

SB 211

FILED

2002 MAR 29 P 4: 21

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2002*

**ENROLLED**

*Committee Substitute for*

**SENATE BILL NO.**     211    

(By Senator     Wooten, et al    )

**PASSED**     March 9, 2002    

**In Effect**     ninety days from     **Passage**

FILED

2002 MAR 29 P 4: 23

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

## ENROLLED

COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 211

(SENATORS WOOTON, MINARD, MITCHELL, UNGER,  
EDGELL, KESSLER, JACKSON AND TOMBLIN,  
MR. PRESIDENT, *original sponsors*)

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[Passed March 9, 2002; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one and four, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating generally to salaries and duties of elected county officials; recognizing additional duties imposed on elected county officials; increasing salaries of certain elected county officials; and providing circumstances under which certain elected county officials must perform their duties on a full-time basis.

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

That sections one and four, article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

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

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

1 (a) The Legislature finds that it has, since the first da  
2 of January, one thousand nine hundred ninety-sever  
3 consistently and annually imposed upon the count;  
4 commissioners, sheriffs, county and circuit clerks, asses  
5 sors and prosecuting attorneys in each county board, new  
6 and additional duties by the enactment of new provisions  
7 and amendments to this code. The new and additional  
8 duties imposed upon the aforesaid county officials by these  
9 enactments are such that they would justify the increases  
10 in compensation as provided in section four of this article,  
11 without violating the provisions of section thirty-eight,  
12 article VI of the constitution of West Virginia.

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

21 (c) The Legislature further finds that there is a direct  
22 correlation between the total assessed property valuations  
23 of a county on which the salary levels of the county  
24 commissioners, sheriffs, county and circuit clerks, asses  
25 sors and prosecuting attorneys are based, and the new and  
26 additional duties that each of these officials is required to  
27 perform as they serve the best interests of their respective  
28 counties. Inasmuch as the reappraisal of the property  
29 valuations in each county has now been accomplished, the  
30 Legislature finds that a change in classification of counties  
31 by virtue of increased property valuations will occur on an  
32 infrequent basis. However, it is the further finding of the  
33 Legislature that when such change in classification of  
34 counties does occur, that new and additional programs,  
35 economic developments, requirements of public safety and

36 the need for new services provided by county officials all  
 37 increase, that the same constitute new and additional  
 38 duties for county officials as their respective counties  
 39 reach greater heights of economic development, as exem-  
 40 plified by the substantial increases in property valuations  
 41 and, as such, justify the increases in compensation pro-  
 42 vided in section four of this article, without violating the  
 43 provisions of section thirty-eight, article VI of the consti-  
 44 tution of West Virginia.

45 (d) The Legislature further finds and declares that the  
 46 amendments enacted to this article are intended to modify  
 47 the provisions of this article so as to cause the same to be  
 48 in full compliance with the provisions of the constitution  
 49 of West Virginia and to be in full compliance with the  
 50 decisions of the supreme court of appeals of West Virginia.

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

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

10 (2) COUNTY COMMISSIONERS

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

17 (3) The compensation, set out in subdivision (2) of this  
 18 subsection, shall be paid on and after the first day of

19 January, one thousand nine hundred eighty-five, to each  
 20 county commissioner. Within each county, every county  
 21 commissioner whose term of office commenced prior to the  
 22 first day of January, one thousand nine hundred eighty-  
 23 five, shall receive the same annual compensation as  
 24 commissioners commencing a term of office on or after  
 25 that date by virtue of the new duties imposed upon county  
 26 commissioners pursuant to the provisions of chapter  
 27 fifteen, acts of the Legislature, first extraordinary session,  
 28 one thousand nine hundred eighty-three.

