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Senate Bill No. 96

(By Senators Laird, Miller, Plymale, Browning, Unger and D.
Facemire)

[Introduced January 17, 2011; referred to the Committee on
Government Organization; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to repeal §7-7-4a and §7-7-19 of the Code of West Virginia,
1931, as amended; and to amend and reenact §7-7-2, §7-7-3, §7-
7-4, §7-7-6b, §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-
12, §7-7-13, §7-7-14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20
of said code, all relating generally to eliminating outmoded
language concerning compensation of county elected officials
by certain county classes; requiring all prosecuting attorneys
on January 1, 2013, to be full time while providing an
exception for those currently part time; repealing the
requirement that the compensation of certain county employees
be in compliance with the Economic Stabilization Act of 1970;
transferring some training program responsibilities and
valuation classification of property responsibilities from the
state Tax Commissioner to the State Auditor; authorizing the
state Tax Commissioner and State Auditor to establish training
programs for certain employees; removing the limitations on

1 food, lodging, registration fees and mileage on authorized
2 training; eliminating the outdated property valuations used to
3 determine the compensation of elected county officials;
4 permitting a county sheriff to turn over an impounded dog to
5 the local humane society instead of killing it; eliminating
6 references to a county position that no longer exists; and
7 removing the limitation of the costs for the housing and
8 feeding of prisoners in counties having a population of thirty
9 thousand or less.

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

11 That §7-7-4a and §7-7-19 of the Code of West Virginia, 1931,
12 as amended, be repealed; and that §7-7-2, §7-7-3, §7-7-4, §7-7-6b,
13 §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-12, §7-7-13, §7-7-
14 14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20 of said code be amended
15 and reenacted, all to read as follows:

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

17 **§7-7-2. Establishment of county in-service training programs;**
18 **further additional duties for prosecuting attorney in**
19 **any county in excess of two hundred thousand.**

20 There is hereby established county in-service training
21 programs as hereinafter set forth.

22 The Attorney General is hereby authorized and directed to
23 establish such in-service training programs as in his or her
24 opinion will do most to assist the prosecuting attorneys in the
25 performance of their duties. The Attorney General is authorized to
26 accept any federal aid which may be made available or any financial
27 assistance which may be available from any private nonprofit

1 organization for the purposes of this section. The prosecuting
2 attorney in any county having a population in excess of two hundred
3 thousand shall also discharge the additional duties imposed upon
4 him or her by the provisions of section thirteen-a, article five,
5 chapter forty-nine of this code.

6 The State ~~Tax Commissioner~~ Auditor is hereby authorized and
7 directed to establish such in-service training programs for county
8 commissioners, county clerks, ~~circuit clerks, assessors,~~ sheriffs
9 and their assistants and employees as in his or her opinion will do
10 most to modernize and improve the services of their respective
11 offices. The State Auditor in conjunction with the West Virginia
12 Supreme Court of Appeals is authorized and directed to establish
13 such in-service training programs for circuit clerks and their
14 assistants and employees. The State Tax Commissioner is authorized
15 and directed to establish such in-service training programs for
16 assessors and their assistants and employees. The State Tax
17 Commissioner, State Auditor and the West Virginia Supreme Court of
18 Appeals ~~is~~ are authorized to accept any federal aid which may be
19 made available or any financial assistance which may be available
20 from any private nonprofit organization for the purpose of this
21 article.

22 Each of the county officials mentioned in this section, and,
23 at his or her option, one or more of his or her assistants,
24 deputies and employees, shall participate in the programs
25 established under this section.

26 The county ~~court~~ commission is authorized and directed to
27 expend funds for the purpose of reimbursing such officials and

1 employees for the actual amount expended by them for food, lodging
 2 and registration while in attendance at ~~meetings called by the~~
 3 ~~Attorney General or the Tax Commissioner~~ authorized training for
 4 the purpose of this section. ~~not to exceed \$35 per day, with~~
 5 ~~mileage not to exceed the rate of ten cents per mile to be computed~~
 6 ~~according to the distance by the nearest practicable route for~~
 7 ~~travel to and from such meetings.~~

8 **§7-7-3. Classification of counties for purpose of determining**
 9 **compensation of elected county officials.**

10 ~~(a) For the purpose of determining the compensation of elected~~
 11 ~~county officials, the counties of the State of West Virginia are~~
 12 ~~hereby grouped into seven classes based on their assessed valuation~~
 13 ~~of property, all classes. These seven classes and the minimum and~~
 14 ~~maximum valuation of property, all classes, established to~~
 15 ~~determine the classification of each county are as follows:~~

16	Minimum Assessed	Maximum Assessed
17	Valuation of Property	Valuation of Property
18 Class	All Classes	All Classes
19 Class I	\$600,000,000	No Limit
20 Class II	\$450,000,000	\$599,999,999
21 Class III	\$200,000,000	\$449,999,999
22 Class IV	\$100,000,000	\$199,999,999
23 Class V	\$ 50,000,000	\$ 99,999,999
24 Class VI	\$ 15,000,000	\$ 49,999,999
25 Class VII	\$ 0	\$ 14,999,999

26 ~~The assessed valuation of property, all classes, that shall be~~
 27 ~~used as the base to determine the class of a county shall be the~~

