

H. B. 2855

(By Delegates Lawrence, Moye, M. Poling,  
D. Campbell and Swartzmiller)

[Introduced January 26, 2011; referred to the  
Committee on Political Subdivisions then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §7-7-4 of the Code of West Virginia,  
1931, as amended; and to amend and reenact §11A-1-17 of said  
code, all relating to providing that the salaries for certain  
county officials and employees are minimum salaries; and  
county sheriffs may receive additional compensation based on  
previous years tax collections in that county.

*Be it enacted by the Legislature of West Virginia:*

That §7-7-4 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted; and that §11A-1-17 of said code be  
amended and reenacted, all to read as follows:

**CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

**ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.**

**§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

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

7 (2) COUNTY COMMISSIONERS

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

14 (3) The compensation, set out in subdivision (2) of this  
 15 subsection, shall be paid on and after January 1, 1985, to each  
 16 county commissioner. Within each county, every county commissioner  
 17 whose term of office commenced prior to January 1, 1985, shall  
 18 receive the same annual compensation as commissioners commencing a  
 19 term of office on or after that date by virtue of the new duties  
 20 imposed upon county commissioners pursuant to the provisions of  
 21 chapter fifteen, acts of the Legislature, first extraordinary  
 22 session, 1983.

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

1 subsection, are established and shall be used by each county  
 2 commission in determining the compensation of each of their county  
 3 officials other than compensation of members of the county  
 4 commission.

5 (5) OTHER ELECTED OFFICIALS

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

14 (6) Any county clerk, circuit clerk, joint clerk of the county  
 15 commission and circuit court, if any, county assessor, sheriff and  
 16 prosecuting attorney of a Class I county, any assessor of a Class  
 17 II and Class III county, any sheriff of a Class II and Class III  
 18 county and any prosecuting attorney of a Class II county shall  
 19 devote full-time to his or her public duties to the exclusion of  
 20 any other employment: *Provided*, That any public official, whose  
 21 term of office begins when his or her county's classification  
 22 imposes no restriction on his or her outside activities, shall not  
 23 be restricted on his or her outside activities during the remainder  
 24 of the term for which he or she is elected. The compensation, set  
 25 out in subdivision (5) of this subsection, shall be paid on and

1 after January 1, 1985, to each elected county official.

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

7       (8) The Legislature finds that the duties imposed upon county  
8 clerks by the provisions of chapter sixty-four, Acts of the  
9 Legislature, regular session, 1982, and by chapter fifteen, Acts of  
10 the Legislature, first extraordinary session, 1983, constitute new  
11 and additional duties for county clerks and as such justify the  
12 additional compensation provided in this section without violating  
13 the provisions of section thirty-eight, article VI of the  
14 Constitution of West Virginia.

15       (9) The Legislature further finds that the duties imposed upon  
16 circuit clerks by the provisions of chapters sixty-one and one  
17 hundred eighty-two, Acts of the Legislature, 1981 regular session,  
18 and by chapter sixty, Acts of the Legislature, 1983 regular  
19 session, constitute new and additional duties for circuit clerks  
20 and as such justify the additional compensation provided by this  
21 section without violating the provisions of section thirty-eight,  
22 article VI of the Constitution of West Virginia.

23       (b) (1) Prior to the primary election in the year 1992, and  
24 for the fiscal year beginning on July 1, 1992, or for any  
25 subsequent fiscal year if the approval, set out in subdivision (2)

1 of this subsection, is not granted for any fiscal year, and at  
2 least thirty days prior to the meeting to approve the county  
3 budget, the commission shall provide notice to the public of the  
4 date and time of the meeting and that the purpose of the meeting of  
5 the county commission is to decide upon their budget certification  
6 to the Auditor.

