

H. B. 2927

(By Delegates Manchin, Lawrence and Morgan)
[Introduced January 28, 2011; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to repeal §7-7-4a, §7-7-19 and §7-7-21 of the Code of West Virginia 1931, as amended; and to amend and reenact §7-7-2, §7-7-3, §7-7-4, §7-7-6a, §7-7-6b, §7-7-6c, §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§7-7-14, §7-7-15, §7-7-16, §7-7-16a and §7-7-20 of said code, all relating to elected county officials; removing outdated language and requiring prosecuting attorneys to be full time; providing exceptions to the full time requirement.

Be it enacted by the Legislature of West Virginia:

That §7-7-4a, §7-7-19 and §7-7-21 of the Code of West Virginia 1931, as amended, be repealed; and that §7-7-2, §7-7-3, §7-7-4, §7-7-6a, §7-7-6b, §7-7-6c, §7-7-6d, §7-7-7, §7-7-7a, §7-7-9, §7-7-11, §7-7-12, §7-7-13, §7-7-14, §7-7-15, §7-7-16, §7-7-16a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 be amended and reenacted, all to read as follows:

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

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

5 ~~There is hereby established county in-service training~~
6 ~~programs as hereinafter set forth.~~

7 (a) ~~The Attorney General is hereby authorized and directed to~~
8 shall ~~establish such~~ in-service training programs as in his or her
9 opinion will do most to assist the prosecuting attorneys in the
10 performance of their duties. ~~The attorney general is authorized to~~
11 ~~accept any federal aid which may be made available or any financial~~
12 ~~assistance which may be available from any private nonprofit~~
13 ~~organization for the purposes of this section.~~ The A prosecuting
14 attorney in any county having a population in excess of two hundred
15 thousand shall ~~also~~ discharge the additional duties imposed upon
16 him by the ~~provisions of~~ section thirteen-a, article five, chapter
17 forty-nine of this code.

18 (b) ~~The State tax commissioner Auditor is hereby authorized~~
19 ~~and directed to shall~~ establish ~~such~~ in-service training programs
20 for county commissioners, county clerks, ~~circuit clerks, assessors,~~
21 sheriffs and their assistants and employees as in his or her
22 opinion will do most to modernize and improve the services of their
23 respective offices.

24 (c) ~~The State Auditor in conjunction with the Supreme Court of~~

1 Appeals of West Virginia shall establish in-service training
2 programs for circuit clerks and their assistants and employees.

3 (d) The State Tax Commissioner shall establish in-service
4 training programs for assessors and their assistants and employees.

5 (e) The State Tax Commissioner, Attorney General, State
6 Auditor, and Supreme Court of Appeals of West Virginia is
7 ~~authorized to~~ may accept any federal aid which may be made
8 available or any financial assistance which may be available from
9 any private nonprofit organization for the purpose of this article.

10 (f) Each of the county officials mentioned in this section,
11 and, at his or her option, one or more of his or her assistants,
12 deputies and employees, shall participate in the programs
13 established under this section.

14 (g) The A county court commission is ~~authorized and directed~~
15 ~~to shall~~ expend funds for the purpose of reimbursing such reimburse
16 officials and employees for the actual amount expended by them for
17 food, lodging and registration while in attendance at meetings
18 ~~called by the attorney general or the tax commissioner~~ authorized
19 trainings. ~~for the purpose of this section, not to exceed~~
20 ~~thirty five dollars per day, with mileage not to exceed the rate of~~
21 ~~ten cents per mile to be computed according to the distance by the~~
22 ~~nearest practicable route for travel to and from such meetings.~~

23 **§7-7-3. Classification of counties for purpose of determining**
24 **compensation of elected county officials.**

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

7	Minimum Assessed	Maximum Assessed
8	Valuation of Property	Valuation of Property
9	Class	All Classes
10	Class I	\$600,000,000
11	Class II	\$450,000,000
12	Class III	\$200,000,000
13	Class IV	\$100,000,000
14	Class V	\$ 50,000,000
15	Class VI	\$ 15,000,000
16	Class VII	\$ 0

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

23 ~~Prior to the twenty-ninth day of March, one thousand nine~~
 24 ~~hundred seventy-four, and each second year thereafter, the county~~

1 ~~court [county commission] of each county shall determine if the~~
2 ~~assessed valuation of property, all classes, of the county, as~~
3 ~~certified by the county assessor, state auditor and county clerk,~~
4 ~~is within the minimum and maximum limits of a class above or below~~
5 ~~the class in which the county then is. If the county court so~~
6 ~~determines, it shall record the new classification of the county~~
7 ~~with the state auditor and state tax commissioner and record its~~
8 ~~action on its county court [county commission] record.~~

9 ~~The classification of each county shall be subject to review~~
10 ~~by the state tax commissioner. He shall determine if the~~
11 ~~classification of each county is correct based on the final~~
12 ~~assessed valuation of property, all classes, certified to him by~~
13 ~~the county assessor, state auditor and county clerk. If he finds~~
14 ~~that a county is incorrectly classified, he shall notify the county~~
15 ~~court [county commission] of that county promptly of his finding~~
16 ~~and in any case shall notify the county court prior to the~~
17 ~~thirtieth day of June of that current fiscal year. Any county~~
18 ~~court [county commission] so notified shall correct its~~
19 ~~classification immediately and make any necessary corrections in~~
20 ~~the salaries of its elected county officials for the next fiscal~~
21 ~~year. Nothing in this section shall be construed as authorizing an~~
22 ~~increase in compensation except at such time as the affected county~~
23 ~~officer begins a new term of office.~~