1 ~~assessed valuation of property, all classes, of the county as~~
2 ~~certified by the county assessor, State Auditor and county clerk~~
3 ~~prior to March 29, 1972.~~

4 ~~Prior to March 29, 1974, and each second year thereafter, the~~
5 ~~county court [county commission] of each county shall determine if~~
6 ~~the assessed valuation of property, all classes, of the county, as~~
7 ~~certified by the county assessor, State Auditor and county clerk,~~
8 ~~is within the minimum and maximum limits of a class above or below~~
9 ~~the class in which the county then is. If the county court so~~
10 ~~determines, it shall record the new classification of the county~~
11 ~~with the State Auditor and State Tax Commissioner and record its~~
12 ~~action on its county court [county commission] record.~~

13 ~~The classification of each county shall be subject to review~~
14 ~~by the State Tax Commissioner. He The State Tax Commissioner shall~~
15 ~~determine if the classification of each county is correct based on~~
16 ~~the final assessed valuation of property, all classes, certified to~~
17 ~~him or her by the county assessor, State Auditor and county clerk.~~
18 ~~If he the State Tax Commissioner finds that a county is incorrectly~~
19 ~~classified, he the State Tax Commissioner shall notify the county~~
20 ~~court [county commission] of that county promptly of his or her~~
21 ~~finding and in any case shall notify the county court prior to June~~
22 ~~30 of that current fiscal year. Any county court [county~~
23 ~~commission] so notified shall correct its classification~~
24 ~~immediately and make any necessary corrections in the salaries of~~
25 ~~its elected county officials for the next fiscal year. Nothing in~~
26 ~~this section shall be construed as authorizing an increase in~~

1 ~~compensation except at such time as the affected county officer~~
 2 ~~begins a new term of office.~~

3 (b) Effective July 1, 1996, and thereafter, for the purpose of
 4 determining the compensation of elected county officials, the
 5 counties of the State of West Virginia will be grouped into ten
 6 classes based on their assessed valuation of property, all classes.
 7 These ten classes and the minimum and maximum valuation of
 8 property, all classes, established to determine the classification
 9 of each county are as follows:

10	Minimum Assessed	Maximum Assessed
11	Valuation of Property	Valuation of Property
12 Class	All Classes	All Classes
13 Class I	\$ 2,000,000,000	No Limit
14 Class II	\$ 1,500,000,000	\$ 1,999,999,999
15 Class III	\$ 1,000,000,000	\$ 1,499,999,999
16 Class IV	\$ 700,000,000	\$ 999,999,999
17 Class V	\$ 600,000,000	\$ 699,999,999
18 Class VI	\$ 500,000,000	\$ 599,999,999
19 Class VII	\$ 400,000,000	\$ 499,999,999
20 Class VIII	\$ 300,000,000	\$ 399,999,999
21 Class IX	\$ 200,000,000	\$ 299,999,999
22 Class X	\$ -0-	\$ 199,999,999

23 The assessed valuation of property, all classes, that shall be
 24 used as the base to determine the class of a county shall be the
 25 assessed valuation of property, all classes, of the county as

1 certified by the county assessor, State Auditor and county clerk
2 prior to March 29, 1996.

3 Prior to March 29, 1998, and each second year thereafter, the
4 county commission of each county, shall determine if the assessed
5 valuation of property, all classes, of the county, as certified by
6 the county assessor, State Auditor and county clerk is within the
7 minimum and maximum limits of a class above or below the class in
8 which the county then is. If the county commission so determines,
9 it shall record the new classification of the county with the State
10 Auditor and State Tax Commissioner and record its action on its
11 county commission record.

12 The classification of each county shall be subject to review by
13 ~~the state Tax Commission~~ State Auditor. He or she shall determine if
14 the classification of each county is correct based on the final
15 assessed valuation of property, all classes, certified to him or her
16 by the county assessor, State Auditor and county clerk. If he or
17 she finds that a county is incorrectly classified, he or she shall
18 notify the county commission of that county promptly of his or her
19 finding and in any case shall notify the county prior to June 30 of
20 that current fiscal year. Any county commission so notified shall
21 correct its classification immediately and make any necessary
22 corrections in the salaries of its elected county officials for the
23 next fiscal year.

24 Notwithstanding the provisions of this article, whenever any
25 other provision of this code refers to classifications of counties

1 for purposes of imposing any right, duty or responsibility, the
2 classification system set forth in subsection (a) of this section
3 shall be utilized for determining the classification of a particular
4 county.

