fiscal year if the approval, set out in subdivision
(2) of this subsection, 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 auditor.

(2) Upon submission by the county commission to the
auditor of a proposed annual budget which contains anticipated
receipts into the county’s general revenue fund, less anticipated
moneys from the unencumbered fund balance, equal to antici-
pated receipts into the county’s general revenue fund, less
anticipated moneys from the unencumbered fund balance and
any federal or state special grants, for the fiscal year beginning
the first day of July, one thousand nine hundred ninety-six, plus
such additional amount as is necessary for payment of the
increases in the salaries set out in subdivisions (3) and (6) of
this subsection, and related employment taxes over that paid for
the immediately preceding fiscal year, and upon approval
thereof by the auditor, 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 determin-
ing the compensation to be paid to the elected county officials of each county office by class are established and shall be used by each county commission in determining whether county revenues are sufficient to pay the compensation mandated herein for their county officials: Provided, That as to any county having a tribunal in lieu of a county commission, the county commissioners of the county may be paid less than the minimum compensation limits of the county commission for the particular class of the county: Provided, however, That should there be an insufficient projected increase in revenues to pay the increased compensation and related employment taxes, then the compensation of that county’s elected officials shall remain at the level in effect at the time certification was sought.

(3) COUNTY COMMISSIONERS

<table>
<thead>
<tr>
<th>Class</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$28,000</td>
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<tr>
<td>Class II</td>
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<td>Class III</td>
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<td>Class IV</td>
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<tr>
<td>Class V</td>
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</tr>
<tr>
<td>Class VI</td>
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<tr>
<td>Class VII</td>
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<td>Class VIII</td>
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<td>Class IX</td>
<td>$18,500</td>
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<tr>
<td>Class X</td>
<td>$15,000</td>
</tr>
</tbody>
</table>

(4) The compensation, set out in subdivision (3) of this subsection, shall be paid on and after the first day of January, one thousand nine hundred ninety-seven, to each county commissioner. Every county commissioner in each county, whose term of office commenced prior to or on or after the first day of January, one thousand nine hundred ninety-seven, shall
receive the same annual compensation by virtue of legislative findings of extra duties as set forth in section one of this article.

(5) For the purpose of determining the compensation to be paid to the elected county officials of each county, the compensations for each county office by class, set out in subdivision (6) of this subsection, are 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.

(6) OTHER ELECTED OFFICIALS

<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>
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<tbody>
<tr>
<td>I</td>
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<td>$32,000</td>
<td>$32,000</td>
<td>$29,000</td>
<td>$35,000</td>
</tr>
</tbody>
</table>

(7) The compensation, set out in subdivision (6) of this subsection, shall be paid on and after the first day of January, one thousand nine hundred ninety-seven, to each elected county official. Any county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, county assessor or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: Provided, That any 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.

(8) 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.

(9) Any prosecuting attorney of a Class I through Class V
county, inclusive, shall devote full-time to his or her public
duties to the exclusion of any other employment: Provided,
That any county which under the prior provisions of this section
was classified as a Class II county and elected to maintain a
part-time prosecutor may continue to maintain a part-time
prosecutor, until such time as the county commission, on
request of the part-time prosecutor, approves and makes a
finding, by proper order entered, that the prosecuting attorney
shall devote full-time to his or her public duties. The county
commission shall then compensate said prosecuting attorney at
the same rate of compensation as that of a prosecuting attorney
in a Class V county: Provided, however, That any county which
under the prior provisions of this section was classified as a
Class II county and which did not elect to maintain a part-time
prosecutor shall maintain a full-time prosecuting attorney and
shall compensate said prosecuting attorney at the same rate of
compensation as that of a prosecuting attorney in a Class V
county: Provided further, That, until the first day of January,
two thousand one, when a vacancy occurs in the office of
prosecuting attorney prior to the end of a term, the county
commission of a Class IV or Class V county may elect to allow
the position to become part-time for the end of that term, and
thereafter the position of prosecuting attorney shall become
full-time.
(d) (1) The increased salaries to be paid to the county commissioners and the other elected county officials described in this subsection on and after the first day of July, two thousand two, are set out in subdivisions (5) and (7) of this subsection. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after the first day of July, two thousand two, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in section one of this article.