29 (4) For the purpose of determining the compensation to  
 30 be paid to the elected county officials of each county, the  
 31 compensations for each office by class, set out in subdivi-  
 32 sion (5) of this subsection, are established and shall be  
 33 used by each county commission in determining the  
 34 compensation of each of their county officials other than  
 35 compensation of members of the county commission:

36 (5) OTHER ELECTED OFFICIALS

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

45 (6) Any county clerk, circuit clerk, joint clerk of the  
 46 county commission and circuit court, if any, county  
 47 assessor, sheriff and prosecuting attorney of a Class I  
 48 county, any assessor of a Class II and Class III county, any  
 49 sheriff of a Class II and Class III county and any prosecut-  
 50 ing attorney of a Class II county shall devote full time to  
 51 his or her public duties to the exclusion of any other  
 52 employment: *Provided*, That any public official, whose  
 53 term of office begins when his or her county's classifica-  
 54 tion imposes no restriction on his or her outside activities,

55 shall not be restricted on his or her outside activities  
56 during the remainder of the term for which he or she is  
57 elected. The compensation, set out in subdivision (5) of  
58 this subsection, shall be paid on and after the first day of  
59 January, one thousand nine hundred eighty-five, to each  
60 elected county official.

61 (7) In the case of a county that has a joint clerk of the  
62 county commission and circuit court, the compensation of  
63 the joint clerk shall be fixed in an amount twenty-five  
64 percent higher than the compensation would be fixed for  
65 the county clerk if it had separate offices of county clerk  
66 and circuit clerk.

67 (8) The Legislature finds that the duties imposed upon  
68 county clerks by the provisions of chapter sixty-four, acts  
69 of the Legislature, regular session, one thousand nine  
70 hundred eighty-two, and by chapter fifteen, acts of the  
71 Legislature, first extraordinary session, one thousand nine  
72 hundred eighty-three, constitute new and additional duties  
73 for county clerks and as such justify the additional com-  
74 pensation provided in this section without violating the  
75 provisions of section thirty-eight, article VI of the consti-  
76 tution of West Virginia.

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

87 (b)(1) Prior to the primary election in the year one  
88 thousand nine hundred ninety-two, and for the fiscal year  
89 beginning on the first day of July, one thousand nine  
90 hundred ninety-two, or for any subsequent fiscal year if

91 the approval, set out in subdivision (2) of this subsection,  
92 is not granted for any fiscal year, and at least thirty days  
93 prior to the meeting to approve the county budget, the  
94 commission shall provide notice to the public of the date  
95 and time of the meeting and that the purpose of the  
96 meeting of the county commission is to decide upon their  
97 budget certification to the auditor.

98 (2) Upon submission by the county commission to the  
99 auditor of a proposed annual budget which contains  
100 anticipated receipts into the county's general revenue  
101 fund, less anticipated moneys from the unencumbered  
102 fund balance, equal to anticipated receipts into the  
103 county's general revenue fund, less anticipated moneys  
104 from the unencumbered fund balance and any federal or  
105 state special grants, for the immediately preceding fiscal  
106 year, plus such additional amount as is necessary for  
107 payment of the increases in the salaries set out in subdivi-  
108 sions (3) and (5) of this subsection, and related employ-  
109 ment taxes over that paid for the immediately preceding  
110 fiscal year, and upon approval thereof by the auditor,  
111 which approval shall not be granted for any proposed  
112 annual budget containing anticipated receipts which are  
113 unreasonably greater or lesser than that of the immedi-  
114 ately preceding fiscal year, for the purpose of determining  
115 the compensation to be paid to the elected county officials  
116 of each county office by class are established and shall be  
117 used by each county commission in determining the  
118 compensation of each of their county officials: *Provided,*  
119 That as to any county having a tribunal in lieu of a county  
120 commission, the county commissioners of the county may  
121 be paid less than the minimum compensation limits of the  
122 county commission for the particular class of the county.