5 **§7-7-4. Compensation of elected county officials and county**
6 **commissioners for each class of county; effective date.**

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

15 ~~(2) COUNTY COMMISSIONERS~~

16	Class I	\$20,000
17	Class II	\$15,500
18	Class III	\$14,000
19	Class IV	\$10,000
20	Class V	\$ 7,000
21	Class VI	\$ 4,000

22 ~~(3) The compensation, set out in subdivision (2) of this~~
23 ~~subsection, shall be paid on and after January 1, 1985, to each~~
24 ~~county commissioner. Within each county, every county commissioner~~
25 ~~whose term of office commenced prior to January 1, 1985, shall~~

1 ~~receive the same annual compensation as commissioners commencing a~~
 2 ~~term of office on or after that date by virtue of the new duties~~
 3 ~~imposed upon county commissioners pursuant to the provisions of~~
 4 ~~chapter fifteen, acts of the Legislature, first extraordinary~~
 5 ~~session, 1983.~~

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

13 ~~(5) OTHER ELECTED OFFICIALS~~

	County	Circuit	Prosecuting
	Sheriff	Clerk	assessor Attorney
16 Class I	\$24,200	\$31,300	\$31,300 \$24,200 \$41,500
17 Class II	\$24,200	\$28,000	\$28,000 \$24,200 \$39,500
18 Class III	\$24,200	\$28,000	\$28,000 \$24,200 \$30,000
19 Class IV	\$22,300	\$24,000	\$24,000 \$22,300 \$26,500
20 Class V	\$20,400	\$22,000	\$22,000 \$20,400 \$23,500
21 Class VI	\$17,200	\$17,200	\$17,200 \$17,200 \$17,000

22 ~~(6) Any county clerk, circuit clerk, joint clerk of the county~~
 23 ~~commission and circuit court, if any, county assessor, sheriff and~~
 24 ~~prosecuting attorney of a Class I county, any assessor of a Class II~~
 25 ~~and Class III county, any sheriff of a Class II and Class III county~~

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

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

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

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

1 and by chapter sixty, Acts of the Legislature, 1983 regular session,
2 constitute new and additional duties for circuit clerks and as such
3 justify the additional compensation provided by this section without
4 violating the provisions of section thirty-eight, article VI of the
5 Constitution of West Virginia.

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

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

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

11

~~(3) COUNTY COMMISSIONERS~~

12

~~Class I ----- \$24,000~~

13

~~Class II ----- \$18,600~~

14

~~Class III ----- \$16,800~~

15

~~Class IV ----- \$12,000~~

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~~Class V ----- \$ 8,400~~

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~~(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 January 1, 1993, 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, 1990 and chapter five, Acts of~~
~~the Legislature, third extraordinary session, 1990.~~

~~(5) OTHER ELECTED OFFICIALS~~

	County	Circuit	Prosecuting
	Sheriff	Clerk	assessor
Class I	\$29,040	\$37,560	\$59,500
Class II	\$29,040	\$33,600	\$59,500
Class III	\$29,040	\$33,600	\$36,000
Class IV	\$26,760	\$28,800	\$31,800
Class V	\$24,480	\$26,400	\$28,200
Class VI	\$24,480	\$26,400	\$28,200

~~(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 classification imposes no restriction on his or her outside activities, shall not be restricted on his or her outside activities during the remainder of the term for which he or she is elected. If the approval, set out in subdivision (2) of this subsection, is granted, the compensation, set out in subdivision (5) of this subsection, shall be paid on and after January 1, 1993, 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~~

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

~~4 (8) Prior to the primary election in the year 1992, in the case
5 of a Class III, Class IV or Class V county which has a part-time
6 prosecuting attorney, the county commission may find that such facts
7 and circumstances exist that require the prosecuting attorney to
8 devote full-time to his or her public duties for the four-year term,
9 beginning January 1, 1993. If the county commission makes such a
10 finding, it may by proper order adopted and entered, require the
11 prosecuting attorney who takes office on January 1, 1993, to devote
12 full-time to his or her public duties and the county commission
13 shall then compensate said prosecuting attorney at the same rate of
14 compensation as that of a prosecuting attorney in a Class II county.~~

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

1 ~~(c)(1) Prior to the primary election in the year 1996, and for~~
2 ~~the fiscal year beginning on July 1, 1996, or for any subsequent~~
3 ~~fiscal year if the approval, set out in subdivision (2) of this~~
4 ~~subsection, is not granted for any fiscal year, and at least thirty~~
5 ~~days prior to the meeting to approve the county budget, the~~
6 ~~commission shall provide notice to the public of the date and time~~
7 ~~of the meeting and that the purpose of the meeting of the county~~
8 ~~commission is to decide upon their budget certification to the~~
9 ~~Auditor.~~

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

1 ~~county commission in determining whether county revenues are~~
 2 ~~sufficient to pay the compensation mandated herein for their county~~
 3 ~~officials: *Provided*, That as to any county having a tribunal in~~
 4 ~~lieu of a county commission, the county commissioners of the county~~
 5 ~~may be paid less than the minimum compensation limits of the county~~
 6 ~~commission for the particular class of the county: *Provided*,~~
 7 ~~however, That should there be an insufficient projected increase in~~
 8 ~~revenues to pay the increased compensation and related employment~~
 9 ~~taxes, then the compensation of that county's elected officials~~
 10 ~~shall remain at the level in effect at the time certification was~~
 11 ~~sought.~~

12 ~~(3) COUNTY COMMISSIONERS~~

13	Class I	—————	\$28,000
14	Class II	—————	\$27,500
15	Class III	—————	\$27,000
16	Class IV	—————	\$26,500
17	Class V	—————	\$26,000
18	Class VI	—————	\$21,500
19	Class VII	—————	\$21,000
20	Class VIII	—————	\$19,000
21	Class IX	—————	\$18,500
22	Class X	—————	\$15,000

23 ~~(4) The compensation, set out in subdivision (3) of this~~
 24 ~~subsection, shall be paid on and after January 1, 1997, to each~~
 25 ~~county commissioner. Every county commissioner in each county,~~