24 ~~(a) (b) Effective the first day of July, one thousand nine~~

1 ~~hundred ninety six, and thereafter,~~ For the purpose of determining
 2 the compensation of elected county officials, the West Virginia's
 3 counties ~~of the state of West Virginia will~~ shall be grouped into
 4 ten classes based on their assessed valuation of property, all
 5 classes. These ten 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	\$ 2,000,000,000	No Limit
12 Class II	\$ 1,500,000,000	\$ 1,999,999,999
13 Class III	\$ 1,000,000,000	\$ 1,499,999,999
14 Class IV	\$ 700,000,000	\$ 999,999,999
15 Class V	\$ 600,000,000	\$ 699,999,999
16 Class VI	\$ 500,000,000	\$ 599,999,999
17 Class VII	\$ 400,000,000	\$ 499,999,999
18 Class VIII	\$ 300,000,000	\$ 399,999,999
19 Class IX	\$ 200,000,000	\$ 299,999,999
20 Class X	\$ -0-	\$ 199,999,999

21 (b) The assessed valuation of property, all classes, that
 22 shall be used as the base to determine the class of a county shall
 23 be the certified assessed valuation of property, all classes, of
 24 the county ~~as certified by the county assessor, state auditor and~~

1 ~~county clerk~~ prior to March 29, 1996.

2 (c) Prior to March 29, 1998, and each second year thereafter,
3 ~~the a~~ county commission ~~of each county,~~ shall determine if the
4 certified assessed valuation of property, all classes, of the
5 county ~~as certified by the county assessor, state auditor and~~
6 ~~county clerk~~ is within the minimum and maximum limits of a class
7 above or below the class in which the county then is. If the
8 county commission ~~so~~ determines, it changes classifications, it
9 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 (d) ~~The classification of each county shall be~~ A county's
13 classification is subject to review by the State ~~tax commissioner~~
14 Auditor. ~~He~~ The State Auditor shall determine if the classification
15 ~~of each county~~ is correct based on the final assessed valuation of
16 property, all classes. ~~certified to him by the county assessor,~~
17 ~~state auditor and county clerk.~~ If ~~he~~ the State Auditor finds that
18 a county is incorrectly classified, ~~he~~ the State Auditor shall
19 promptly notify the county commission ~~of that county promptly~~ of
20 ~~his~~ the finding. ~~and in any case shall notify the county prior to~~
21 ~~the thirtieth day of June of that current fiscal year.~~ Any The
22 county commission ~~so notified~~ shall correct its classification
23 immediately and make any necessary corrections in the salaries of
24 its elected county officials for the next fiscal year.

1 ~~Notwithstanding the provisions of this article, whenever any~~
2 ~~other provision of this code refers to classifications of counties~~
3 ~~for purposes of imposing any right, duty or responsibility, the~~
4 ~~classification system set forth in subsection (a) of this section~~
5 ~~shall be utilized for determining the classification of a~~
6 ~~particular county.~~

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

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

18 ~~(2) COUNTY COMMISSIONERS~~

19	Class I	—————	\$20,000
20	Class II	—————	\$15,500
21	Class III	—————	\$14,000
22	Class IV	—————	\$10,000
23	Class V	—————	\$ 7,000
24	Class VI	—————	\$ 4,000

1 ~~(3) The compensation, set out in subdivision (2) of this~~
 2 ~~subsection, shall be paid on and after the first day of January,~~
 3 ~~one thousand nine hundred eighty-five, to each county commissioner.~~
 4 ~~Within each county, every county commissioner whose term of office~~
 5 ~~commenced prior to the first day of January, one thousand nine~~
 6 ~~hundred eighty-five, shall receive the same annual compensation as~~
 7 ~~commissioners commencing a term of office on or after that date by~~
 8 ~~virtue of the new duties imposed upon county commissioners pursuant~~
 9 ~~to the provisions of chapter fifteen, acts of the Legislature,~~
 10 ~~first extraordinary session, one thousand nine hundred~~
 11 ~~eighty-three.~~

12 ~~(4) For the purpose of determining the compensation to be paid~~
 13 ~~to the elected county officials of each county, the compensations~~
 14 ~~for each office by class, set out in subdivision (5) of this~~
 15 ~~subsection, are established and shall be used by each county~~
 16 ~~commission in determining the compensation of each of their county~~
 17 ~~officials other than compensation of members of the county~~
 18 ~~commission.~~

19 ~~(5) OTHER ELECTED OFFICIALS~~

	County	Circuit	Prosecuting
	Sheriff	Clerk	Assessor
20			
21			
22	Class I	\$24,200	\$31,300
		\$31,300	\$24,200
			\$41,500
23	Class II	\$24,200	\$28,000
		\$28,000	\$24,200
			\$39,500
24	Class III	\$24,200	\$28,000
		\$28,000	\$24,200
			\$30,000

1 ~~Class IV \$22,300 \$24,000 \$24,000 \$22,300 \$26,500~~
 2 ~~Class V \$20,400 \$22,000 \$22,000 \$20,400 \$23,500~~
 3 ~~Class VI \$17,200 \$17,200 \$17,200 \$17,200 \$17,000~~

