

SB 382

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 382

(By Senator KIMBLIN, MR. PRESIDENT, ET AL)

PASSED MARCH 9, 1996

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 382

(SENATORS TOMBLIN, WOOTON, JACKSON, WAGNER,
MANCHIN, ANDERSON, BAILEY, SCHOONOVER,
PLYMALE, DITTMAR AND YODER, *original sponsors*)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to repeal sections five and six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, three, four and six-b of said article; and to amend and reenact section seventeen, article one, chapter eleven-a all relating to the classification of counties and the compensation of elected county officials and county commissioners as related to the classification system.

Be it enacted by the Legislature of West Virginia:

That sections five and six, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections one, three, four and

six-b of said article, be amended and reenacted; and that section seventeen, article one, chapter eleven-a, be amended and reenacted, all to read as follows:

CHAPTER 7. COUNTY COMMISSION AND OFFICERS.

**ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.;
COMPENSATION OF ELECTED COUNTY OFFICIALS;
COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES,
THEIR NUMBER AND COMPENSATION.**

§7-7-1. Legislative findings and purpose.

1 The Legislature finds and declares that the county
2 officials' association, the county commissioners' associa-
3 tion, the prosecuting attorneys' association, the county
4 clerks' association, the assessors' association, the sheriffs
5 association and the circuit clerks association approached
6 the Legislature requesting that the state's fifty-five
7 counties be reclassified and requested that all county
8 officials be given increases in compensation. Inasmuch
9 as these various county associations have better insight
10 into the needs at the county level, the Legislature finds
11 that there is a need to reclassify the fifty-five counties
12 into groups which more accurately reflect the assessed
13 valuations of property of all classes in the counties and
14 to provide increases in compensation to the various
15 county officials to reflect the class of county by which
16 they are employed.

17 The Legislature hereby further finds that it has consis-
18 tently and annually imposed upon the county commis-
19 sioners, sheriffs, county and circuit clerks, assessors and
20 prosecuting attorneys in each county broad, new and
21 additional duties by the enactment of new provisions and
22 amendments to this code. The new and additional duties
23 imposed upon the aforesaid county officials by these
24 enactments are such that they would justify the increases
25 in compensation as provided in section four of this
26 article, without violating the provisions of section 38,
27 article VI of the Constitution of West Virginia.

28 The Legislature hereby further finds that there are,
29 from time to time, additional duties imposed upon all

30 county officials through the acts of the Congress of the
31 United States, and that such acts constitute new and
32 additional duties for county officials and, as such, justify
33 the increases in compensation as provided by section
34 four of this article, without violating the provisions of
35 section 38, article VI of the Constitution of West Vir-
36 ginia.

37 The Legislature hereby further finds that there is a
38 direct correlation between the total assessed property
39 valuations of a county on which the salary levels of the
40 county commissioners, sheriffs, county and circuit
41 clerks, assessors and prosecuting attorneys are based,
42 and the new and additional duties that each of these
43 officials is required to perform as they serve the best
44 interests of their respective counties. Inasmuch as the
45 reappraisal of the property valuations in each county has
46 now been accomplished, the Legislature finds that a
47 change in classification of counties by virtue of increased
48 property valuations will occur on an infrequent basis.
49 However, it is the further finding of the Legislature that
50 when such change in classification of counties does
51 occur, that new and additional programs, economic
52 developments, requirements of public safety and the
53 need for new services provided by county officials all
54 increase, that the same constitute new and additional
55 duties for county officials as their respective counties
56 reach greater heights of economic development, as
57 exemplified by the substantial increases in property
58 valuations and, as such, justify the increases in compen-
59 sation provided in section four of this article, without
60 violating the provisions of section 38, article VI of the
61 Constitution of West Virginia.

62 The Legislature hereby further finds and declares that
63 the amendments made by this act to this article are
64 intended to modify the provisions of this article so as to
65 cause the same to be in full compliance with the provi-
66 sions of the Constitution of West Virginia, and to be in
67 full compliance with the decisions of the supreme court
68 of appeals of West Virginia.