123

(3) 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 (4) If the approval, set out in subdivision (2) of this  
 130 subsection, is granted, the compensation, set out in  
 131 subdivision (3) of this subsection, shall be paid on and  
 132 after the first day of January, one thousand nine hundred  
 133 ninety-three, to each county commissioner. Within each  
 134 county, every county commissioner shall receive the same  
 135 annual compensation by virtue of the new duties imposed  
 136 upon county commissioners pursuant to the provisions of  
 137 chapter one hundred seventy-two, acts of the Legislature,  
 138 second regular session, one thousand nine hundred ninety  
 139 and chapter five, acts of the Legislature, third extraordi-  
 140 nary session, one thousand nine hundred ninety.

141 (5) 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 (6) 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, any  
 154 sheriff of a Class II and Class III county and any prosecut-  
 155 ing attorney of a Class II county shall devote full time to  
 156 his or her public duties to the exclusion of any other  
 157 employment: *Provided*, That any public official, whose  
 158 term of office begins when his or her county's classifica-  
 159 tion imposes no restriction on his or her outside activities,  
 160 shall not be restricted on his or her outside activities  
 161 during the remainder of the term for which he or she is  
 162 elected. If the approval, set out in subdivision (2) of this  
 163 subsection, is granted, the compensation, set out in  
 164 subdivision (5) of this subsection, shall be paid on and



165 after the first day of January, one thousand nine hundred  
166 ninety-three, to each elected county official.

167 (7) In the case of a county that has a joint clerk of the  
168 county commission and circuit court, the compensation of  
169 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 (8) Prior to the primary election in the year one thou-  
174 sand nine hundred ninety-two, in the case of a Class III,  
175 Class IV or Class V county which has a part-time prosecut-  
176 ing attorney, the county commission may find that such  
177 facts and circumstances exist that require the prosecuting  
178 attorney to devote full time to his or her public duties for  
179 the four-year term, beginning the first day of January, one  
180 thousand nine hundred ninety-three. If the county com-  
181 mission makes such a finding, it may by proper order  
182 adopted and entered, require the prosecuting attorney who  
183 takes office on the first day of January, one thousand nine  
184 hundred ninety-three, to devote full time to his or her  
185 public duties and the county commission shall then  
186 compensate said prosecuting attorney at the same rate of  
187 compensation as that of a prosecuting attorney in a Class  
188 II county.

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

202 ney in the class for the county prior to being classified as  
203 a Class II county.

204 (c)(1) Prior to the primary election in the year one  
205 thousand nine hundred ninety-six, and for the fiscal year  
206 beginning on the first day of July, one thousand nine  
207 hundred ninety-six, or for any subsequent fiscal year if the  
208 approval, set out in subdivision (2) of this subsection, is  
209 not granted for any fiscal year, and at least thirty days  
210 prior to the meeting to approve the county budget, the  
211 commission shall provide notice to the public of the date  
212 and time of the meeting and that the purpose of the  
213 meeting of the county commission is to decide upon their  
214 budget certification to the auditor.

215 (2) Upon submission by the county commission to the  
216 auditor of a proposed annual budget which contains  
217 anticipated receipts into the county's general revenue  
218 fund, less anticipated moneys from the unencumbered  
219 fund balance, equal to anticipated receipts into the  
220 county's general revenue fund, less anticipated moneys  
221 from the unencumbered fund balance and any federal or  
222 state special grants, for the fiscal year beginning the first  
223 day of July, one thousand nine hundred ninety-six, plus  
224 such additional amount as is necessary for payment of the  
225 increases in the salaries set out in subdivisions (3) and (6)  
226 of this subsection, and related employment taxes over that  
227 paid for the immediately preceding fiscal year, and upon  
228 approval thereof by the auditor, which approval shall not  
229 be granted for any proposed annual budget containing  
230 anticipated receipts which are unreasonably greater or  
231 lesser than that of the immediately preceding fiscal year  
232 for the purpose of determining the compensation to be  
233 paid to the elected county officials of each county office by  
234 class are established and shall be used by each county  
235 commission in determining whether county revenues are  
236 sufficient to pay the compensation mandated herein for  
237 their county officials: *Provided*, That as to any county  
238 having a tribunal in lieu of a county commission, the

239 county commissioners of the county may be paid less than  
240 the minimum compensation limits of the county commis-  
241 sion for the particular class of the county: *Provided,*  
242 *however,* That should there be an insufficient projected  
243 increase in revenues to pay the increased compensation  
244 and related employment taxes, then the compensation of  
245 that county's elected officials shall remain at the level in  
246 effect at the time certification was sought.