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

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

23 ~~(8) The Legislature finds that the duties imposed upon county~~
 24 ~~clerks by the provisions of chapter sixty-four, Acts of the~~

1 ~~Legislature, regular session, one thousand nine hundred eighty-two,~~
2 ~~and by chapter fifteen, Acts of the Legislature, first~~
3 ~~extraordinary session, one thousand nine hundred eighty-three,~~
4 ~~constitute new and additional duties for county clerks and as such~~
5 ~~justify the additional compensation provided in this section~~
6 ~~without violating the provisions of section thirty-eight, article~~
7 ~~VI of the Constitution of West Virginia.~~

8 ~~(9) The Legislature further finds that the duties imposed upon~~
9 ~~circuit clerks by the provisions of chapters sixty-one and one~~
10 ~~hundred eighty-two, Acts of the Legislature, regular session, one~~
11 ~~thousand nine hundred eighty-one, and by chapter sixty, Acts of the~~
12 ~~Legislature, regular session, one thousand nine hundred~~
13 ~~eighty-three, constitute new and additional duties for circuit~~
14 ~~clerks and as such justify the additional compensation provided by~~
15 ~~this section without violating the provisions of section~~
16 ~~thirty-eight, article VI of the Constitution of West Virginia.~~

17 ~~(b)(1) Prior to the primary election in the year one thousand~~
18 ~~nine hundred ninety-two, and for the fiscal year beginning on the~~
19 ~~first day of July, one thousand nine hundred ninety-two, or for any~~
20 ~~subsequent fiscal year if the approval, set out in subdivision (2)~~
21 ~~of this subsection, is not granted for any fiscal year, and at~~
22 ~~least thirty days prior to the meeting to approve the county~~
23 ~~budget, the commission shall provide notice to the public of the~~
24 ~~date and time of the meeting and that the purpose of the meeting of~~

1 ~~the county commission is to decide upon their budget certification~~
2 ~~to the Auditor.~~

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

1 ~~(3) COUNTY COMMISSIONERS~~

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

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

18 ~~(5) OTHER ELECTED OFFICIALS~~

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

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

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

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

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

23 ~~(8) Prior to the primary election in the year one thousand~~
 24 ~~nine hundred ninety two, in the case of a Class III, Class IV or~~

~~1 Class V county which has a part-time prosecuting attorney, the
2 county commission may find that such facts and circumstances exist
3 that require the prosecuting attorney to devote full-time to his or
4 her public duties for the four-year term, beginning the first day
5 of January, one thousand nine hundred ninety-three. If the county
6 commission makes such a finding, it may by proper order adopted and
7 entered, require the prosecuting attorney who takes office on the
8 first day of January, one thousand nine hundred ninety-three, to
9 devote full-time to his or her public duties and the county
10 commission shall then compensate said prosecuting attorney at the
11 same rate of compensation as that of a prosecuting attorney in a
12 Class II county.~~

~~13 (9) For any county: (A) Which on and after the first day of
14 July, one thousand nine hundred ninety-four, is classified as a
15 Class II county; and (B) which prior to such date was classified as
16 a Class III, Class IV or Class V county and maintained a part-time
17 prosecuting attorney, the county commission may elect to maintain
18 the prosecuting attorney as a part-time prosecuting attorney:
19 Provided, That prior to the first day of January, one thousand nine
20 hundred ninety-six, the county commission shall make a finding, by
21 proper order and entered, whether to maintain a full-time or
22 part-time prosecuting attorney. The part-time prosecuting attorney
23 shall be compensated at the same rate of compensation as that of a
24 prosecuting attorney in the class for the county prior to being~~

1 ~~classified as a Class II county.~~

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

12 ~~(2) Upon submission by the county commission to the Auditor of~~
13 ~~a proposed annual budget which contains anticipated receipts into~~
14 ~~the county's general revenue fund, less anticipated moneys from the~~
15 ~~unencumbered fund balance, equal to anticipated receipts into the~~
16 ~~county's general revenue fund, less anticipated moneys from the~~
17 ~~unencumbered fund balance and any federal or state special grants,~~
18 ~~for the fiscal year beginning the first day of July, one thousand~~
19 ~~nine hundred ninety-six, plus such additional amount as is~~
20 ~~necessary for payment of the increases in the salaries set out in~~
21 ~~subdivisions (3) and (6) of this subsection, and related employment~~
22 ~~taxes over that paid for the immediately preceding fiscal year, and~~
23 ~~upon approval thereof by the Auditor, which approval shall not be~~
24 ~~granted for any proposed annual budget containing anticipated~~

1 ~~receipts which are unreasonably greater or lesser than that of the~~
 2 ~~immediately preceding fiscal year for the purpose of determining~~
 3 ~~the compensation to be paid to the elected county officials of each~~
 4 ~~county office by class are established and shall be used by each~~
 5 ~~county commission in determining whether county revenues are~~
 6 ~~sufficient to pay the compensation mandated herein for their county~~
 7 ~~officials: *Provided,* That as to any county having a tribunal in~~
 8 ~~lieu of a county commission, the county commissioners of the county~~
 9 ~~may be paid less than the minimum compensation limits of the county~~
 10 ~~commission for the particular class of the county: *Provided,*~~
 11 ~~however, That should there be an insufficient projected increase in~~
 12 ~~revenues to pay the increased compensation and related employment~~
 13 ~~taxes, then the compensation of that county's elected officials~~
 14 ~~shall remain at the level in effect at the time certification was~~
 15 ~~sought.~~