1 ~~whose term of office commenced prior to or on or after January 1,~~
 2 ~~1997, shall receive the same annual compensation by virtue of~~
 3 ~~legislative findings of extra duties as set forth in section one of~~
 4 ~~this article.~~

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

12 ~~(6) OTHER ELECTED OFFICIALS~~

	County	Circuit	Prosecuting
	Sheriff	Clerk	attorney
13			
14			
15	Class I	\$34,000	\$42,000
16	Class II	\$33,500	\$41,500
17	Class III	\$33,250	\$40,500
18	Class IV	\$33,000	\$40,250
19	Class V	\$32,750	\$40,000
20	Class VI	\$32,500	\$37,500
21	Class VII	\$32,250	\$37,000
22	Class VIII	\$32,000	\$36,500
23	Class IX	\$31,750	\$36,000
24	Class X	\$29,000	\$32,000

25 ~~(7) The compensation, set out in subdivision (6) of this~~

~~1 subsection, shall be paid on and after January 1, 1997, to each
2 elected county official. Any county clerk, circuit clerk, joint
3 clerk of the county commission and circuit court, if any, county
4 assessor or sheriff of a Class I through Class V county, inclusive,
5 any assessor or any sheriff of a Class VI through Class IX county,
6 inclusive, shall devote full-time to his or her public duties to the
7 exclusion of any other employment: Provided, That any public
8 official, whose term of office begins when his or her county's
9 classification imposes no restriction on his or her outside
10 activities, shall not be restricted on his or her outside activities
11 during the remainder of the term for which he or she is elected.~~

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

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

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

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

~~23 (2) Before the increased salaries, as set out in subdivisions
24 (5) and (7) of this subsection, are paid to the county commissioners
25 and the elected county officials, the following requirements must be~~

1 met:

2 ~~(A) The Auditor has certified that the proposed annual county~~
3 ~~budget for the fiscal year beginning the first days of July, 2002,~~
4 ~~has increased over the previous fiscal year in an amount sufficient~~
5 ~~for the payment of the increase in the salaries, set out in~~
6 ~~subdivisions (5) and (7) of this subsection, and the related~~
7 ~~employment taxes: Provided, That the Auditor may not approve the~~
8 ~~budget certification for any proposed annual county budget~~
9 ~~containing anticipated receipts which are unreasonably greater or~~
10 ~~lesser than that of the previous year. For purposes of this~~
11 ~~subdivision, the term "receipts" does not include unencumbered fund~~
12 ~~balance or federal or state grants; and~~

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

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

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

10 ~~(5) COUNTY COMMISSIONERS~~

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

21 ~~(6) For the purpose of determining the salaries to be paid to~~
 22 ~~the elected county officials of each county, the salaries for each~~
 23 ~~county office by class, set out in subdivision (7) of this~~
 24 ~~subsection, are established and shall be used by each county~~
 25 ~~commission in determining the salaries of each of their county~~

1 ~~officials other than salaries of members of the county commission.~~

2 ~~(7) OTHER ELECTED OFFICIALS~~

	County	Circuit	Prosecuting
	Sheriff	Clerk	attorney
3			
4			
5	Class I	\$37,400	\$46,200
6	Class II	\$36,850	\$45,650
7	Class III	\$36,575	\$44,550
8	Class IV	\$36,300	\$44,295
9	Class V	\$36,025	\$44,000
10	Class VI	\$35,750	\$41,250
11	Class VII	\$35,475	\$40,700
12	Class VIII	\$35,200	\$40,150
13	Class IX	\$34,925	\$39,600
14	Class X	\$31,900	\$35,200

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 any~~
 20 ~~other employment: Provided, That any public official, whose term of~~
 21 ~~office begins when his or her county's classification imposes no~~
 22 ~~restriction on his or her outside activities, may not be restricted~~
 23 ~~on his or her outside activities during the remainder of the term~~
 24 ~~for which he or she is elected.~~

25 ~~(9) In the case of a county that has a joint clerk of the~~

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

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

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

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

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

20 (A) The Auditor has certified that the proposed annual county
21 budget for the fiscal year beginning the first days of July, 2006,
22 has increased over the previous fiscal year in an amount sufficient
23 for the payment of the increase in the salaries, set out in
24 subdivisions (5) and (7) of this subsection, and the related
25 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 that
15 office in effect immediately prior to the effective date of the
16 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, then
21 the salaries of that county's elected officials and commissioners
22 shall remain at the level in effect at the time certification was
23 sought.

24 (4) In any county having a tribunal in lieu of a county
25 commission, the county commissioners of that county may be paid less

1 than the minimum salary limits of the county commission for that
 2 particular class of the county.