7       (2) Upon submission by the county commission to the Auditor of  
8 a proposed annual budget which contains anticipated receipts into  
9 the county's General Revenue Fund, less anticipated moneys from the  
10 unencumbered fund balance, equal to anticipated receipts into the  
11 county's General Revenue Fund, less anticipated moneys from the  
12 unencumbered fund balance and any federal or state special grants,  
13 for the immediately preceding fiscal year, plus such additional  
14 amount as is necessary for payment of the increases in the salaries  
15 set out in subdivisions (3) and (5) of this subsection, and related  
16 employment taxes over that paid for the immediately preceding  
17 fiscal year, and upon approval thereof by the Auditor, which  
18 approval shall not be granted for any proposed annual budget  
19 containing anticipated receipts which are unreasonably greater or  
20 lesser than that of the immediately preceding fiscal year, for the  
21 purpose of determining the compensation to be paid to the elected  
22 county officials of each county office by class are established and  
23 shall be used by each county commission in determining the  
24 compensation of each of their county officials: *Provided*, That as  
25 to any county having a tribunal in lieu of a county commission, the

1 county commissioners of the county may be paid less than the  
 2 minimum compensation limits of the county commission for the  
 3 particular class of the county.

4 (3) COUNTY COMMISSIONERS

5	Class I	\$24,000
6	Class II	\$18,600
7	Class III	\$16,800
8	Class IV	\$12,000
9	Class V	\$ 8,400

10 (4) If the approval, set out in subdivision (2) of this  
 11 subsection, is granted, the compensation, set out in subdivision  
 12 (3) of this subsection, shall be paid on and after January 1, 1993,  
 13 to each county commissioner. Within each county, every county  
 14 commissioner shall receive the same annual compensation by virtue  
 15 of the new duties imposed upon county commissioners pursuant to the  
 16 provisions of chapter one hundred seventy-two, Acts of the  
 17 Legislature, second regular session, 1990 and chapter five, Acts of  
 18 the Legislature, third extraordinary session, 1990.

19 (5) OTHER ELECTED OFFICIALS

20		County	Circuit	Assessor	Prosecuting	
21		Sheriff	Clerk	Clerk	Attorney	
22	Class I	\$29,040	\$37,560	\$37,560	\$29,040	\$59,500
23	Class II	\$29,040	\$33,600	\$33,600	\$29,040	\$59,500
24	Class III	\$29,040	\$33,600	\$33,600	\$29,040	\$36,000
25	Class IV	\$26,760	\$28,800	\$28,800	\$26,760	\$31,800

1 Class V	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200
2 Class VI	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200

3       (6) Any county clerk, circuit clerk, joint clerk of the county  
4 commission and circuit court, if any, county assessor, sheriff and  
5 prosecuting attorney of a Class I county, any assessor of a Class  
6 II and Class III county, any sheriff of a Class II and Class III  
7 county and any prosecuting attorney of a Class II county shall  
8 devote full-time to his or her public duties to the exclusion of  
9 any other employment: *Provided*, That any public official, whose  
10 term of office begins when his or her county's classification  
11 imposes no restriction on his or her outside activities, shall not  
12 be restricted on his or her outside activities during the remainder  
13 of the term for which he or she is elected. If the approval, set  
14 out in subdivision (2) of this subsection, is granted, the  
15 compensation, set out in subdivision (5) of this subsection, shall  
16 be paid on and after January 1, 1993, to each elected county  
17 official.

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

23       (8) Prior to the primary election in the year 1992, in the  
24 case of a Class III, Class IV or Class V county which has a  
25 part-time prosecuting attorney, the county commission may find that

1 such facts and circumstances exist that require the prosecuting  
2 attorney to devote full-time to his or her public duties for the  
3 four-year term, beginning January 1, 1993. If the county  
4 commission makes such a finding, it may by proper order adopted and  
5 entered, require the prosecuting attorney who takes office on  
6 January 1, 1993, to devote full-time to his or her public duties  
7 and the county commission shall then compensate said prosecuting  
8 attorney at the same rate of compensation as that of a prosecuting  
9 attorney in a Class II county.