16 ~~(3) COUNTY COMMISSIONERS~~

17	Class I	—————	\$28,000
18	Class II	—————	\$27,500
19	Class III	—————	\$27,000
20	Class IV	—————	\$26,500
21	Class V	—————	\$26,000
22	Class VI	—————	\$21,500
23	Class VII	—————	\$21,000
24	Class VIII	—————	\$19,000

1 Class IX ~~_____~~ \$18,500

2 Class X ~~_____~~ \$15,000

3 ~~(4) The compensation, set out in subdivision (3) of this~~
4 ~~subsection, shall be paid on and after the first day of January,~~
5 ~~one thousand nine hundred ninety-seven, to each county~~
6 ~~commissioner. Every county commissioner in each county, whose term~~
7 ~~of office commenced prior to or on or after the first day of~~
8 ~~January, one thousand nine hundred ninety-seven, shall receive the~~
9 ~~same annual compensation by virtue of legislative findings of extra~~
10 ~~duties as set forth in section one of this article.~~

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

18 ~~(6) OTHER ELECTED OFFICIALS~~

19 County ~~_____~~ Circuit ~~_____~~ Prosecuting

20 Sheriff ~~_____~~ Clerk ~~_____~~ Clerk ~~_____~~ Assessor ~~_____~~ Attorney

21 Class I ~~_____~~ \$34,000 ~~_____~~ \$42,000 ~~_____~~ \$42,000 ~~_____~~ \$34,000 ~~_____~~ \$76,000

22 Class II ~~_____~~ \$33,500 ~~_____~~ \$41,500 ~~_____~~ \$41,500 ~~_____~~ \$33,500 ~~_____~~ \$74,000

23 Class III ~~_____~~ \$33,250 ~~_____~~ \$40,500 ~~_____~~ \$40,500 ~~_____~~ \$33,250 ~~_____~~ \$72,000

24 Class IV ~~_____~~ \$33,000 ~~_____~~ \$40,250 ~~_____~~ \$40,250 ~~_____~~ \$33,000 ~~_____~~ \$70,000

1	Class V	\$32,750	\$40,000	\$40,000	\$32,750	\$68,000
2	Class VI	\$32,500	\$37,500	\$37,500	\$32,500	\$45,000
3	Class VII	\$32,250	\$37,000	\$37,000	\$32,250	\$43,000
4	Class VIII	\$32,000	\$36,500	\$36,500	\$32,000	\$41,000
5	Class IX	\$31,750	\$36,000	\$36,000	\$31,750	\$38,000
6	Class X	\$29,000	\$32,000	\$32,000	\$29,000	\$35,000

7 ~~(7) The compensation, set out in subdivision (6) of this~~
8 ~~subsection, shall be paid on and after the first day of January,~~
9 ~~one thousand nine hundred ninety-seven, to each elected county~~
10 ~~official. Any county clerk, circuit clerk, joint clerk of the~~
11 ~~county commission and circuit court, if any, county assessor or~~
12 ~~sheriff of a Class I through Class V county, inclusive, any~~
13 ~~assessor or any sheriff of a Class VI through Class IX county,~~
14 ~~inclusive, shall devote full time to his or her public duties to~~
15 ~~the exclusion of any other employment: Provided, That any public~~
16 ~~official, whose term of office begins when his or her county's~~
17 ~~classification imposes no restriction on his or her outside~~
18 ~~activities, shall not be restricted on his or her outside~~
19 ~~activities during the remainder of the term for which he or she is~~
20 ~~elected.~~

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

1 ~~separate offices of county clerk and circuit clerk.~~

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

1 ~~full-time.~~

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

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

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

1 ~~fund balance or federal or state grants; and~~

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

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

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

24 ~~(5) COUNTY COMMISSIONERS~~

1	Class I	—————	\$30,800
2	Class II	—————	\$30,250
3	Class III	—————	\$29,700
4	Class IV	—————	\$29,150
5	Class V	—————	\$28,600
6	Class VI	—————	\$23,650
7	Class VII	—————	\$23,100
8	Class VIII	—————	\$20,900
9	Class IX	—————	\$20,350
10	Class X	—————	\$16,500

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

17 ~~(7) OTHER ELECTED OFFICIALS~~

	County	Circuit	—————	Prosecuting		
	Sheriff	Clerk	Clerk	Assessor		
	—————	—————	—————	Attorney		
20	Class I	\$37,400	\$46,200	\$46,200	\$37,400	\$83,600
21	Class II	\$36,850	\$45,650	\$45,650	\$36,850	\$81,400
22	Class III	\$36,575	\$44,550	\$44,550	\$36,575	\$79,200
23	Class IV	\$36,300	\$44,295	\$44,295	\$36,300	\$77,000
24	Class V	\$36,025	\$44,000	\$44,000	\$36,025	\$74,800

1	Class VI	\$35,750	\$41,250	\$41,250	\$35,750	\$49,500
2	Class VII	\$35,475	\$40,700	\$40,700	\$35,475	\$47,300
3	Class VIII	\$35,200	\$40,150	\$40,150	\$35,200	\$45,100
4	Class IX	\$34,925	\$39,600	\$39,600	\$34,925	\$41,800
5	Class X	\$31,900	\$35,200	\$35,200	\$31,900	\$38,500