3 (5) COUNTY COMMISSIONERS

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

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

20 (7) OTHER ELECTED OFFICIALS

21		County	Circuit		Prosecuting
22		Sheriff	Clerk	assessor	Attorney
23	Class I	\$44,880	\$55,440	\$44,880	\$ 96,600
24	Class II	\$44,220	\$54,780	\$44,220	\$ 94,400
25	Class III	\$43,890	\$53,460	\$43,890	\$ 92,200

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

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

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

23 ~~(10)~~ (9) Any prosecuting attorney of a Class I through Class V
24 county, inclusive, shall devote full-time to his or her public
25 duties to the exclusion of any other employment: *Provided*, That any

1 county which under the prior provisions of this section was
2 classified as a Class II county and elected to maintain a part-time
3 prosecutor may continue to maintain a part-time prosecutor, until
4 such time as the county commission, on request of the part-time
5 prosecutor, approves and makes a finding, by proper order entered,
6 that the prosecuting attorney shall devote full-time to his or her
7 public duties. The county commission shall then compensate said
8 prosecutor at the same salary as that of a prosecuting attorney in
9 a Class V county: *Provided, however,* That any county which under
10 the prior provisions of this section was classified as a Class II
11 county and which did not elect to maintain a part-time prosecutor
12 shall maintain a full-time prosecuting attorney and shall compensate
13 said prosecuting attorney at the same salary as that of a
14 prosecuting attorney in a Class V county: *Provided further,* That
15 a prosecuting attorney for a Class VI county which subsequently
16 becomes a Class V county on or before July 1, 2010, may continue as
17 a part-time attorney, and continue to be compensated at the Class VI
18 county level, until such time as determined by the prosecuting
19 attorney and the county commission that a full-time prosecuting
20 attorney is needed. However, effective January 1, 2013, all county
21 prosecuting attorneys shall devote full-time to his or her public
22 duties: *Provided,* That any currently serving part-time prosecutor
23 may continue in the part-time capacity until he or she leaves
24 office.

25 **§7-7-6b. Additional compensation of assessors according to county**

1 **classification.**

2 For the purpose of determining the additional compensation to
 3 be paid to the county assessor of each county for the additional
 4 duties provided by section six-a of this article, the following
 5 compensations for each county assessor by class, as provided in
 6 section three of this article, are hereby established and shall be
 7 used by each county commission in determining the compensation of
 8 each county assessor; for assessors in Class I - V counties,
 9 inclusive, \$15,000; for assessors in Class VI and VII counties,
 10 \$10,000; for assessors in Class VIII and IX counties, \$9,000; for
 11 assessors in Class X counties, \$6,500.

12 ~~Notwithstanding this section or any other section of the code~~
 13 ~~to the contrary, in no event shall the additional compensation paid~~
 14 ~~to the county assessors for performance of additional duties as~~
 15 ~~provided in section six-a of this article be less than the~~
 16 ~~additional compensation such county assessors received on January 1,~~
 17 ~~1976.~~

18 **§7-7-6d. Collection of head tax on dogs; duties of assessor and**
 19 **sheriff; registration of dogs; disposition of head tax;**
 20 **taxes on dogs not collected by assessor.**

21 It shall be the duty of the county assessor and ~~his~~ the
 22 assessor's deputies of each county within the state, at the time
 23 they are making assessment of the personal property within such
 24 county, to assess and collect a head tax of \$1 on each male or
 25 spayed female dog and of \$2 on each unspayed female dog; and in

1 addition to the above, the assessor and ~~his~~ the assessor's deputies
2 shall have the further duty of collecting any such head tax on dogs
3 as may be levied by the ordinances of each and every municipality
4 within the county. In the event that the owner, keeper, or person
5 having in his or her possession or allowing to remain on any
6 premises under his or her control any dog above the age of six
7 months, shall refuse or fail to pay such tax, when the same is
8 assessed or within fifteen days thereafter, to the assessor or
9 deputy assessor, then such assessor or deputy assessor shall certify
10 such tax to the county dog warden; if there be no county dog warden
11 he or she shall certify such tax to the county sheriff, who shall
12 take charge of the dog for which the tax is delinquent and impound
13 the same for a period of fifteen days, for which service he or she
14 shall be allowed a fee of \$1.50 to be charged against such
15 delinquent taxpayer in addition to the taxes herein provided for.
16 In case the tax and impounding charge herein provided for shall not
17 have been paid within the period of fifteen days, then the sheriff
18 may sell the impounded dog and deduct the impounding charge and the
19 delinquent tax from the amount received therefor, and return the
20 balance, if any, to the delinquent taxpayer. Should the sheriff
21 fail to sell the dog so impounded within the time specified herein,
22 he ~~shall kill such dog and dispose of its body~~ or she shall turn the
23 animal over to the local humane society or similar organization.

24 At the same time as the head tax is assessed, the assessor and
25 ~~his~~ the assessor's deputies shall, on the forms prescribed under

1 section four, article twenty, chapter nineteen of this code, take
2 down the age, sex, color, character of hair (long or short) and
3 breed (if known) and the name and address of the owner, keeper or
4 harborer thereof. When the head tax, and extra charges, if any, are
5 paid, the officer to whom payment is made shall issue a certificate
6 of registration and a registration tag for such dog.

7 In addition to the assessment and registration above provided
8 for, whenever a dog either is acquired or becomes six months of age
9 after the assessment of the personal property of the owner, keeper
10 or harborer thereof, the said owner, keeper or harborer of said dog
11 shall, within ten days after the acquisition or maturation, register
12 the said dog with the assessor, and pay the head tax thereon unless
13 the prior owner, keeper or harborer paid the head tax.