247 (3) 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 (4) The compensation, set out in subdivision (3) of this  
259 subsection, shall be paid on and after the first day of  
260 January, one thousand nine hundred ninety-seven, to each  
261 county commissioner. Every county commissioner in each  
262 county, whose term of office commenced prior to or on or  
263 after the first day of January, one thousand nine hundred  
264 ninety-seven, shall receive the same annual compensation  
265 by virtue of legislative findings of extra duties as set forth  
266 in section one of this article.

267 (5) For the purpose of determining the compensation to  
268 be paid to the elected county officials of each county, the  
269 compensations for each county office by class, set out in  
270 subdivision (6) of this subsection, are established and shall  
271 be used by each county commission in determining the  
272 compensation of each of their county officials other than  
273 compensation of members of the county commission:

274

## (6) OTHER ELECTED OFFICIALS

275

276

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting 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 (7) The compensation, set out in subdivision (6) of this  
 288 subsection, shall be paid on and after the first day of  
 289 January, one thousand nine hundred ninety-seven, to each  
 290 elected county official. Any county clerk, circuit clerk,  
 291 joint clerk of the county commission and circuit court, if  
 292 any, county assessor or sheriff of a Class I through Class V  
 293 county, inclusive, any assessor or any sheriff of a Class VI  
 294 through Class IX county, inclusive, shall devote full time  
 295 to his or her public duties to the exclusion of any other  
 296 employment: *Provided*, That any public official, whose  
 297 term of office begins when his or her county's classifica-  
 298 tion imposes no restriction on his or her outside activities,  
 299 shall not be restricted on his or her outside activities  
 300 during the remainder of the term for which he or she is  
 301 elected.

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

308 (9) Any prosecuting attorney of a Class I through Class  
 309 V county, inclusive, shall devote full time to his or her

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

335 (d) (1) The increased salaries to be paid to the county  
336 commissioners and the other elected county officials  
337 described in this subsection on and after the first day of  
338 July, two thousand two, are set out in subdivisions (5) and  
339 (7) of this subsection. Every county commissioner and  
340 elected county official in each county, whose term of office  
341 commenced prior to or on or after the first day of July, two  
342 thousand two, shall receive the same annual salary by  
343 virtue of legislative findings of extra duties as set forth in  
344 section one of this article.

345 (2) Before the increased salaries, as set out in subdivi-  
346 sions (5) and (7) of this subsection, are paid to the county

347 commissioners and the elected county officials, the  
348 following requirements must be met:

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

362 (B) Each county commissioner or other elected official  
363 described in this subsection in office on the effective date  
364 of the increased salaries provided by this subsection who  
365 desires to receive the increased salary has prior to that  
366 date filed in the office of the clerk of the county commis-  
367 sion his or her written agreement to accept the salary  
368 increase. The salary for the person who holds the office of  
369 county commissioner or other elected official described in  
370 this subsection who fails to file the written agreement as  
371 required by this paragraph shall be the salary for the that  
372 office in effect immediately prior to the effective date of  
373 the increased salaries provided by this subsection until the  
374 person vacates the office or his or her term of office  
375 expires, whichever first occurs.