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

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

21 ~~(10) Any prosecuting attorney of a Class I through Class V~~
22 ~~county, inclusive, shall devote full-time to his or her public~~
23 ~~duties to the exclusion of any other employment: Provided, That~~
24 ~~any county which under the prior provisions of this section was~~

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

1 ~~that a full-time prosecuting attorney is needed.~~

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

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

14 (A) The Auditor has certified that the proposed annual county
15 budget for the fiscal year beginning July 1, 2006, has increased
16 over the previous fiscal year in an amount sufficient for the
17 payment of the increase in the salaries, set out in subdivisions
18 (5) and (7) of this subsection, and the related employment taxes:
19 *Provided,* That the Auditor may not approve the budget certification
20 for any proposed annual county budget containing anticipated
21 receipts which are unreasonably greater or lesser than that of the
22 previous year. For purposes of this subdivision, the term
23 "receipts" does not include unencumbered fund balance or federal or
24 state grants; and

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

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

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

COUNTY
 COMMISS
 IONERS

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

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

17 (7) OTHER ELECTED OFFICIALS

18		County	Circuit	Prosecuting	
19		Sheriff	Clerk	Assessor	Attorney
20	Class I	\$44,880	\$55,440	\$44,880	\$ 96,600
21	Class II	\$44,220	\$54,780	\$44,220	\$ 94,400
22	Class III	\$43,890	\$53,460	\$43,890	\$ 92,200
23	Class IV	\$43,560	\$53,154	\$43,560	\$ 90,000
24	Class V	\$43,230	\$52,800	\$43,230	\$ 87,800

1 Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
2 Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
3 Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
4 Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
5 Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

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

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

21 ~~(10)~~ (9) Any A prosecuting attorney of a Class I through Class
22 V county ~~inclusive~~, shall devote full-time to his or her public
23 duties to the exclusion of any other employment: *Provided*, ~~That~~
24 ~~any county which under the prior provisions of this section was~~

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

20 On and after January 1, 2013, prosecuting attorneys shall
21 devote full-time to their public duties: *Provided, That any*
22 currently serving part-time prosecutor who seeks office for a new
23 term may continue in the part-time capacity until such time as that
24 part-time prosecutor leaves office.

1 **§7-7-6a. Assessors; additional compensation; additional duties.**

2 In addition to the salary or compensation provided ~~elsewhere~~
3 in this article, ~~the a~~ county commission ~~of each county~~ shall
4 annually pay to the assessor ~~on an annual basis, on and after July~~
5 ~~one, one thousand nine hundred seventy seven,~~ additional
6 compensation in accordance with the provisions of this section and
7 section six-b of this article for such additional duties required
8 of him by this section.

9 To receive ~~such~~ additional compensation, ~~the following duties~~
10 ~~are hereby imposed upon every assessor of this state~~ shall:

11 (1) ~~He shall~~ Annually complete a sales ratio analysis in a
12 manner prescribed by the ~~state~~ Tax Commissioner.

13 (2) ~~He shall~~ Annually on or before December 1, present to the
14 Tax Commissioner a list of real property transfers of the prior
15 assessment year. ~~by December first annually.~~

16 (3) ~~He shall~~ Annually on or before December 1, ~~first of each~~
17 ~~year~~ supply a list of new construction and improvements exceeding
18 \$1,000 of the previous assessment year on forms prescribed by the
19 State Tax Commissioner.

20 (4) ~~He shall~~ Annually on or before December 1, of each year
21 supply a list of new businesses added to the assessment rolls and
22 businesses that have discontinued operations in the previous
23 assessment year and been removed from the assessment rolls.

24 (5) ~~He shall~~ Provide assistance to the Tax Commissioner to

1 disseminate information with respect to the taxation,
 2 classification and valuation of nonutility and public utility
 3 property to the end that all property shall be more equally and
 4 uniformly assessed throughout the state.

5 (6) ~~He shall~~ Annually assist the Tax Commissioner in
 6 determining the current use of such real property in his county as
 7 the Tax Commissioner may require to accomplish a uniform appraisal
 8 and assessment of real property.

9 ~~The~~ These duties ~~hereinbefore listed~~ must be substantially
 10 completed by the assessor no later than November 1 of each year.

11 ~~and each~~ The assessor shall certify to the Tax Commissioner that he
 12 has substantially completed such duties in accordance with
 13 requirements of the Tax Commissioner. If at this time there has
 14 been substantial completion of the above duties to the satisfaction
 15 of the Tax Commissioner, the Tax Commissioner shall, but no later
 16 than November 15 of each year, certify to the county commission
 17 that the assessor has substantially performed these duties, and is
 18 entitled to the remuneration provided for in section six-b of this
 19 article.

20 **§7-7-6b. Additional compensation of assessors according to county**
 21 **classification.**

22 ~~For the purpose of determining~~ The additional compensation to
 23 be paid to the county assessor is as follows: ~~of each county for~~
 24 ~~the additional duties provided by section six-a of this article,~~

1 ~~the following compensations for each county assessor by class, as~~
 2 ~~provided in section three of this article, are hereby established~~
 3 ~~and shall be used by each county commission in determining the~~
 4 ~~compensation of each county assessor; for Assessors in~~

5 Class I - V counties - ~~inclusive,~~ \$15,000;

6 ~~for assessors in~~ Class VI and VII counties - \$10,000;

7 ~~for assessors in~~ Class VIII and IX counties - \$9,000; and,

8 ~~for assessors in~~ Class X counties, \$6,500.