14 All certificates of registration and registration tags issued
15 pursuant to the provisions of this section shall be issued for the
16 fiscal year and shall be valid from the date on which issued until
17 June 30 of that fiscal year, or until reissued by the assessor or
18 ~~his~~ the assessor's deputy in the regular performance of his or her
19 duties, but in no case shall previous registration tags be valid
20 after September 30 of the next ensuing fiscal year.

21 The assessor collecting the head tax on dogs shall be allowed
22 a commission of ten percent upon all such taxes collected by ~~him~~ the
23 assessor and shall turn in to the county treasurer ninety percent of
24 such taxes so collected, as are levied by this section; and the
25 assessor shall turn over to the treasurer or other proper officer of

1 each and every municipality within the county ninety percent of such
2 taxes levied by the ordinances of such municipality. All such dog
3 taxes, except those belonging to municipalities, shall be accredited
4 to the dog and kennel fund provided for in section ten, article
5 twenty, chapter nineteen of this code. Such dog taxes as are
6 collected for and turned over to municipalities shall be deposited
7 by the proper officer of such municipality to such fund and shall be
8 expended in such manner as the law of such municipality may provide.
9 All taxes on dogs not collected by the assessor shall be collected
10 by the regular tax collecting officer of the county and placed to
11 the credit of the dog and kennel fund.

12 **§7-7-7. County assistants, deputies and employees; their number and**
13 **compensation; county budget.**

14 The county clerk, circuit clerk, ~~joint clerk of the county~~
15 ~~commission and circuit court, if any,~~ sheriff, county assessor and
16 prosecuting attorney, by and with the advice and consent of the
17 county commission, may appoint and employ, to assist them in the
18 discharge of their official duties for and during their respective
19 terms of office, assistants, deputies and employees. The county
20 clerk may designate one or more of his or her assistants as
21 responsible for all probate matters.

22 The county clerk, circuit clerk, ~~joint clerk of the county~~
23 ~~commission and circuit court, if any,~~ sheriff, county assessor and
24 prosecuting attorney shall, prior to March 2 of each year, file with
25 the county commission a detailed request for appropriations for

1 anticipated or expected expenditures for their respective offices,
2 including the compensation for their assistants, deputies and
3 employees, for the ensuing fiscal year.

4 The county commission shall, prior to ~~the twenty-ninth day~~ of
5 March 29 of each year by order fix the total amount of money to be
6 expended by the county for the ensuing fiscal year, which amount
7 shall include the compensation of county assistants, deputies and
8 employees. Each county commission shall enter its order upon its
9 county commission record.

10 The county clerk, circuit clerk, ~~joint clerk of the county~~
11 ~~commission and circuit court, if any,~~ sheriff, county assessor and
12 prosecuting attorney shall then fix the compensation of their
13 assistants, deputies and employees based on the total amount of
14 money designated for expenditure by their respective offices by the
15 county commission and the amount expended shall not exceed the total
16 expenditure designated by the county commission for each office.

17 The county officials, in fixing the individual compensation of
18 their assistants, deputies and employees and the county commission
19 in fixing the total amount of money to be expended by the county,
20 shall give due consideration to the duties, responsibilities and
21 work required of the assistants, deputies and employees and their
22 compensation shall be reasonable and proper.

23 After the county commission has fixed the total amount of money
24 to be expended by the county for the ensuing fiscal year and after
25 each county official has fixed the compensation of each of his or

1 her assistants, deputies and employees, as provided in this section,
2 each county official shall file prior to June 30, with the clerk of
3 the county commission, a budget statement for the ensuing fiscal
4 year setting forth the name, or the position designation if then
5 vacant, of each of his or her assistants, deputies and employees,
6 the period of time for which each is employed, or to be employed if
7 the position is then vacant, and his or her monthly or semimonthly
8 compensation.

9 All budget statements required to be filed by this section
10 shall be verified by an affidavit by the county official making
11 them. Among other things contained in the affidavit shall be the
12 statement that the amounts shown in the budget statement are the
13 amounts actually paid or intended to be paid to the assistants,
14 deputies and employees without rebate, and without any agreement,
15 understanding or expectation that any part thereof shall be repaid
16 to him or her, and that, prior to the time the affidavit is made,
17 nothing has been paid or promised him or her on that account, and
18 that if he or she shall thereafter receive any money, or thing of
19 value, on account thereof, he or she will account for and pay the
20 same to the county. Until the statements required by this section
21 have been filed, no allowance or payments shall be made to any
22 county official or their assistants, deputies and employees.

23 Each county official named in this section shall have the
24 authority to discharge any of his or her assistants, deputies or
25 employees by filing with the clerk of the county commission a

1 discharge statement specifying the discharge action: *Provided*, That
2 no deputy sheriff appointed pursuant to the provisions of article
3 fourteen, chapter seven of this code, shall be discharged contrary
4 to the provisions of that article.

5 **§7-7-7a. Limit of budget expenditures.**

6 (a) No county clerk, circuit clerk, ~~joint clerk of the county~~
7 ~~commission and circuit court, if any,~~ sheriff, county assessor or
8 prosecuting attorney may, without the approval of the county
9 commission, spend or obligate, before the end of the calendar year,
10 more than fifty percent of the funds allocated for his or her office
11 in the fiscal year budget, in any fiscal year where the person
12 holding the office is leaving office due to either resignation or
13 the results of an election.

