

Senate Bill No. 432

(By Senators Laird, Unger, Jenkins and Miller)

[Introduced February 4, 2011; referred to the Committee on
Government Organization; and then to the Committee on Finance.]

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 a reconfiguration of sheriffs' salaries
to incorporate pay that was previously given as a separate
payment; and eliminating commissions based on collection of
taxes.

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.**

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

9 (2)

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

1 session, 1983.

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

9 (5)

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

19 (6) Any county clerk, circuit clerk, joint clerk of the county
20 commission and circuit court, if any, county assessor, sheriff and
21 prosecuting attorney of a Class I county, any assessor of a Class
22 II and Class III county, any sheriff of a Class II and Class III
23 county and any prosecuting attorney of a Class II county shall
24 devote full-time to his or her public duties to the exclusion of

1 any other employment: *Provided*, That any public official, whose
2 term of office begins when his or her county's classification
3 imposes no restriction on his or her outside activities, shall not
4 be restricted on his or her outside activities during the remainder
5 of the term for which he or she is elected. The compensation, set
6 out in subdivision (5) of this subsection, shall be paid on and
7 after January 1, 1985, to each elected county official.

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

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

21 (9) The Legislature further finds that the duties imposed upon
22 circuit clerks by the provisions of chapters sixty-one and one
23 hundred eighty-two, Acts of the Legislature, 1981 regular session,
24 and by chapter sixty, Acts of the Legislature, 1983 regular

1 session, constitute new and additional duties for circuit clerks
2 and as such justify the additional compensation provided by this
3 section without violating the provisions of section thirty-eight,
4 Article VI of the Constitution of West Virginia.

5 (b) (1) Prior to the primary election in the year 1992, and
6 for the fiscal year beginning on July 1, 1992, or for any
7 subsequent fiscal year if the approval, set out in subdivision (2)
8 of this subsection, is not granted for any fiscal year, and at
9 least thirty days prior to the meeting to approve the county
10 budget, the commission shall provide notice to the public of the
11 date and time of the meeting and that the purpose of the meeting of
12 the county commission is to decide upon their budget certification
13 to the Auditor.

14 (2) Upon submission by the county commission to the Auditor of
15 a proposed annual budget which contains anticipated receipts into
16 the county's General Revenue Fund, less anticipated moneys from the
17 unencumbered fund balance, equal to anticipated receipts into the
18 county's General Revenue Fund, less anticipated moneys from the
19 unencumbered fund balance and any federal or state special grants,
20 for the immediately preceding fiscal year, plus such additional
21 amount as is necessary for payment of the increases in the salaries
22 set out in subdivisions (3) and (5) of this subsection, and related
23 employment taxes over that paid for the immediately preceding
24 fiscal year, and upon approval thereof by the Auditor, which

1 approval shall not be granted for any proposed annual budget
 2 containing anticipated receipts which are unreasonably greater or
 3 lesser than that of the immediately preceding fiscal year, for the
 4 purpose of determining the compensation to be paid to the elected
 5 county officials of each county office by class are established and
 6 shall be used by each county commission in determining the
 7 compensation of each of their county officials: *Provided*, That as
 8 to any county having a tribunal in lieu of a county commission, the
 9 county commissioners of the county may be paid less than the
 10 minimum compensation limits of the county commission for the
 11 particular class of the county.

12 (3)

13 COUNTY COMMISSIONERS	
14 Class I	\$24,000
15 Class II	\$18,600
16 Class III	\$16,800
17 Class IV	\$12,000
18 Class V	\$ 8,400

19 (4) If the approval, set out in subdivision (2) of this
 20 subsection, is granted, the compensation, set out in subdivision
 21 (3) of this subsection, shall be paid on and after January 1, 1993,
 22 to each county commissioner. Within each county, every county
 23 commissioner shall receive the same annual compensation by virtue
 24 of the new duties imposed upon county commissioners pursuant to the

1 provisions of chapter one hundred seventy-two, Acts of the
 2 Legislature, second regular session, 1990 and chapter five, Acts of
 3 the Legislature, third extraordinary session, 1990.