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

1 (a) For the purpose of determining the compensation of
 2 elected county officials, the counties of the state of West
 3 Virginia are hereby grouped into seven classes based on
 4 their assessed valuation of property, all classes. These
 5 seven classes and the minimum and maximum valuation
 6 of property, all classes, established to determine the
 7 classification of each county are as follows:

8		Minimum Assessed	Maximum Assessed
9		Valuation of Property	Valuation of Property
10	Class	All Classes	All Classes
11	Class I	\$ 600,000,000	No Limit
12	Class II	\$ 450,000,000	\$ 599,999,999
13	Class III	\$ 200,000,000	\$ 449,999,999
14	Class IV	\$ 100,000,000	\$ 199,999,999
15	Class V	\$ 50,000,000	\$ 99,999,999
16	Class VI	\$ 15,000,000	\$ 49,999,999
17	Class VII	\$ 0	\$ 14,999,999

18 The assessed valuation of property, all classes, that
 19 shall be used as the base to determine the class of a
 20 county shall be the assessed valuation of property, all
 21 classes, of the county as certified by the county assessor,
 22 state auditor and county clerk prior to the twenty-ninth
 23 day of March, one thousand nine hundred seventy-two.

24 Prior to the twenty-ninth day of March, one thousand
 25 nine hundred seventy-four, and each second year there-
 26 after, the county court [county commission] of each
 27 county, shall determine if the assessed valuation of
 28 property, all classes, of the county, as certified by the
 29 county assessor, state auditor and county clerk, is within
 30 the minimum and maximum limits of a class above or
 31 below the class in which the county then is. If the
 32 county court so determines, it shall record the new

33 classification of the county with the state auditor and
 34 state tax commissioner and record its action on its
 35 county court [county commission] record.

36 The classification of each county shall be subject to
 37 review by the state tax commissioner. He shall determine
 38 if the classification of each county is correct based on the
 39 final assessed valuation of property, all classes, certified
 40 to him by the county assessor, state auditor and county
 41 clerk. If he finds that a county is incorrectly classified
 42 he shall notify the county court [county commission] of
 43 that county promptly of his finding and in any case shall
 44 notify the county court prior to the thirtieth day of June
 45 of that current fiscal year. Any county court [county
 46 commission] so notified shall correct its classification
 47 immediately and make any necessary corrections in the
 48 salaries of its elected county officials for the next fiscal
 49 year. Nothing in this section shall be construed as
 50 authorizing an increase in compensation except at such
 51 time as the affected county officer begins a new term of
 52 office.

53 (b) Effective the first day of July, one thousand nine
 54 hundred ninety-six, and thereafter, for the purpose of
 55 determining the compensation of elected county officials,
 56 the counties of the state of West Virginia will be grouped
 57 into ten classes based on their assessed valuation of
 58 property, all classes. These ten classes and the minimum
 59 and maximum valuation of property, all classes, estab-
 60 lished to determine the classification of each county are
 61 as follows:

62 63 64	Minimum Assessed Valuation of Property All Classes	Maximum Assessed Valuation of Property All Classes
65	Class I \$ 2,000,000,000	No Limit
66	Class II \$ 1,500,000,000	\$ 1,999,999,999
67	Class III \$ 1,000,000,000	\$ 1,499,999,999
68	Class IV \$ 700,000,000	\$ 999,999,999

69	Class V	\$ 600,000,000	\$ 699,999,999
70	Class VI	\$ 500,000,000	\$ 599,999,999
71	Class VII	\$ 400,000,000	\$ 499,999,999
72	Class VIII	\$ 300,000,000	\$ 399,999,999
73	Class IX	\$ 200,000,000	\$ 299,999,999
74	Class X	\$ -0-	\$ 199,999,999

75 The assessed valuation of property, all classes, that
76 shall be used as the base to determine the class of a
77 county shall be the assessed valuation of property, all
78 classes, of the county as certified by the county assessor,
79 state auditor and county clerk prior to the twenty-ninth
80 day of March, one thousand nine hundred ninety-six.