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

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

385 (5) COUNTY COMMISSIONERS

386	Class I	\$30,800
387	Class II	\$30,250
388	Class III	\$29,700
389	Class IV	\$29,150
390	Class V	\$28,600
391	Class VI	\$23,650
392	Class VII	\$23,100
393	Class VIII	\$20,900
394	Class IX	\$20,350
395	Class X	\$16,500

396 (6) For the purpose of determining the salaries to be  
 397 paid to the elected county officials of each county, the  
 398 salaries for each county office by class, set out in subdivi-  
 399 sion (7) of this subsection, are established and shall be  
 400 used by each county commission in determining the  
 401 salaries of each of their county officials other than salaries  
 402 of members of the county commission.

403 (7) OTHER ELECTED OFFICIALS

404		County	Circuit		Prosecuting	
405	Sheriff	Clerk	Clerk	Assessor	Attorney	
406	Class I	\$37,400	\$46,200	\$46,200	\$37,400	\$83,600
407	Class II	\$36,850	\$45,650	\$45,650	\$36,850	\$81,400
408	Class III	\$36,575	\$44,550	\$44,550	\$36,575	\$79,200
409	Class IV	\$36,300	\$44,295	\$44,295	\$36,300	\$77,000
410	Class V	\$36,025	\$44,000	\$44,000	\$36,025	\$74,800
411	Class VI	\$35,750	\$41,250	\$41,250	\$35,750	\$49,500
412	Class VII	\$35,475	\$40,700	\$40,700	\$35,475	\$47,300
413	Class VIII	\$35,200	\$40,150	\$40,150	\$35,200	\$45,100
414	Class IX	\$34,925	\$39,600	\$39,600	\$34,925	\$41,800
415	Class X	\$31,900	\$35,200	\$35,200	\$31,900	\$38,500

416 (8) Any county clerk, circuit clerk, joint clerk of the  
 417 county commission and circuit court, if any, county  
 418 assessor or sheriff of a Class I through Class V county,  
 419 inclusive, any assessor or any sheriff of a Class VI through  
 420 Class IX county, inclusive, shall devote full time to his or

421 her public duties to the exclusion of any other employ-  
422 ment: *Provided*, That any public official, whose term of  
423 office begins when his or her county's classification  
424 imposes no restriction on his or her outside activities, may  
425 not be restricted on his or her outside activities during the  
426 remainder of the term for which he or she is elected.

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

432 (10) Any prosecuting attorney of a Class I through Class  
433 V county, inclusive, shall devote full time to his or her  
434 public duties to the exclusion of any other employment:  
435 *Provided*, That any county which under the prior provi-  
436 sions of this section was classified as a Class II county and  
437 elected to maintain a part-time prosecutor may continue  
438 to maintain a part-time prosecutor, until such time as the  
439 county commission, on request of the part-time prosecutor,  
440 approves and makes a finding, by proper order entered,  
441 that the prosecuting attorney shall devote full time to his  
442 or her public duties. The county commission shall then  
443 compensate said prosecutor at the same salary as that of a  
444 prosecuting attorney in a Class V county: *Provided*,  
445 *however*, That any county which under the prior provi-  
446 sions of this section was classified as a Class II county and  
447 which did not elect to maintain a part-time prosecutor  
448 shall maintain a full-time prosecuting attorney and shall  
449 compensate said prosecuting attorney at the same salary  
450 as that of a prosecuting attorney in a Class V county:  
451 *Provided further*, That, until the first day of January, two  
452 thousand three, when a vacancy occurs in the office of  
453 prosecuting attorney prior to the end of a term, the county  
454 commission of a Class IV or Class V county may elect to  
455 allow the position to become part time for the end of that  
456 term and thereafter the position of prosecuting attorney  
457 shall become full time.



Enr. Com. Sub. for S. B. No. 211] 16

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

*Carly Ann*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell Glabbe*  
.....  
Clerk of the Senate

*Bruce D. Boy*  
.....  
Clerk of the House of Delegates

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

*[Signature]*  
.....  
Speaker House of Delegates

The within is approved..... this the *29<sup>th</sup>*  
Day of *March*....., 2002.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/26/02

Time

3:05 pm