(2) Before the increased salaries, as set out in subdivisions (5) and (7) of this subsection, are paid to the county commissioners and the elected county officials, the following requirements must be met:

(A) The auditor has certified that the proposed annual county budget for the fiscal year beginning the first days of July, two thousand two, has increased over the previous fiscal year in an amount sufficient for the payment of the increase in the salaries, set out in subdivisions (5) and (7) of this subsection, and the related employment taxes: Provided, That the auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subdivision, the term “receipts” does not include unencumbered fund balance or federal or state grants; and

(B) Each county commissioner or other elected official described in this subsection in office on the effective date of the increased salaries provided by this subsection who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county commission his or her written agreement to accept the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this subsection who fails to file the
written agreement as required by this paragraph shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this subsection until the person vacates the office or his or her term of office expires, whichever first occurs.

(3) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county’s elected officials and commissioners shall remain at the level in effect at the time certification was sought.

(4) In any county having a tribunal in lieu of a county commission, the county commissioners of that county may be paid less than the minimum salary limits of the county commission for that particular class of the county.

(5) COUNTY COMMISSIONERS

<table>
<thead>
<tr>
<th>Class</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>$30,800</td>
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<tr>
<td>Class II</td>
<td>$30,250</td>
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<tr>
<td>Class III</td>
<td>$29,700</td>
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<tr>
<td>Class IV</td>
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<td>Class V</td>
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<td>Class IX</td>
<td>$20,350</td>
</tr>
<tr>
<td>Class X</td>
<td>$16,500</td>
</tr>
</tbody>
</table>

(6) For the purpose of determining the salaries to be paid to the elected county officials of each county, the salaries for each county office by class, set out in subdivision (7) of this subsection, are established and shall be used by each county commission in determining the salaries of each of their county officials other than salaries of members of the county commission.
### (7) OTHER ELECTED OFFICIALS

<table>
<thead>
<tr>
<th>Class</th>
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</thead>
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<tr>
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<tr>
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<td>$41,800</td>
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<tr>
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<td>$35,200</td>
<td>$35,200</td>
<td>$31,900</td>
<td>$38,500</td>
</tr>
</tbody>
</table>

(8) Any county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, county assessor or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: Provided, That any public official, whose term of office begins when his or her county’s classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.

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

(10) Any prosecuting attorney of a Class I through Class V county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: Provided, That any county which under the prior provisions of this section was classified as a Class II county and elected to maintain a
part-time prosecutor may continue to maintain a part-time prosecutor, until such time as the county commission, on request of the part-time prosecutor, approves and makes a finding, by proper order entered, that the prosecuting attorney shall devote full-time to his or her public duties. The county commission shall then compensate said prosecutor at the same salary as that of a prosecuting attorney in a Class V county:

Provided, however, That any county which under the prior provisions of this section was classified as a Class II county and which did not elect to maintain a part-time prosecutor shall maintain a full-time prosecuting attorney and shall compensate said prosecuting attorney at the same salary as that of a prosecuting attorney in a Class V county: Provided further, That, until the first day of January, two thousand three, when a vacancy occurs in the office of prosecuting attorney prior to the end of a term, the county commission of a Class IV or Class V county may elect to allow the position to become part-time for the end of that term and thereafter the position of prosecuting attorney shall become full-time: And provided further, That a prosecuting attorney for a Class VI county which subsequently becomes a Class V county on or before the first day of July, two thousand ten, may continue as a part-time attorney, and continue to be compensated at the Class VI county level, until such time as determined by the prosecuting attorney and the county commission that a full-time prosecuting attorney is needed.