81 Prior to the twenty-ninth day of March, one thousand
82 nine hundred ninety-eight, and each second year there-
83 after, the county commission of each county, shall
84 determine if the assessed valuation of property, all
85 classes, of the county, as certified by the county assessor,
86 state auditor and county clerk is within the minimum
87 and maximum limits of a class above or below the class
88 in which the county then is. If the county commission so
89 determines, it shall record the new classification of the
90 county with the state auditor and state tax commissioner
91 and record its action on its county commission record.

92 The classification of each county shall be subject to
93 review by the state tax commissioner. He shall determine
94 if the classification of each county is correct based on the
95 final assessed valuation of property, all classes, certified
96 to him by the county assessor, state auditor and county
97 clerk. If he finds that a county is incorrectly classified
98 he shall notify the county commission of that county
99 property of his finding and in any case shall notify the
100 county prior to the thirtieth day of June of that current
101 fiscal year. Any county commission so notified shall
102 correct its classification immediately and make any
103 necessary corrections in the salaries of its elected county

104 officials for the next fiscal year.

105 Notwithstanding the provisions of this article, when-
 106 ever any other provision of this code refers to classifica-
 107 tions of counties for purposes of imposing any right, duty
 108 or responsibility, the classification system set forth in
 109 subsection (a) of this section shall be utilized for deter-
 110 mining the classification of a particular county.

**§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 compen-
 2 sation out of the county treasury in amounts and accord-
 3 ing to the schedule hereafter set forth for each class of
 4 county as determined by the provisions of section three
 5 of this article: *Provided*, That as to any county having a
 6 tribunal in lieu of a county commission, the county
 7 commissioners of the county may be paid less than the
 8 minimum compensation limits of the county commission
 9 for the particular class of such county.

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

16 The compensation hereinabove provided shall be paid
 17 on and after the first day of January, one thousand nine
 18 hundred eighty-five, to each county commissioner.
 19 Within each county, every county commissioner whose
 20 term of office commenced prior to the first day of
 21 January, one thousand nine hundred eighty-five, shall
 22 receive the same annual compensation as commissioners
 23 commencing a term of office on or after that date by
 24 virtue of the new duties imposed upon county commis-
 25 sioners pursuant to the provisions of chapter fifteen, acts

26 of the Legislature, first extraordinary session, one
27 thousand nine hundred eighty-three.

28 (2) For the purpose of determining the compensation to
29 be paid to the elected county officials of each county, the
30 following compensations for each county office by class
31 are hereby established and shall be used by each county
32 commission in determining the compensation of each of
33 their county officials other than compensation of mem-
34 bers of the county commission:

	County	Circuit			Prosecuting
	Sheriff	Clerk	Clerk	Assessor	Attorney
37 Class I	\$24,200	\$31,300	\$31,300	\$24,200	\$41,500
38 Class II	\$24,200	\$28,000	\$28,000	\$24,200	\$39,500
39 Class III	\$24,200	\$28,000	\$28,000	\$24,200	\$30,000
40 Class IV	\$22,300	\$24,000	\$24,000	\$22,300	\$26,500
41 Class V	\$20,400	\$22,000	\$22,000	\$20,400	\$23,500
42 Class VI	\$17,200	\$17,200	\$17,200	\$17,200	\$17,000

43 Any county clerk, circuit clerk, joint clerk of the
44 county commission and circuit court, if any, county
45 assessor, sheriff and prosecuting attorney of a Class I
46 county, any assessor of a Class II and Class III county,
47 any sheriff of a Class II and Class III county and any
48 prosecuting attorney of a Class II county shall devote full
49 time to his or her public duties to the exclusion of any
50 other employment: *Provided*, That any public official,
51 whose term of office begins when his or her county's
52 classification imposes no restriction on his or her outside
53 activities, shall not be restricted on his or her outside
54 activities during the remainder of the term for which he
55 or she is elected. The compensation hereinabove pro-
56 vided shall be paid on and after the first day of January,
57 one thousand nine hundred eighty-five, to each elected
58 county official.