10 (9) For any county: (A) Which on and after July 1, 1994, is  
11 classified as a Class II county; and (B) which prior to such date  
12 was classified as a Class III, Class IV or Class V county and  
13 maintained a part-time prosecuting attorney, the county commission  
14 may elect to maintain the prosecuting attorney as a part-time  
15 prosecuting attorney: *Provided*, That prior to January 1, 1996, the  
16 county commission shall make a finding, by proper order and  
17 entered, whether to maintain a full-time or part-time prosecuting  
18 attorney. The part-time prosecuting attorney shall be compensated  
19 at the same rate of compensation as that of a prosecuting attorney  
20 in the class for the county prior to being classified as a Class II  
21 county.

22 (c) (1) Prior to the primary election in the year 1996, and  
23 for the fiscal year beginning on July 1, 1996, or for any  
24 subsequent fiscal year if the approval, set out in subdivision (2)  
25 of this subsection, is not granted for any fiscal year, and at



1 least thirty days prior to the meeting to approve the county  
2 budget, the commission shall provide notice to the public of the  
3 date and time of the meeting and that the purpose of the meeting of  
4 the county commission is to decide upon their budget certification  
5 to the Auditor.

6 (2) Upon submission by the county commission to the Auditor of  
7 a proposed annual budget which contains anticipated receipts into  
8 the county's General Revenue Fund, less anticipated moneys from the  
9 unencumbered fund balance, equal to anticipated receipts into the  
10 county's General Revenue Fund, less anticipated moneys from the  
11 unencumbered fund balance and any federal or state special grants,  
12 for the fiscal year beginning July 1, 1996, plus such additional  
13 amount as is necessary for payment of the increases in the salaries  
14 set out in subdivisions (3) and (6) of this subsection, and related  
15 employment taxes over that paid for the immediately preceding  
16 fiscal year, and upon approval thereof by the Auditor, which  
17 approval shall not be granted for any proposed annual budget  
18 containing anticipated receipts which are unreasonably greater or  
19 lesser than that of the immediately preceding fiscal year for the  
20 purpose of determining the compensation to be paid to the elected  
21 county officials of each county office by class are established and  
22 shall be used by each county commission in determining whether  
23 county revenues are sufficient to pay the compensation mandated  
24 herein for their county officials: *Provided*, That as to any county  
25 having a tribunal in lieu of a county commission, the county

1 commissioners of the county may be paid less than the minimum  
 2 compensation limits of the county commission for the particular  
 3 class of the county: *Provided, however,* That should there be an  
 4 insufficient projected increase in revenues to pay the increased  
 5 compensation and related employment taxes, then the compensation of  
 6 that county's elected officials shall remain at the level in effect  
 7 at the time certification was sought.

8 (3) COUNTY COMMISSIONERS

9	Class I	\$28,000
10	Class II	\$27,500
11	Class III	\$27,000
12	Class IV	\$26,500
13	Class V	\$26,000
14	Class VI	\$21,500
15	Class VII	\$21,000
16	Class VIII	\$19,000
17	Class IX	\$18,500
18	Class X	\$15,000

19 (4) The compensation, set out in subdivision (3) of this  
 20 subsection, shall be paid on and after January 1, 1997, to each  
 21 county commissioner. Every county commissioner in each county,  
 22 whose term of office commenced prior to or on or after January 1,  
 23 1997, shall receive the same annual compensation by virtue of  
 24 legislative findings of extra duties as set forth in section one of  
 25 this article.

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

8 (6) OTHER ELECTED OFFICIALS

9		County	Circuit		Prosecuting
		Sheriff	Clerk	Assessor	Attorney
10	Class I	\$34,000	\$42,000	\$34,000	\$76,000
11	Class II	\$33,500	\$41,500	\$33,500	\$74,000
12	Class III	\$33,250	\$40,500	\$33,250	\$72,000
13	Class IV	\$33,000	\$40,250	\$33,000	\$70,000
14	Class V	\$32,750	\$40,000	\$32,750	\$68,000
15	Class VI	\$32,500	\$37,500	\$32,500	\$45,000
16	Class VII	\$32,250	\$37,000	\$32,250	\$43,000
17	Class VIII	\$32,000	\$36,500	\$32,000	\$41,000
18	Class IX	\$31,750	\$36,000	\$31,750	\$38,000
19	Class X	\$29,000	\$32,000	\$29,000	\$35,000