4 (5)

5 OTHER ELECTED OFFICIALS

6		County	Circuit		Prosecuting
7	Sheriff	Clerk	Clerk	assessor	Attorney
8 Class I	\$29,040	\$37,560	\$37,560	\$29,040	\$59,500
9 Class II	\$29,040	\$33,600	\$33,600	\$29,040	\$59,500
10 Class III	\$29,040	\$33,600	\$33,600	\$29,040	\$36,000
11 Class IV	\$26,760	\$28,800	\$28,800	\$26,760	\$31,800
12 Class V	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200
13 Class VI	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200

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. If the approval, set

1 out in subdivision (2) of this subsection, is granted, the
2 compensation, set out in subdivision (5) of this subsection, shall
3 be paid on and after January 1, 1993, to each elected county
4 official.

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

10 (8) Prior to the primary election in the year 1992, in the
11 case of a Class III, Class IV or Class V county which has a part-
12 time prosecuting attorney, the county commission may find that such
13 facts and circumstances exist that require the prosecuting attorney
14 to devote full-time to his or her public duties for the four-year
15 term, beginning January 1, 1993. If the county commission makes
16 such a finding, it may by proper order adopted and entered, require
17 the prosecuting attorney who takes office on January 1, 1993, to
18 devote full-time to his or her public duties and the county
19 commission shall then compensate said prosecuting attorney at the
20 same rate of compensation as that of a prosecuting attorney in a
21 Class II county.

22 (9) For any county: (A) Which on and after July 1, 1994, is
23 classified as a Class II county; and (B) which prior to such date
24 was classified as a Class III, Class IV or Class V county and

1 maintained a part-time prosecuting attorney, the county commission
2 may elect to maintain the prosecuting attorney as a part-time
3 prosecuting attorney: *Provided*, That prior to January 1, 1996, the
4 county commission shall make a finding, by proper order and
5 entered, whether to maintain a full-time or part-time prosecuting
6 attorney. The part-time prosecuting attorney shall be compensated
7 at the same rate of compensation as that of a prosecuting attorney
8 in the class for the county prior to being classified as a Class II
9 county.

10 (c) (1) Prior to the primary election in the year 1996, and
11 for the fiscal year beginning on July 1, 1996, or for any
12 subsequent fiscal year if the approval, set out in subdivision (2)
13 of this subsection, is not granted for any fiscal year, and at
14 least thirty days prior to the meeting to approve the county
15 budget, the commission shall provide notice to the public of the
16 date and time of the meeting and that the purpose of the meeting of
17 the county commission is to decide upon their budget certification
18 to the Auditor.

19 (2) Upon submission by the county commission to the Auditor of
20 a proposed annual budget which contains anticipated receipts into
21 the county's General Revenue Fund, less anticipated moneys from the
22 unencumbered fund balance, equal to anticipated receipts into the
23 county's General Revenue Fund, less anticipated moneys from the
24 unencumbered fund balance and any federal or state special grants,

1 for the fiscal year beginning July 1, 1996, plus such additional
 2 amount as is necessary for payment of the increases in the salaries
 3 set out in subdivisions (3) and (6) of this subsection, and related
 4 employment taxes over that paid for the immediately preceding
 5 fiscal year, and upon approval thereof by the Auditor, which
 6 approval shall not be granted for any proposed annual budget
 7 containing anticipated receipts which are unreasonably greater or
 8 lesser than that of the immediately preceding fiscal year for the
 9 purpose of determining the compensation to be paid to the elected
 10 county officials of each county office by class are established and
 11 shall be used by each county commission in determining whether
 12 county revenues are sufficient to pay the compensation mandated
 13 herein for their county officials: *Provided*, That as to any county
 14 having a tribunal in lieu of a county commission, the county
 15 commissioners of the county may be paid less than the minimum
 16 compensation limits of the county commission for the particular
 17 class of the county: *Provided, however*, That should there be an
 18 insufficient projected increase in revenues to pay the increased
 19 compensation and related employment taxes, then the compensation of
 20 that county's elected officials shall remain at the level in effect
 21 at the time certification was sought.

22 (3)

23 COUNTY COMMISSIONERS

24 Class I \$28,000

1	Class II	\$27,500
2	Class III	\$27,000
3	Class IV	\$26,500
4	Class V	\$26,000
5	Class VI	\$21,500
6	Class VII	\$21,000
7	Class VIII	\$19,000
8	Class IX	\$18,500
9	Class X	\$15,000

10 (4) The compensation, set out in subdivision (3) of this
11 subsection, shall be paid on and after January 1, 1997, to each
12 county commissioner. Every county commissioner in each county,
13 whose term of office commenced prior to or on or after January 1,
14 1997, shall receive the same annual compensation by virtue of
15 legislative findings of extra duties as set forth in section one of
16 this article.