59 In the case of a county that has a joint clerk of the
60 county commission and circuit court, the compensation

61 of the joint clerk shall be fixed in an amount twenty-five
62 percent higher than the compensation would be fixed for
63 the county clerk if it had separate offices of county clerk
64 and circuit clerk.

65 The Legislature finds, as a fact, that the duties imposed
66 upon county clerks by the provisions of chapter sixty-
67 four, acts of the Legislature, regular session, one thou-
68 sand nine hundred eighty-two, and by chapter fifteen,
69 acts of the Legislature, first extraordinary session, one
70 thousand nine hundred eighty-three, constitute new and
71 additional duties for county clerks and as such justify
72 the additional compensation provided in this section
73 without violating the provisions of section thirty-eight,
74 article VI of the Constitution of West Virginia.

75 The Legislature further finds as a fact that the duties
76 imposed upon circuit clerks by the provisions of chapters
77 sixty-one and one hundred eighty-two, acts of the
78 Legislature, regular session, one thousand nine hundred
79 eighty-one, and by chapter sixty, acts of the Legislature,
80 regular session, one thousand nine hundred eighty-three,
81 constitute new and additional duties for circuit clerks
82 and as such justify the additional compensation provided
83 by this section without violating the provisions of section
84 thirty-eight, article VI of the Constitution of West
85 Virginia.

86 (b) Prior to the primary election in the year one thou-
87 sand nine hundred ninety-two, and for the fiscal year
88 beginning on the first day of July, one thousand nine
89 hundred ninety-two, or for any subsequent fiscal year if
90 the approval set out herein is not granted for any fiscal
91 year, and at least thirty days prior to the meeting to
92 approve the county budget, the commission shall provide
93 notice to the public of the date and time of the meeting
94 and that the purpose of the meeting of the county
95 commission is to decide upon their budget certification
96 to the tax department. Upon submission by the county
97 commission to the chief inspector division of the depart-
98 ment of tax and revenue of a proposed annual budget

99 which contains anticipated receipts into the county's
 100 general revenue fund, less anticipated moneys from the
 101 unencumbered fund balance, equal to anticipated
 102 receipts into the county's general revenue fund, less
 103 anticipated moneys from the unencumbered fund
 104 balance and any federal or state special grants, for the
 105 immediately preceding fiscal year, plus such additional
 106 amount as is necessary for payment of the increases in
 107 the salaries set out herein and related employment taxes
 108 over that paid for the immediately preceding fiscal year,
 109 and upon approval thereof by the chief inspector, which
 110 approval shall not be granted for any proposed annual
 111 budget containing anticipated receipts which are unrea-
 112 sonably greater or lesser than that of the immediately
 113 preceding fiscal year, for the purpose of determining the
 114 compensation to be paid to the elected county officials of
 115 each county office by class are hereby established and
 116 shall be used by each county commission in determining
 117 the compensation of each of their county officials:
 118 *Provided*, That as to any county having a tribunal in lieu
 119 of a county commission, the county commissioners of the
 120 county may be paid less than the minimum compensation
 121 limits of the county commission for the particular class
 122 of the county.

123 COUNTY COMMISSIONERS

124	Class I	\$ 24,000
125	Class II	\$ 18,600
126	Class III	\$ 16,800
127	Class IV	\$ 12,000
128	Class V	\$ 8,400

129 If the approval set out hereinabove is granted, the
 130 compensation hereinabove provided shall be paid on and
 131 after the first day of January, one thousand nine hundred
 132 ninety-three, to each county commissioner. Within each
 133 county, every county commissioner shall receive the
 134 same annual compensation by virtue of the new duties

135 imposed upon county commissioners pursuant to the
 136 provisions of chapter one hundred seventy-two, acts of
 137 the Legislature, second regular session, one thousand
 138 nine hundred ninety, and chapter five, acts of the
 139 Legislature, third extraordinary session, one thousand
 140 nine hundred ninety.