21 (7) The compensation, set out in subdivision (6) of this  
 22 subsection, shall be paid on and after January 1, 1997, to each  
 23 elected county official. Any county clerk, circuit clerk, joint  
 24 clerk of the county commission and circuit court, if any, county  
 25 assessor or sheriff of a Class I through Class V county, inclusive,

1 any assessor or any sheriff of a Class VI through Class IX county,  
2 inclusive, shall devote full-time to his or her public duties to  
3 the exclusion of any other employment: *Provided*, That any public  
4 official, whose term of office begins when his or her county's  
5 classification imposes no restriction on his or her outside  
6 activities, shall not be restricted on his or her outside  
7 activities during the remainder of the term for which he or she is  
8 elected.

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

14       (9) Any prosecuting attorney of a Class I through Class V  
15 county, inclusive, shall devote full-time to his or her public  
16 duties to the exclusion of any other employment: *Provided*, That  
17 any county which under the prior provisions of this section was  
18 classified as a Class II county and elected to maintain a part-time  
19 prosecutor may continue to maintain a part-time prosecutor, until  
20 such time as the county commission, on request of the part-time  
21 prosecutor, approves and makes a finding, by proper order entered,  
22 that the prosecuting attorney shall devote full-time to his or her  
23 public duties. The county commission shall then compensate said  
24 prosecuting attorney at the same rate of compensation as that of a  
25 prosecuting attorney in a Class V county: *Provided, however*, That

1 any county which under the prior provisions of this section was  
2 classified as a Class II county and which did not elect to maintain  
3 a part-time prosecutor shall maintain a full-time prosecuting  
4 attorney and shall compensate said prosecuting attorney at the same  
5 rate of compensation as that of a prosecuting attorney in a Class  
6 V county: *Provided further, That, until January 1, 2001, when a*  
7 *vacancy occurs in the office of prosecuting attorney prior to the*  
8 *end of a term, the county commission of a Class IV or Class V*  
9 *county may elect to allow the position to become part-time for the*  
10 *end of that term, and thereafter the position of prosecuting*  
11 *attorney shall become full-time.*

12 (d) (1) The increased salaries to be paid to the county  
13 commissioners and the other elected county officials described in  
14 this subsection on and after July 1, 2002, are set out in  
15 subdivisions (5) and (7) of this subsection. Every county  
16 commissioner and elected county official in each county, whose term  
17 of office commenced prior to or on or after July 1, 2002, shall  
18 receive the same annual salary by virtue of legislative findings of  
19 extra duties as set forth in section one of this article.

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

24 (A) The Auditor has certified that the proposed annual county  
25 budget for the fiscal year beginning the first days of July, 2002,

1 has increased over the previous fiscal year in an amount sufficient  
2 for the payment of the increase in the salaries, set out in  
3 subdivisions (5) and (7) of this subsection, and the related  
4 employment taxes: *Provided*, That the Auditor may not approve the  
5 budget certification for any proposed annual county budget  
6 containing anticipated receipts which are unreasonably greater or  
7 lesser than that of the previous year. For purposes of this  
8 subdivision, the term "receipts" does not include unencumbered fund  
9 balance or federal or state grants; and

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

23 (3) If there is an insufficient projected increase in revenues  
24 to pay the increased salaries and the related employment taxes,  
25 then the salaries of that county's elected officials and

1 commissioners shall remain at the level in effect at the time  
 2 certification was sought.