14 (b) As used in subsection (a) of this section, "spend or
15 obligate" includes, but is not limited to, increasing employee
16 salaries to a level that would create a deficit in the budget if
17 paid during the remainder of the fiscal year in addition to other
18 anticipated expenditures.

19 **§7-7-9. Procedure for payment of compensation.**

20 The compensation of the county clerk, circuit clerk, ~~joint~~
21 ~~clerk of the county and circuit court, if any,~~ sheriff, county
22 assessor, prosecuting attorney, and their assistants, deputies and
23 employees shall be paid monthly or semimonthly by the county court,
24 which compensation shall be paid out of the county treasury in the
25 manner prescribed by law.

1 The county ~~court~~ commission, after the filing of the budget
2 statement specified in section seven of this article, may, by order
3 of record, authorize and order a draft on the county treasurer,
4 payable out of the general county fund, to be drawn in favor of the
5 county official, assistant, deputy or employee named in this
6 statement, in payment of the compensation to which the person is
7 entitled.

8 The draft shall not be issued to the county official,
9 assistant, deputy or employee until the proper county official has
10 filed a detailed monthly or semimonthly statement with the county
11 treasurer and has filed with the county clerk a duplicate copy of
12 the monthly or semimonthly statement, together with a receipt from
13 the county treasurer, showing that the person to be paid has paid
14 into the county treasury all moneys belonging to the county that
15 have been collected by him or her during that pay period as shown by
16 the monthly or semimonthly statement.

17 When the order for the draft has been entered of record, the
18 president and clerk of the county court shall be authorized to issue
19 and approve by their signature the draft.

20 **§7-7-11. Illegal orders for compensation.**

21 If any clerk shall issue and deliver a draft to any county
22 clerk, circuit clerk, ~~joint clerk of the county and circuit court,~~
23 ~~if any,~~ sheriff, county assessor, prosecuting attorney, or any of
24 their assistants, deputies or employees, in payment of their
25 compensation, without all the applicable requirements of this

1 article being complied with, the draft so issued and delivered shall
2 be illegal and invalid. The clerk and the sureties on his or her
3 bond shall be liable to the county ~~court~~ commission of his or her
4 county for the payment thereof.

5 **§7-7-12. Sharing compensation prohibited.**

6 No county official shall receive or be paid, directly or
7 indirectly, any part of the compensation of any assistant, deputy or
8 employee, or any fee or reward for appointing him or her to his or
9 her position. No member of a county ~~court~~ commission shall receive
10 or be paid, directly or indirectly, any part of the compensation of
11 any other county officer named in this article, or of any county
12 assistant, deputy or employee. If any county commissioner or county
13 official violates the provisions of this section, he or she shall be
14 guilty of a misdemeanor, and, upon conviction thereof, shall be
15 fined not more than \$500, or imprisoned in the county jail not more
16 than one year, or both fined and imprisoned. Any county
17 commissioner or county official so convicted shall forfeit his or
18 her office.

19 **§7-7-13. Allowance for expenses of sheriff.**

20 ~~The county commission of every county having a population of~~
21 ~~thirty thousand or less as determined by the latest official census~~
22 ~~available and which, as provided in section two a, article eight of~~
23 ~~this chapter, has directed the sheriff as jailer to feed prisoners~~
24 ~~shall, in addition to his or her compensation, allow to the sheriff~~
25 ~~for keeping and feeding each prisoner, other than federal prisoners~~
26 ~~or prisoners held under civil process as provided by law, not more~~

1 ~~than \$5 per day for each prisoner.~~

2 ~~— The limitation per day shall not include cost of personal~~
3 ~~service, bed or bedding, soaps and disinfectants and items of like~~
4 ~~kind, the cost of which shall be paid out of the allowance fixed by~~
5 ~~the county commission under the provisions of present law.~~

6 ~~— All supplies of whatever kind for keeping and feeding prisoners~~
7 ~~shall be purchased upon the requisition of the sheriff under rules~~
8 ~~prescribed by the county commission. At the end of each month the~~
9 ~~sheriff shall file with the county commission a detailed statement~~
10 ~~showing the name of each prisoner, date of commitment, date of~~
11 ~~discharge, the number of days in jail and an itemized statement~~
12 ~~showing each purchase and the cost for keeping and feeding~~
13 ~~prisoners.~~

14 The county commission of every county shall allow the actual
15 and necessary expenses incurred by the sheriff in the discharge of
16 his or her duties including, but not limited to, those incurred in
17 arresting, pursuing or transporting persons accused or convicted of
18 crimes and offenses; in the cost of law-enforcement and safety
19 equipment; in conveying or transporting a prisoner from and to jail
20 to participate in court proceedings; and in conveying or
21 transferring any person to or from any state institution where he or
22 she may be committed from his or her county, where the sheriff is
23 authorized to convey or transfer the person: *Provided*, That the
24 law-enforcement agency that places a person under arrest shall be
25 responsible for the person's initial transportation to a regional or
26 county jail, except where there is a preexisting agreement between

1 the county and the political body the other law-enforcement agency
2 serves. Any person transported to the regional jail as provided for
3 by the provisions of this section shall, upon conviction for the
4 offense causing his or her incarceration, pay the reasonable costs
5 of the transportation. The money is to be collected by the court of
6 conviction at the current mileage reimbursement rate. The county
7 commission shall allow the actual and necessary expenses incurred in
8 serving summonses, notices or other official papers in connection
9 with the sheriff's office.