141 OTHER ELECTED OFFICIALS

142		County	Circuit			Prosecuting
143		Sheriff	Clerk	Clerk	Assessor	Attorney
144	Class I	\$29,040	\$37,560	\$37,560	\$29,040	\$59,500
145	Class II	\$29,040	\$33,600	\$33,600	\$29,040	\$59,500
146	Class III	\$29,040	\$33,600	\$33,600	\$29,040	\$36,000
147	Class IV	\$26,760	\$28,800	\$28,800	\$26,760	\$31,800
148	Class V	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200
149	Class VI	\$24,480	\$26,400	\$26,400	\$24,480	\$28,200

150 Any county clerk, circuit clerk, joint clerk of the
 151 county commission and circuit court, if any, county
 152 assessor, sheriff and prosecuting attorney of a Class I
 153 county, any assessor of a Class II and Class III county,
 154 any sheriff of a Class II and Class III county and any
 155 prosecuting attorney of a Class II county shall devote full
 156 time to his or her public duties to the exclusion of any
 157 other employment: *Provided*, That any public official,
 158 whose term of office begins when his or her county's
 159 classification imposes no restriction on his or her outside
 160 activities, shall not be restricted on his or her outside
 161 activities during the remainder of the term for which he
 162 or she is elected. If the approval set out hereinabove is
 163 granted, the compensation hereinabove provided shall be
 164 paid on and after the first day of January, one thousand
 165 nine hundred ninety-three, to each elected county
 166 official.

167 In the case of a county that has a joint clerk of the
 168 county commission and circuit court, the compensation
 169 of the joint clerk shall be fixed in an amount twenty-five

170 percent higher than the compensation would be fixed for
171 the county clerk if it had separate offices of county clerk
172 and circuit clerk.

173 Prior to the primary election in the year one thousand nine
174 hundred ninety-two, in the case of a Class III, Class IV or
175 Class V county which has a part-time prosecuting attorney,
176 the county commission may find that such facts and circum-
177 stances exist that require the prosecuting attorney to devote
178 full time to his or her public duties for the four-year term,
179 beginning the first day of January, one thousand nine
180 hundred ninety-three. If the county commission makes such
181 a finding, it may by proper order adopted and entered,
182 require the prosecuting attorney who takes office on the first
183 day of January, one thousand nine hundred ninety-three, to
184 devote full time to his or her public duties and the county
185 commission shall then compensate said prosecuting attorney
186 at the same rate of compensation as that of a prosecuting
187 attorney in a Class II county.

188 For any county: (1) Which on and after the first day of
189 July, one thousand nine hundred ninety-four, is classi-
190 fied as a Class II county; and (2) which prior to such date
191 was classified as a Class III, Class IV or Class V county
192 and maintained a part-time prosecuting attorney, the
193 county commission may elect to maintain the prosecut-
194 ing attorney as a part-time prosecuting attorney:
195 *Provided*, That prior to the first day of January, one
196 thousand nine hundred ninety-six, the county commis-
197 sion shall make a finding, by proper order and entered,
198 whether to maintain a full-time or part-time prosecuting
199 attorney. The part-time prosecuting attorney shall be
200 compensated at the same rate of compensation as that of
201 a prosecuting attorney in the class for the county prior to
202 being classified as a Class II county.

203 (c) Prior to the primary election in the year one thou-
204 sand nine hundred ninety-six, and for the fiscal year
205 beginning on the first day of July, one thousand nine
206 hundred ninety-six, or for any subsequent fiscal year if
207 the approval set out herein is not granted for any fiscal