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

7 (5) COUNTY COMMISSIONERS

8	Class I	\$30,800
9	Class II	\$30,250
10	Class III	\$29,700
11	Class IV	\$29,150
12	Class V	\$28,600
13	Class VI	\$23,650
14	Class VII	\$23,100
15	Class VIII	\$20,900
16	Class IX	\$20,350
17	Class X	\$16,500

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

24 (7) OTHER ELECTED OFFICIALS

25 County Circuit Prosecuting

	Sheriff	Clerk	Clerk	Assessor	Attorney
1					
2 Class I	\$37,400	\$46,200	\$46,200	\$37,400	\$83,600
3 Class II	\$36,850	\$45,650	\$45,650	\$36,850	\$81,400
4 Class III	\$36,575	\$44,550	\$44,550	\$36,575	\$79,200
5 Class IV	\$36,300	\$44,295	\$44,295	\$36,300	\$77,000
6 Class V	\$36,025	\$44,000	\$44,000	\$36,025	\$74,800
7 Class VI	\$35,750	\$41,250	\$41,250	\$35,750	\$49,500
8 Class VII	\$35,475	\$40,700	\$40,700	\$35,475	\$47,300
9 Class VIII	\$35,200	\$40,150	\$40,150	\$35,200	\$45,100
10 Class IX	\$34,925	\$39,600	\$39,600	\$34,925	\$41,800
11 Class X	\$31,900	\$35,200	\$35,200	\$31,900	\$38,500

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

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



1 offices of county clerk and circuit clerk.

2       (10) Any prosecuting attorney of a Class I through Class V  
3 county, inclusive, shall devote full-time to his or her public  
4 duties to the exclusion of any other employment: *Provided*, That  
5 any county which under the prior provisions of this section was  
6 classified as a Class II county and elected to maintain a part-time  
7 prosecutor may continue to maintain a part-time prosecutor, until  
8 such time as the county commission, on request of the part-time  
9 prosecutor, approves and makes a finding, by proper order entered,  
10 that the prosecuting attorney shall devote full-time to his or her  
11 public duties. The county commission shall then compensate said  
12 prosecutor at the same salary as that of a prosecuting attorney in  
13 a Class V county: *Provided, however*, That any county which under  
14 the prior provisions of this section was classified as a Class II  
15 county and which did not elect to maintain a part-time prosecutor  
16 shall maintain a full-time prosecuting attorney and shall  
17 compensate said prosecuting attorney at the same salary as that of  
18 a prosecuting attorney in a Class V county: *Provided further*,  
19 That, until January 1, 2003, when a vacancy occurs in the office of  
20 prosecuting attorney prior to the end of a term, the county  
21 commission of a Class IV or Class V county may elect to allow the  
22 position to become part-time for the end of that term and  
23 thereafter the position of prosecuting attorney shall become  
24 full-time: *And provided further*, That a prosecuting attorney for  
25 a Class VI county which subsequently becomes a Class V county on or

1 before July 1, 2010, may continue as a part-time attorney, and  
2 continue to be compensated at the Class VI county level, until such  
3 time as determined by the prosecuting attorney and the county  
4 commission that a full-time prosecuting attorney is needed.

5 (e) (1) The increased salaries to be paid to the county  
6 commissioners and the other elected county officials described in  
7 this subsection on and after July 1, 2006, are set out in  
8 subdivisions (5) and (7) of this subsection. Every county  
9 commissioner and elected county official in each county, whose term  
10 of office commenced prior to or on or after July 1, 2006, shall  
11 receive the same annual salary by virtue of legislative findings of  
12 extra duties as set forth in section one of this article.

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

17 (A) The Auditor has certified that the proposed annual county  
18 budget for the fiscal year beginning the first days of July, 2006,  
19 has increased over the previous fiscal year in an amount sufficient  
20 for the payment of the increase in the salaries, set out in  
21 subdivisions (5) and (7) of this subsection, and the related  
22 employment taxes: *Provided*, That the Auditor may not approve the  
23 budget certification for any proposed annual county budget  
24 containing anticipated receipts which are unreasonably greater or  
25 lesser than that of the previous year. For purposes of this

1 subdivision, the term "receipts" does not include unencumbered fund  
2 balance or federal or state grants; and

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

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

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

25                                   (5) COUNTY COMMISSIONERS

1	Class I	\$36,960
2	Class II	\$36,300
3	Class III	\$35,640
4	Class IV	\$34,980
5	Class V	\$34,320
6	Class VI	\$28,380
7	Class VII	\$27,720
8	Class VIII	\$25,080
9	Class IX	\$24,420
10	Class X	\$19,800

11 (6) For the purpose of determining the salaries to be paid to  
 12 the elected county officials of each county, the salaries for each  
 13 county office by class, set out in subdivision (7) of this  
 14 subsection, are established as minimum salaries and shall be used  
 15 by each county commission in conjunction with other relevant  
 16 information including, but not limited to, the salaries of other  
 17 full-time county deputies and employees, the salaries of part-time  
 18 employees and the salaries of other elected officials when  
 19 determining the salaries of each of their county officials other  
 20 than salaries of members of the county commission.