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

24 (6)

OTHER ELECTED OFFICIALS						
		County	Circuit		Prosecuting	
	Sheriff	Clerk	Clerk	Assessor	Attorney	
1						
2						
3						
4	Class I	\$34,000	\$42,000	\$42,000	\$34,000	\$76,000
5	Class II	\$33,500	\$41,500	\$41,500	\$33,500	\$74,000
6	Class III	\$33,250	\$40,500	\$40,500	\$33,250	\$72,000
7	Class IV	\$33,000	\$40,250	\$40,250	\$33,000	\$70,000
8	Class V	\$32,750	\$40,000	\$40,000	\$32,750	\$68,000
9	Class VI	\$32,500	\$37,500	\$37,500	\$32,500	\$45,000
10	Class VII	\$32,250	\$37,000	\$37,000	\$32,250	\$43,000
11	Class VIII	\$32,000	\$36,500	\$36,500	\$32,000	\$41,000
12	Class IX	\$31,750	\$36,000	\$36,000	\$31,750	\$38,000
13	Class X	\$29,000	\$32,000	\$32,000	\$29,000	\$35,000

14 (7) The compensation, set out in subdivision (6) of this
 15 subsection, shall be paid on and after January 1, 1997, to each
 16 elected county official. Any county clerk, circuit clerk, joint
 17 clerk of the county commission and circuit court, if any, county
 18 assessor or sheriff of a Class I through Class V county, inclusive,
 19 any assessor or any sheriff of a Class VI through Class IX county,
 20 inclusive, shall devote full-time to his or her public duties to
 21 the exclusion of any other employment: *Provided*, That any public
 22 official, whose term of office begins when his or her county's
 23 classification imposes no restriction on his or her outside
 24 activities, shall not be restricted on his or her outside

1 activities during the remainder of the term for which he or she is
2 elected.

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

8 (9) Any prosecuting attorney of a Class I through Class V
9 county, inclusive, shall devote full-time to his or her public
10 duties to the exclusion of any other employment: *Provided, That*
11 any county which under the prior provisions of this section was
12 classified as a Class II county and elected to maintain a part-time
13 prosecutor may continue to maintain a part-time prosecutor, until
14 such time as the county commission, on request of the part-time
15 prosecutor, approves and makes a finding, by proper order entered,
16 that the prosecuting attorney shall devote full-time to his or her
17 public duties. The county commission shall then compensate said
18 prosecuting attorney at the same rate of compensation as that of a
19 prosecuting attorney in a Class V county: *Provided, however, That*
20 any county which under the prior provisions of this section was
21 classified as a Class II county and which did not elect to maintain
22 a part-time prosecutor shall maintain a full-time prosecuting
23 attorney and shall compensate said prosecuting attorney at the same
24 rate of compensation as that of a prosecuting attorney in a Class

1 V county: *Provided further,* That until January 1, 2001, when a
2 vacancy occurs in the office of prosecuting attorney prior to the
3 end of a term, the county commission of a Class IV or Class V
4 county may elect to allow the position to become part-time for the
5 end of that term, and thereafter the position of prosecuting
6 attorney shall become full-time.

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

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

19 (A) The Auditor has certified that the proposed annual county
20 budget for the fiscal year beginning the first days of July, 2002,
21 has increased over the previous fiscal year in an amount sufficient
22 for the payment of the increase in the salaries, set out in
23 subdivisions (5) and (7) of this subsection, and the related
24 employment taxes: *Provided,* That the Auditor may not approve the

1 budget certification for any proposed annual county budget
2 containing anticipated receipts which are unreasonably greater or
3 lesser than that of the previous year. For purposes of this
4 subdivision, the term "receipts" does not include unencumbered fund
5 balance or federal or state grants; and

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

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

24 (4) In any county having a tribunal in lieu of a county

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

4 (5)

5 COUNTY COMMISSIONERS

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

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

22 (7)

23 OTHER ELECTED OFFICIALS

24	County	Circuit	Prosecuting
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	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

1 salary would be fixed for the county clerk if it had separate
2 offices of county clerk and circuit clerk.

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

1 time: *And provided further,* That a prosecuting attorney for a
2 Class VI county which subsequently becomes a Class V county on or
3 before July 1, 2010, may continue as a part-time attorney, and
4 continue to be compensated at the Class VI county level, until such
5 time as determined by the prosecuting attorney and the county
6 commission that a full-time prosecuting attorney is needed.