208 year, and at least thirty days prior to the meeting to
209 approve the county budget, the commission shall provide
210 notice to the public of the date and time of the meeting
211 and that the purpose of the meeting of the county
212 commission is to decide upon their budget certification
213 to the tax department. Upon submission by the county
214 commission to the chief inspector division of the depart-
215 ment of tax and revenue of a proposed annual budget
216 which contains anticipated receipts into the county's
217 general revenue fund, less anticipated moneys from the
218 unencumbered fund balance, equal to anticipated
219 receipts into the county's general revenue fund, less
220 anticipated moneys from the unencumbered fund
221 balance and any federal or state special grants, for the
222 fiscal year beginning the first day of July, one thousand
223 nine hundred ninety-six, plus such additional amount as
224 is necessary for payment of the increases in the salaries
225 set out herein and related employment taxes over that
226 paid for the immediately preceding fiscal year, and upon
227 approval thereof by the chief inspector, which approval
228 shall not be granted for any proposed annual budget
229 containing anticipated receipts which are unreasonably
230 greater or lesser than that of the immediately preceding
231 fiscal year for the purpose of determining the compensa-
232 tion to be paid to the elected county officials of each
233 county office by class are hereby established and shall be
234 used by each county commission in determining whether
235 county revenues are sufficient to pay the compensation
236 mandated herein for their county officials: *Provided,*
237 That as to any county having a tribunal in lieu of a
238 county commission, the county commissioners of the
239 county may be paid less than the minimum compensation
240 limits of the county commission for the particular class
241 of the county: *Provided, however,* That should there be
242 an insufficient projected increase in revenues to pay the
243 compensation and related employment taxes mandated
244 herein, then the compensation of that county's elected
245 officials shall remain at the level in effect at the time
246 certification was sought.

247	COUNTY COMMISSIONERS	
248	Class I	\$ 28,000
249	Class II	\$ 27,500
250	Class III	\$ 27,000
251	Class IV	\$ 26,500
252	Class V	\$ 26,000
253	Class VI	\$ 21,500
254	Class VII	\$ 21,000
255	Class VIII	\$ 19,000
256	Class IX	\$ 18,500
257	Class X	\$ 15,000

258 The compensation hereinabove provided shall be paid
 259 on and after the first day of January, one thousand nine
 260 hundred ninety-seven, to each county commissioner.
 261 Within each county, every county commissioner whose
 262 term of office commenced prior to or on or after the first
 263 day of January, one thousand nine hundred ninety-
 264 seven, shall receive the same annual compensation by
 265 virtue of legislative findings of extra duties as set forth
 266 in section one of this article.

267 For the purpose of determining the compensation to be
 268 paid to the elected county officials of each county, the
 269 following compensations for each county office by class
 270 are hereby established and shall be used by each county
 271 commission in determining the compensation of each of
 272 their county officials other than compensation of mem-
 273 bers of the county commission:

274	OTHER ELECTED OFFICIALS					
275	County	Circuit				Prosecuting
276	Sheriff	Clerk	Clerk	Assessor		Attorney
277	Class I	\$34,000	\$42,000	\$42,000	\$34,000	\$76,000
278	Class II	\$33,500	\$41,500	\$41,500	\$33,500	\$74,000

279	Class III	\$33,250	\$40,500	\$40,500	\$33,250	\$72,000
280	Class IV	\$33,000	\$40,250	\$40,250	\$33,000	\$70,000
281	Class V	\$32,750	\$40,000	\$40,000	\$32,750	\$68,000
282	Class VI	\$32,500	\$37,500	\$37,500	\$32,500	\$45,000
283	Class VII	\$32,250	\$37,000	\$37,000	\$32,250	\$43,000
284	Class VIII	\$32,000	\$36,500	\$36,500	\$32,000	\$41,000
285	Class IX	\$31,750	\$36,000	\$36,000	\$31,750	\$38,000
286	Class X	\$29,000	\$32,000	\$32,000	\$29,000	\$35,000

287 The compensation hereinabove provided shall be paid
 288 on and after the first day of January, one thousand nine
 289 hundred ninety-seven, to each elected county official.
 290 Any county clerk, circuit clerk, joint clerk of the county
 291 commission and circuit court, if any, county assessor or
 292 sheriff of a Class I through Class V county, inclusive, any
 293 assessor or any sheriff of a Class VI through Class IX
 294 county, inclusive, shall devote full time to his or her
 295 public duties to the exclusion of any other employment:
 296 *Provided*, That any public official, whose term of office
 297 begins when his or her county's classification imposes no
 298 restriction on his or her outside activities, shall not be
 299 restricted on his or her outside activities during the
 300 remainder of the term for which he or she is elected.