(e) (1) The increased salaries to be paid to the county commissioners and the other elected county officials described in this subsection on and after the first day of July, two thousand six, are set out in subdivisions (5) and (7) of this subsection. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after the first day of July, two thousand six, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in section one of this article.
(2) Before the increased salaries, as set out in subdivisions (5) and (7) of this subsection, are paid to the county commissioners and the elected county officials, the following requirements must be met:

(A) The auditor has certified that the proposed annual county budget for the fiscal year beginning the first days of July, two thousand six, has increased over the previous fiscal year in an amount sufficient for the payment of the increase in the salaries, set out in subdivisions (5) and (7) of this subsection, and the related employment taxes: Provided, That the auditor may not approve the budget certification for any proposed annual county budget containing anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subdivision, the term “receipts” does not include unencumbered fund balance or federal or state grants; and

(B) Each county commissioner or other elected official described in this subsection in office on the effective date of the increased salaries provided by this subsection who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county commission his or her written agreement to accept the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this subsection who fails to file the written agreement as required by this paragraph shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this subsection until the person vacates the office or his or her term of office expires, whichever first occurs.

(3) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, then the salaries of that county’s elected officials and commissioners shall remain at the level in effect at the time certification was sought.
(4) In any county having a tribunal in lieu of a county commission, the county commissioners of that county may be paid less than the minimum salary limits of the county commission for that particular class of the county.

(5) COUNTY COMMISSIONERS

<table>
<thead>
<tr>
<th>Class</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$36,960</td>
</tr>
<tr>
<td>II</td>
<td>$36,300</td>
</tr>
<tr>
<td>III</td>
<td>$35,640</td>
</tr>
<tr>
<td>IV</td>
<td>$34,980</td>
</tr>
<tr>
<td>V</td>
<td>$34,320</td>
</tr>
<tr>
<td>VI</td>
<td>$28,380</td>
</tr>
<tr>
<td>VII</td>
<td>$27,720</td>
</tr>
<tr>
<td>VIII</td>
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</tr>
<tr>
<td>IX</td>
<td>$24,420</td>
</tr>
<tr>
<td>X</td>
<td>$19,800</td>
</tr>
</tbody>
</table>

(6) For the purpose of determining the salaries to be paid to the elected county officials of each county, the salaries for each county office by class, set out in subdivision (7) of this subsection, are established and shall be used by each county commission in determining the salaries of each of their county officials other than salaries of members of the county commission.

(7) OTHER ELECTED OFFICIALS

<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>
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<td>$42,240</td>
<td>$42,240</td>
<td>$38,280</td>
<td>$46,200</td>
</tr>
</tbody>
</table>
(8) Any county clerk, circuit clerk, joint clerk of the county commission and circuit court, if any, county assessor or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: Provided, That any public official, whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities, may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.

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

(10) Any prosecuting attorney of a Class I through Class V county, inclusive, shall devote full-time to his or her public duties to the exclusion of any other employment: Provided, That any county which under the prior provisions of this section was classified as a Class II county and elected to maintain a part-time prosecutor may continue to maintain a part-time prosecutor, until such time as the county commission, on request of the part-time prosecutor, approves and makes a finding, by proper order entered, that the prosecuting attorney shall devote full-time to his or her public duties. The county commission shall then compensate said prosecutor at the same salary as that of a prosecuting attorney in a Class V county: Provided, however, That any county which under the prior provisions of this section was classified as a Class II county and which did not elect to maintain a part-time prosecutor shall maintain a full-time prosecuting attorney and shall compensate said prosecuting attorney at the same salary as that of a prosecuting attorney in a Class V county: And provided further, That a prosecuting attorney for a Class VI county which subse-
545 quently becomes a Class V county on or before the first day of
546 July, two thousand ten, may continue as a part-time attorney,
547 and continue to be compensated at the Class VI county level,
548 until such time as determined by the prosecuting attorney and
549 the county commission that a full-time prosecuting attorney is
550 needed.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 4th day of April, 2006.

Governor