9 ~~Notwithstanding this section or any other section of the code~~
 10 ~~to the contrary, in no event shall the additional compensation paid~~
 11 ~~to the county assessors for performance of additional duties as~~
 12 ~~provided in section six-a of this article be less than the~~
 13 ~~additional compensation such county assessors received on the first~~
 14 ~~day of January, one thousand nine hundred seventy six.~~

15 **§7-7-6c. Additional compensation of assessor.**

16 ~~The~~ A county commission ~~of each county~~ shall allow the
 17 assessor a reasonable compensation, not exceeding ten percent of
 18 his or her salary, as provided by section four of this article, for
 19 such work as may be required of him or her under article one,
 20 chapter nineteen of this code, by the Commissioner of Agriculture,
 21 and ~~no~~ a county commission ~~shall~~ may not allow pay to assessor for
 22 performance of duties herein prescribed until ~~such~~ the assessor has
 23 received a certificate that his or her reports are completed and
 24 satisfactory to ~~said~~ the commissioner.

1 **§7-7-6d. Collection of head tax on dogs; duties of assessor and**
2 **sheriff; registration of dogs; disposition of head**
3 **tax; taxes on dogs not collected by assessor.**

4 ~~(a) It shall be the duty of the A county assessor and his or~~
5 ~~her deputies shall of each county within the state, at the time~~
6 ~~they are making assessment of the personal property within such~~
7 ~~county, to assess and collect a head tax of \$1 on each male or~~
8 ~~spayed female dog and \$2 on each unspayed female dog; and in~~
9 ~~addition to the above, the assessor and his or her deputies shall~~
10 ~~have the further duty of collecting any such head tax on dogs as~~
11 ~~may be levied by the ordinances of each and every municipality~~
12 ~~within the county.~~

13 ~~(b) In the event that~~ If the owner, keeper, or person having
14 in his or her possession or allowing to remain on any premises
15 under his or her control any dog above the age of six months,
16 ~~refuse or fail~~ refuses or fails to pay ~~such the~~ tax, when the ~~same~~
17 tax is assessed or within fifteen days thereafter, ~~to the assessor~~
18 ~~or deputy assessor,~~ then ~~such the~~ assessor or deputy assessor shall
19 certify ~~such the~~ tax to the county dog warden; if there ~~be~~ is no
20 county dog warden he or she shall certify such tax to the county
21 sheriff, who shall take charge of the dog for which the tax is
22 delinquent and impound the ~~same dog~~ for a period of fifteen days,
23 for which service he or she shall be allowed a fee of \$1.50 to be
24 charged against ~~such the~~ delinquent taxpayer in addition to the

1 taxes ~~herein~~ provided for in this section.

2 ~~(c) In case~~ If the tax and impounding charge ~~herein~~ provided
 3 for in this section ~~shall~~ has not have been paid within the period
 4 of fifteen days, then the sheriff may sell the impounded dog and
 5 deduct the impounding charge and the delinquent tax from the amount
 6 received ~~therefor~~, and return the balance, if any, to the
 7 delinquent taxpayer. ~~Should the sheriff fail to sell the dog so~~
 8 ~~impounded within the time specified herein, he shall kill such dog~~
 9 ~~and dispose of its body.~~

10 (d) At the same time as the head tax is assessed, the assessor
 11 and his or her deputies shall, on the forms prescribed under
 12 section four, article twenty, chapter nineteen of this code, take
 13 down the:

14 (1) Age;

15 (2) Sex;

16 (3) Color;

17 (4) Character of hair (long or short); ~~and~~

18 (5) Breed (if known); and

19 (6) The name and address of the owner, keeper or harborer
 20 ~~thereof~~ of the dog.

21 (e) When the ~~head~~ dog tax, and extra charges, if any, are
 22 paid, the officer to whom payment is made shall issue a ~~certificate~~
 23 ~~of~~ registration and a registration tag for ~~such~~ the dog.

24 (f) ~~In addition to the assessment and registration above~~

1 ~~provided for,~~ Whenever a dog either is acquired or becomes six
2 months of age, ~~after the assessment of the personal property of the~~
3 ~~owner, keeper or harborer thereof,~~ the said owner, keeper or
4 harborer of ~~said~~ the dog shall, within ten days after the
5 acquisition or maturation, register the ~~said~~ dog with the assessor,
6 and pay the head tax thereon unless the prior owner, keeper or
7 harborer paid the head tax.

8 (g) ~~All certificates of A~~ registration and registration tags
9 are issued pursuant to the provisions of this section shall be
10 issued for the fiscal year ~~and shall be~~ and are valid from the date
11 ~~on which issued~~ until June 30 of that fiscal year, or until
12 reissued by the assessor or his or her deputy, ~~in the regular~~
13 ~~performance of his duties,~~ but in no case shall may a previous
14 registration and registration tags be valid after September 30 of
15 the next ~~ensuing~~ fiscal year.

16 (h) The assessor ~~collecting the head tax on dogs shall be~~ is
17 allowed a commission of ten percent upon all ~~such~~ dog taxes
18 collected by him and shall turn in ninety percent to the county
19 treasurer. ~~ninety percent of such taxes so collected, as are levied~~
20 ~~by this section;~~ and The assessor shall turn over to the treasurer
21 or other proper officer of ~~each and every~~ a municipality within the
22 county ninety percent of ~~such~~ dog taxes levied by the ordinances of
23 ~~such~~ the municipality. ~~All such~~

24 (i) Dog taxes, except those belonging to municipalities, shall

1 be accredited to the dog and kennel fund provided for in section
2 ten, article twenty, chapter nineteen of this code. ~~Such~~ Dog taxes
3 ~~as are~~ collected for and turned over to municipalities shall be
4 deposited by the proper officer of ~~such the~~ municipality to ~~such~~
5 a fund and shall be expended in ~~such a~~ manner as ~~the law of such~~
6 ~~municipality may provide~~ provided for by ordinance.