10 Every sheriff shall file monthly, under oath, an accurate
11 account of all the actual and necessary expenses incurred by him or
12 her, his or her deputies, assistants and employees in the
13 performance and discharge of their official duties supported by
14 verified accounts before reimbursement thereof shall be allowed by
15 the county commission. Reimbursement, properly allowed, shall be
16 made from the general county fund.

17 **§7-7-14. Training of sheriffs and deputies; payment of expenses**
18 **thereof by county commission.**

19 The county ~~court~~ commission of each county is authorized, at
20 its discretion, to expend from the general county fund, upon request
21 and requisition by the sheriff of the county, the necessary and
22 proper travel expenses, ~~per diem allowance of not less than \$3.50~~
23 ~~per day~~ and tuition expenses for the training of the sheriff and his
24 or her deputies of the county in the performance of their duties, as
25 sheriff and deputy. ~~at any training school or academy available~~
26 ~~therefor located in this state.~~

1 **§7-7-15. Allowance for expenses of prosecuting attorney.**

2 In addition to his or her compensation, the prosecuting
3 attorney and his or her assistants shall be reimbursed for actual
4 traveling expenses within the state in the performance of their
5 official duties, and when out of the state for the purpose of taking
6 depositions in cases in which other counsel is not employed by the
7 court under section one, article three, chapter sixty-two of this
8 code, which expenses shall be duly itemized and verified, and shall,
9 if found correct, be allowed by the county ~~court~~ commission and be
10 paid monthly out of the general county fund.

11 **§7-7-16. Mileage allowance for county officials and employees.**

12 The county commission of each county shall allow to each county
13 official and to their deputies, assistants and employees, when they
14 are required to drive their personally owned vehicles in the actual
15 performance and discharge of their official duties, reimbursement at
16 a uniform rate for all individuals, ~~not to exceed the rate set by~~
17 ~~the commissioner of finance and administration for state employees~~
18 as approved by the county commission.

19 Every county official shall file monthly, under oath, a full
20 and accurate account of all the actual mileage driven by him or her,
21 his or her deputies, assistants and employees, in the performance
22 and discharge of their official duties supported by verified
23 accounts before reimbursement thereof shall be allowed by the county
24 commission. Reimbursement, properly allowed, shall be made from the
25 general county fund.

26 **§7-7-16a. Motor vehicles owned by the county.**

1 The sheriff of each county and his or her deputies who are
2 engaged in law-enforcement activities may, in the discretion of the
3 sheriff, use ~~publicly provided carriage~~ a motor vehicle owned by the
4 county to travel from his or her residence to his or her workplace
5 and return. Any other county official or employee may, or may not,
6 in the discretion of the county commission, be furnished with the
7 use of ~~publicly provided carriage~~ a motor vehicle owned by the
8 county to travel from his or her residence to his or her workplace
9 and return: *Provided*, That such usage is subject to the supervision
10 of said sheriff or commission and is directly connected with and
11 required by the nature and in the performance of such sheriff's,
12 deputy's, county official or employee's duties and responsibilities.

13 **§7-7-20. Penalties.**

14 If any county clerk, circuit clerk, ~~joint clerk of any county~~
15 ~~and circuit court~~, sheriff, county assessor or prosecuting attorney
16 fail to file the detailed request for appropriations or the budget
17 statement as provided in section seven of this article or fail to
18 file the monthly or semimonthly statement as provided in section
19 nine of this article or fail to file the statement of expenditures
20 as provided for in section seventeen of this article, or if any
21 county clerk, circuit clerk, ~~joint clerk of any county and circuit~~
22 ~~court~~, sheriff, county assessor, prosecuting attorney, their
23 assistants, deputies or employees, fail to comply with any of the
24 requirements provided in this article, he or she shall, except where
25 another penalty is prescribed, be guilty of a misdemeanor, and, upon
26 conviction thereof, shall be fined not less than \$50 nor more than

1 \$100, or ~~imprisoned~~ confined in the ~~county~~ jail not less than thirty
2 days nor more than six months, or both fined and ~~imprisoned~~
3 confined.

NOTE: The purpose of this bill generally eliminates outmoded language concerning compensation of county elected officials. The bill repeals the requirement that the compensation of county court employees be in compliance with the Economic Stabilization Act of 1970. As of January 1, 2013 all prosecuting attorneys are required to be full-time while providing an exception for those currently part-time. The bill transfers some training program responsibilities and valuation classification of property from the State Tax Commissioner to the State Auditor. The bill also authorizes the State Auditor and State Tax Commissioner to establish training programs for certain employees. The bill removes the limitations on food, lodging, registration fees and mileage on authorized training. The bill eliminates the outdated property valuations used to determine the compensation of elected county officials. The bill further permits a county sheriff to turn over an impounded dog to the local humane society instead of killing it. Additionally, the bill eliminates references to a county position that no longer exists. The bill removes the limitation of the costs for the housing and feeding of prisoners in counties having a population of thirty thousand or less.

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