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

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

19 (A) The Auditor has certified that the proposed annual county
20 budget for the fiscal year beginning the first days of July, 2006,
21 has increased over the previous fiscal year in an amount sufficient
22 for the payment of the increase in the salaries, set out in
23 subdivisions (5) and (7) of this subsection, and the related
24 employment taxes: *Provided,* That the Auditor may not approve the

1 budget certification for any proposed annual county budget
2 containing anticipated receipts which are unreasonably greater or
3 lesser than that of the previous year. For purposes of this
4 subdivision, the term "receipts" does not include unencumbered fund
5 balance or federal or state grants; and

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

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

24 (4) In any county having a tribunal in lieu of a county

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

4 (5)

5 COUNTY COMMISSIONERS

6	Class I	\$36,960
7	Class II	\$36,300
8	Class III	\$35,640
9	Class IV	\$34,980
10	Class V	\$34,320
11	Class VI	\$28,380
12	Class VII	\$27,720
13	Class VIII	\$25,080
14	Class IX	\$24,420
15	Class X	\$19,800

16 (6) For the purpose of determining the salaries to be paid to
 17 the elected county officials of each county, the salaries for each
 18 county office by class, set out in subdivision (7) of this
 19 subsection, are established as minimum salaries and shall be used
 20 by each county commission in conjunction with other relevant
 21 information such as the salaries of other full-time county deputies
 22 and employees and the salaries paid to part-time employees and
 23 elected officials when determining the salaries of each of their
 24 county officials other than salaries of members of the county

1 commission.

2 (7)

3 OTHER ELECTED OFFICIALS

4		Sheriff	County	Circuit	Assessor	Prosecuting	
			Clerk	Clerk		Attorney	
5	Class I	\$44,880	<u>\$59,880</u>	\$55,440	\$55,440	\$44,880	\$ 96,600
6	Class II	\$44,220	<u>\$59,220</u>	\$54,780	\$54,780	\$44,220	\$ 94,400
7	Class III	\$43,890	<u>\$58,890</u>	\$53,460	\$53,460	\$43,890	\$ 92,200
8	Class IV	\$43,560	<u>\$58,560</u>	\$53,154	\$53,154	\$43,560	\$ 90,000
9	Class V	\$43,230	<u>\$58,230</u>	\$52,800	\$52,800	\$43,230	\$ 87,800
10	Class VI	\$42,900	<u>\$57,900</u>	\$49,500	\$49,500	\$42,900	\$ 59,400
11	Class VII	\$42,570	<u>\$57,570</u>	\$48,840	\$48,840	\$42,570	\$ 56,760
12	Class VIII	\$42,240	<u>\$57,240</u>	\$48,180	\$48,180	\$42,240	\$ 54,120
13	Class IX	\$41,910	<u>\$56,910</u>	\$47,520	\$47,520	\$41,910	\$ 50,160
14	Class X	\$38,280	<u>\$53,280</u>	\$42,240	\$42,240	\$38,280	\$ 46,200

15 (8) Any county clerk, circuit clerk, joint clerk of the county
 16 commission and circuit court, if any, county assessor or sheriff of
 17 a Class I through Class V county, inclusive, any assessor or any
 18 sheriff of a Class VI through Class IX county, inclusive, 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, may not be
 23 restricted on his or her outside activities during the remainder of
 24 the term for which he or she is elected.

25 (9) In the case of a county that has a joint clerk of the
 26 county commission and circuit court, the salary of the joint clerk

1 shall be fixed in an amount twenty-five percent higher than the
2 salary would be fixed for the county clerk if it had separate
3 offices of county clerk and circuit clerk.

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

1 attorney and the county commission that a full-time prosecuting
2 attorney is needed.

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

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

5 **§11A-1-17. Sheriff's commission for collection.**

6 On and after July 1, 2011 the commission provided in this
7 section shall be deemed to be part of the sheriff's yearly salary.
8 The treatment of a sheriff's duties under this section as part of
9 their yearly salary, instead of a commission, shall not be a basis
10 to reduce any sheriff's salary below that of the sheriff's total
11 combined annual compensation earned for prior years under the
12 commission system.

NOTE: The purpose of this bill is to reconfigure sheriff's
pay and eliminate a sheriff's commission based on collection of
taxes.

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

§11A-1-17 has been completely rewritten; therefore, strike-
throughs and underscoring have been omitted.