21 (7) OTHER ELECTED OFFICIALS

	County	Circuit	Assessor	Prosecuting		
	Sheriff	Clerk	Clerk	Attorney		
22						
23						
24	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
25	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400

1 Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
2 Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
3 Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
4 Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
5 Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
6 Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
7 Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
8 Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

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

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

24           (10) Any prosecuting attorney of a Class I through Class V  
25 county, inclusive, shall devote full-time to his or her public

1 duties to the exclusion of any other employment: *Provided, That*  
2 any county which under the prior provisions of this section was  
3 classified as a Class II county and elected to maintain a part-time  
4 prosecutor may continue to maintain a part-time prosecutor, until  
5 such time as the county commission, on request of the part-time  
6 prosecutor, approves and makes a finding, by proper order entered,  
7 that the prosecuting attorney shall devote full-time to his or her  
8 public duties. The county commission shall then compensate said  
9 prosecutor at the same salary as that of a prosecuting attorney in  
10 a Class V county: *Provided, however, That* any county which under  
11 the prior provisions of this section was classified as a Class II  
12 county and which did not elect to maintain a part-time prosecutor  
13 shall maintain a full-time prosecuting attorney and shall  
14 compensate said prosecuting attorney at the same salary as that of  
15 a prosecuting attorney in a Class V county: *Provided further, That*  
16 a prosecuting attorney for a Class VI county which subsequently  
17 becomes a Class V county on or before July 1, 2010, may continue as  
18 a part-time attorney, and continue to be compensated at the Class  
19 VI county level, until such time as determined by the prosecuting  
20 attorney and the county commission that a full-time prosecuting  
21 attorney is needed.

22 **CHAPTER 11A. COLLECTION AND ENFORCEMENT OF PROPERTY TAXES.**

23 **ARTICLE 1. ACCRUAL AND COLLECTION OF TAXES.**

24 **§11A-1-17. Sheriff's commission for collection.**

1 After the sheriff has collected eighty-five percent of the  
2 combined total of all taxes assessed on real and personal property,  
3 he or she shall, in addition to the salary and compensation now  
4 authorized by law, be allowed a commission as follows: Two and  
5 one-half percent on the remainder of the taxes actually collected  
6 up to ninety percent of the combined total of all taxes assessed on  
7 real and personal property, three and one-half percent of the  
8 remainder collected above ninety percent and up to ninety-five  
9 percent of the combined total of all taxes assessed on real and  
10 personal property, and five percent on the remainder of taxes  
11 collected above ninety-five percent of the combined total of all  
12 taxes assessed on real and personal property. In all cases the  
13 taxes collected on which any commission shall be paid will be  
14 exclusive of interest and charges thereon, if the collection be  
15 made before the delinquent list has been approved by the county  
16 commission: *Provided*, That the total amount of commissions paid to  
17 any sheriff shall not exceed the sum of \$15,000 in any one year.  
18 The commission so allowed shall be determined by the county  
19 commission and charged against the various funds for which the  
20 taxes are collected. These funds shall be calculated from the  
21 previous year's tax collection and added to the base salary of each  
22 sheriff and paid in twenty-four equal installments along with his  
23 or her base salary. Effective July 1, 2011, this additional payment  
24 shall be part of the compensation for the future consideration of  
25 a sheriff's salary.

NOTE: The purpose of this bill is to provide that the salaries for certain county officials and employees are minimum salaries. The bill provides that county sheriffs may receive additional compensation based on the previous year's tax collections in that county.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.