7 (j) All dog taxes ~~on dogs~~ not collected by the assessor shall
8 be collected by the regular tax collecting officer of the county
9 and placed to the credit of the dog and kennel fund.

10 **§7-7-7. County assistants, deputies and employees; their number**
11 **and compensation; county budget.**

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

20 (b) The county clerk, circuit clerk, ~~joint clerk of the county~~
21 ~~commission and circuit court, if any,~~ sheriff, county assessor and
22 prosecuting attorney shall, prior to March 2 of each year, file
23 with the county commission a detailed request for appropriations
24 for anticipated or expected expenditures for their respective

1 offices, including the compensation for their assistants, deputies
2 and employees, for the ensuing fiscal year.

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

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

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

23 (f) After the county commission has fixed the total amount of
24 money to be expended by the county for the ensuing fiscal year and

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

10 (g) All budget statements required to be filed by this section
11 shall be verified by an affidavit by the county official making
12 them. Among other things contained in the affidavit shall be the
13 statement that the amounts shown in the budget statement are the
14 amounts actually paid or intended to be paid to the assistants,
15 deputies and employees without rebate, and without any agreement,
16 understanding or expectation that any part thereof shall be repaid
17 to him or her, and that, prior to the time the affidavit is made,
18 nothing has been paid or promised him or her on that account, and
19 that if he or she shall thereafter receive any money, or thing of
20 value, on account thereof, he or she will account for and pay the
21 same to the county. Until the statements required by this section
22 have been filed, ~~no allowance~~ allowances or payments ~~shall~~ may not
23 be made to any county official or their assistants, deputies and
24 employees.

1 (h) Each county official named in this section ~~shall have the~~
2 ~~authority to~~ may discharge any of his or her assistants, deputies
3 or employees by filing with the clerk of the county commission a
4 discharge statement specifying the discharge action: *Provided,*
5 That ~~no~~ any deputy sheriff appointed pursuant to the provisions of
6 article fourteen, chapter seven of this code, ~~shall~~ may not be
7 discharged contrary to the provisions of that article.

8 **§7-7-7a. Limit of budget expenditures.**

9 (a) ~~No~~ A county clerk, circuit clerk, ~~joint clerk of the~~
10 ~~county commission and circuit court, if any,~~ sheriff, county
11 assessor or prosecuting attorney may not, without the approval of
12 the county commission, spend or obligate, before the end of the
13 calendar year, more than fifty percent of the funds allocated for
14 his or her office in the fiscal year budget, in any fiscal year
15 where the person holding the office is leaving office due to either
16 resignation or the results of an election.

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

22 **§7-7-9. Procedure for payment of compensation.**

23 The compensation of the county clerk, circuit clerk, ~~joint~~
24 ~~clerk of the county and circuit court, if any,~~ sheriff, county

1 assessor, prosecuting attorney, and their assistants, deputies and
2 employees shall be paid monthly or semimonthly by the county court,
3 which compensation shall be paid out of the county treasury in the
4 manner prescribed by law.

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

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

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

24 **§7-7-11. Illegal orders for compensation.**

1 If any clerk ~~shall issue and deliver~~ issues and delivers a
2 draft to any county clerk, circuit clerk, ~~joint clerk of the county~~
3 ~~and circuit court, if any,~~ sheriff, county assessor, prosecuting
4 attorney, or any of their assistants, deputies or employees, in
5 payment of their compensation, without all the applicable
6 requirements of this article being complied with, the draft so
7 issued and delivered ~~shall be~~ is illegal and invalid. The clerk
8 and the sureties on his or her bond ~~shall be~~ are liable to the
9 county ~~court~~ commission of his or her county for the payment
10 thereof.

11 **§7-7-12. Sharing compensation prohibited.**

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

1 **§7-7-13. Allowance for expenses of sheriff.**

2 ~~The county commission of every county having a population of~~
3 ~~thirty thousand or less as determined by the latest official census~~
4 ~~available and which, as provided in section two-a, article eight of~~
5 ~~this chapter, has directed the sheriff as jailer to feed prisoners~~
6 ~~shall, in addition to his or her compensation, allow to the sheriff~~
7 ~~for keeping and feeding each prisoner, other than federal prisoners~~
8 ~~or prisoners held under civil process as provided by law, not more~~
9 ~~than five dollars per day for each prisoner.~~

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

14 ~~All supplies of whatever kind for keeping and feeding~~
15 ~~prisoners shall be purchased upon the requisition of the sheriff~~
16 ~~under rules prescribed by the county commission. At the end of~~
17 ~~each month the sheriff shall file with the county commission a~~
18 ~~detailed statement showing the name of each prisoner, date of~~
19 ~~commitment, date of discharge, the number of days in jail and an~~
20 ~~itemized statement showing each purchase and the cost for keeping~~
21 ~~and feeding prisoners.~~

22 ~~The A county commission of every county shall allow the actual~~
23 ~~and necessary expenses incurred by the sheriff in the discharge of~~
24 ~~his or her duties including, but not limited to, those incurred in~~