301 In the case of a county that has a joint clerk of the
 302 county commission and circuit court, the compensation
 303 of the joint clerk shall be fixed in an amount twenty-five
 304 percent higher than the compensation would be fixed for
 305 the county clerk if it had separate offices of county clerk
 306 and circuit clerk.

307 Any prosecuting attorney of a Class I through Class V
 308 county, inclusive, shall devote full time to his or her
 309 public duties to the exclusion of any other employment:
 310 *Provided*, That any county which under the prior provi-
 311 sions of this section was classified as a Class II county
 312 and elected to maintain a part-time prosecutor may
 313 continue to maintain a part-time prosecutor, until such

314 time as the county commission, on request of the
315 part-time prosecutor, approves and makes a finding, by
316 proper order entered, that the prosecuting attorney shall
317 devote full time to his or her public duties. The county
318 commission shall then compensate said prosecuting
319 attorney at the same rate of compensation as that of a
320 prosecuting attorney in a Class V county: *Provided,*
321 *however,* That any county which under the prior provi-
322 sions of this section was classified as a Class II county
323 and which did not elect to maintain a part-time prosecu-
324 tor shall maintain a full-time prosecuting attorney and
325 shall compensate said prosecuting attorney at the same
326 rate of compensation as that of a prosecuting attorney in
327 a Class V county: *Provided further,* That, until the first
328 day of January, two thousand one, when a vacancy
329 occurs in the office of prosecuting attorney prior to the
330 end of a term, the county commission of a Class IV or
331 Class V county may elect to allow the position to become
332 part-time for the end of that term, and thereafter the
333 position of prosecuting attorney shall become full-time.

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

1 For the purpose of determining the additional compen-
2 sation to be paid to the county assessor of each county
3 for the additional duties provided by section six-a of this
4 article, the following compensations for each county
5 assessor by class, as provided in section three of this
6 article, are hereby established and shall be used by each
7 county commission in determining the compensation of
8 each county assessor; for assessors in Class I - V coun-
9 ties, inclusive, fifteen thousand dollars; for assessors in
10 Class VI and VII counties, ten thousand dollars; for
11 assessors in Class VIII and IX counties, nine thousand
12 dollars; for assessors in Class X counties, six thousand
13 five hundred dollars.

14 Notwithstanding this section or any other section of
15 the code to the contrary, in no event shall the additional
16 compensation paid to the county assessors for perfor-

17 mance of additional duties as provided in section six-a
18 of this article be less than the additional compensation
19 such county assessors received on the first day of Janu-
20 ary, one thousand nine hundred seventy-six.

CHAPTER 11A. COLLECTION AND ENFORCEMENT OF PROPERTY TAXES.

ARTICLE 1. ACCRUAL AND COLLECTION OF TAXES.

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

1 After the sheriff has collected eighty-five per cent of
2 the combined total of all taxes assessed on real and
3 personal property, he shall, in addition to the salary and
4 compensation now authorized by law, be allowed a
5 commission as follows: Two and one-half percent on the
6 remainder of the taxes actually collected up to ninety
7 percent of the combined total of all taxes assessed on
8 real and personal property, three and one-half percent of
9 the remainder collected above ninety percent and up to
10 ninety-five percent of the combined total of all taxes
11 assessed on real and personal property, and five percent
12 on the remainder of taxes collected above ninety-five
13 percent of the combined total of all taxes assessed on
14 real and personal property. In all cases the taxes col-
15 lected on which any commission shall be paid will be
16 exclusive of interest and charges thereon, if the collec-
17 tion be made before the delinquent list has been ap-
18 proved by the county commission: *Provided*, That the
19 total amount of commissions paid to any sheriff shall not
20 exceed the sum of fifteen thousand dollars in any one
21 year. The commission so allowed shall be determined by
22 the county court and charged against the various funds
23 for which the taxes are collected.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Schorover
.....
Chairman Senate Committee

Rudy Seavitt
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell E. Miller
.....
Clerk of the Senate

Bryan W. Gray
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Chas. E. Brown
.....
Speaker House of Delegates

The within *is approved* this the *18th*
March
day of, 1996.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/28/96

Time

9:45 AM