1 arresting, pursuing or transporting persons accused or convicted of
2 crimes and offenses; in the cost of law-enforcement and safety
3 equipment; in conveying or transporting a prisoner from and to jail
4 to participate in court proceedings; and in conveying or
5 transferring any person to or from any state institution where he
6 or she may be committed from his or her county, where the sheriff
7 is authorized to convey or transfer the person: *Provided*, That the
8 law-enforcement agency that places a person under arrest ~~shall be~~
9 is responsible for the person's initial transportation to a
10 regional or county jail, except where there is a preexisting
11 agreement between the county and the political body the other
12 law-enforcement agency serves. Any person transported to the
13 regional jail as provided for by the provisions of this section
14 shall, upon conviction for the offense causing his or her
15 incarceration, pay the reasonable costs of the transportation. The
16 money is to be collected by the court of conviction at the current
17 mileage reimbursement rate. The county commission shall allow the
18 actual and necessary expenses incurred in serving summonses,
19 notices or other official papers in connection with the sheriff's
20 office.

21 Every sheriff shall file monthly, under oath, an accurate
22 account of all the actual and necessary expenses incurred by him or
23 her, his or her deputies, assistants and employees in the
24 performance and discharge of their official duties supported by

1 verified accounts before reimbursement thereof shall be allowed by
2 the county commission. Reimbursement, properly allowed, shall be
3 made from the general county fund.

4 **§7-7-14. Training of sheriffs and deputies; payment of expenses**
5 **thereof by county court commission.**

6 ~~The A county court commission of each county is authorized, at~~
7 ~~its discretion, to may expend from the general county fund, upon~~
8 ~~request and requisition by the sheriff of the county, the necessary~~
9 ~~and proper travel expenses per diem allowance of not less than~~
10 ~~three dollars fifty cents per day and tuition expenses for the~~
11 ~~training of the sheriff and his deputies of the county in the~~
12 ~~performance of their duties. as sheriff and deputy. at any training~~
13 ~~school or academy available therefor located in this state.~~

14 **§7-7-15. Allowance for expenses of prosecuting attorney.**

15 In addition to his compensation, the prosecuting attorney and
16 his or her assistants shall be reimbursed for actual traveling
17 expenses within the state in the performance of their official
18 duties, and when out of the state for the purpose of taking
19 depositions in cases in which other counsel is not employed by the
20 court under section one, article three, chapter sixty-two of this
21 code, which expenses shall be duly itemized and verified, and
22 shall, if found correct, be allowed by the county ~~court~~ commission
23 and be paid monthly out of the general county fund.

24 **§7-7-16. Mileage allowance for county officials and employees.**

1 The county commission of each county shall allow to each
2 county official and to their deputies, assistants and employees,
3 when they are required to drive their personally owned vehicles in
4 the actual performance and discharge of their official duties,
5 reimbursement at a uniform rate for all individuals, ~~not to exceed~~
6 ~~the rate set by the commissioner of finance and administration for~~
7 ~~state employees~~ as approved by the county commission.

8 Every county official shall file monthly, under oath, a full
9 and accurate account of all the actual mileage driven by him or
10 her, his or her deputies, assistants and employees, in the
11 performance and discharge of their official duties supported by
12 verified accounts before reimbursement thereof shall be allowed by
13 the county commission. Reimbursement, properly allowed, shall be
14 made from the general county fund.

15 **~~§7-7-16a. Public carriage. County-owned vehicle.~~**

16 The sheriff of each county and his or her deputies who are
17 engaged in law-enforcement activities may, ~~in the discretion of the~~
18 ~~sheriff,~~ use ~~publicly provided carriage~~ county-owned vehicles to
19 travel from his or her residence to his or her workplace and
20 return. Any other county official or employee may, or may not, in
21 the discretion of the county commission, be furnished with the use
22 of ~~publicly provided carriage~~ county-owned vehicles to travel from
23 his or her residence to his or her workplace and return: *Provided,*
24 That ~~such~~ this usage is subject to the supervision of ~~said~~ the

1 sheriff or commission and is directly connected with and required
2 by the nature and in the performance of ~~such~~ the sheriff's,
3 deputy's, county official or employee's duties and
4 responsibilities.

5 **§7-7-20. Penalties.**

6 If any county clerk, circuit clerk, ~~joint clerk of any county~~
7 ~~and circuit court~~, sheriff, county assessor or prosecuting attorney
8 fail to file the detailed request for appropriations or the budget
9 statement as provided in section seven of this article or fail to
10 file the monthly or semimonthly statement as provided in section
11 nine of this article or fail to file the statement of expenditures
12 as provided for in section seventeen of this article, or if any
13 ~~county clerk, circuit clerk, joint clerk of any county and circuit~~
14 ~~court, sheriff, county assessor, prosecuting attorney,~~ of their
15 assistants, deputies or employees, fail to comply with any of the
16 requirements provided in this article, he or she ~~shall~~, except
17 where another penalty is prescribed, ~~be~~ is guilty of a misdemeanor,
18 and, upon conviction thereof, shall be fined not less than \$50 nor
19 more than \$100, or imprisoned in ~~the county~~ jail not less than
20 thirty days nor more than six months, or both fined and imprisoned.

NOTE: The purpose of this bill is to remove outdated language
from the code and require a county prosecuting attorney to be

full-time.

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