

H. B. 4406

(By Delegates Andes, Carmichael and Savilla)
[Introduced February 2, 2012; referred to the
Committee on Political Subdivisions then Finance.]

A BILL to repeal §7-7-3, §7-7-4 and §7-7-4a of the Code of West Virginia, 1931, as amended; and to amend and reenact §7-7-1, §7-7-6a and §7-7-6b of said code, all relating to the classification of counties for purpose of determining compensation of elected county officials; compensation of elected county officials and county commissioners for each class of county; legislative findings; authorizing the option of full-time status for part-time prosecuting attorneys; Assessors and their additional compensation for additional duties; and, additional compensation of assessors according to county classification.

Be it enacted by the Legislature of West Virginia:

That §7-7-3, §7-7-4, §7-7-4a of the Code of West Virginia, 1931, as amended, be repealed; and that §7-7-1, §7-7-6a and §7-7-6b of said code be amended and reenacted, all to read as follows:

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

2 **§7-7-1. Legislative findings and purpose.**

3 (a) The Legislature finds that it has, since January 1, 2003,
4 consistently and annually imposed upon the county commissioners,
5 sheriffs, county and circuit clerks, assessors and prosecuting
6 attorneys in each county board, new and additional duties by the
7 enactment of new provisions and amendments to this code. ~~The new
8 and additional duties imposed upon the aforesaid county officials
9 by these 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, article
12 VI of the Constitution of West Virginia.~~

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

20 (c) The Legislature further finds that there is a direct
21 correlation between the total assessed property valuations of a
22 county on which the salary levels of the county commissioners,
23 sheriffs, county and circuit clerks, assessors and prosecuting
24 attorneys are based, and the new and additional duties that each of

1 these officials is required to perform as they serve the best
2 interests of their respective counties. ~~Inasmuch as the~~
3 ~~reappraisal of the property valuations in each county has now been~~
4 ~~accomplished, the Legislature finds that a change in classification~~
5 ~~of counties by virtue of increased property valuations will occur~~
6 ~~on an infrequent basis. However, it is the further finding of the~~
7 ~~Legislature that when such change in classification of counties~~
8 ~~does occur, that new and additional programs, economic~~
9 ~~developments, requirements of public safety and the need for new~~
10 ~~services provided by county officials all increase, that the same~~
11 ~~constitute new and additional duties for county officials as their~~
12 ~~respective counties reach greater heights of economic development,~~
13 ~~as exemplified by the substantial increases in property valuations~~
14 ~~and, as such, justify the increases in compensation provided in~~
15 ~~section four of this article, without violating the provisions of~~
16 ~~section thirty-eight, article VI of the Constitution of West~~
17 ~~Virginia. The Legislature therefore finds that it is best for each~~
18 ~~county commission, having local knowledge and awareness of the~~
19 ~~conditions prevailing in that county which is not immediately~~
20 ~~apparent to the Legislature, to undertake for itself to set the~~
21 ~~salaries of its officials in the manner it best sees fitting and~~
22 ~~proper.~~

23 (d) The Legislature further finds and declares that the
24 amendments enacted to this article are intended to modify the

1 provisions of this article so as to cause the same to be in full
2 compliance with the provisions of the Constitution of West Virginia
3 and to be in full compliance with the decisions of the Supreme
4 Court of Appeals of West Virginia.

5 (e) Each County Commission shall set the salaries for county
6 officials within that jurisdiction: Provided, That the
7 determination of salaries shall be for a period of no longer than
8 four years and must be in full accordance with the provisions of
9 Section thirty-eight, Article VI of the Constitution of West
10 Virginia.

11 **§7-7-6a. Assessors; additional compensation; additional duties.**

12 In addition to the salary or compensation provided elsewhere
13 in this article, the county commission of each county shall pay to
14 the assessor, on an annual basis, on and after July 1, 1977,
15 additional compensation in accordance with the provisions of this
16 section ~~and section six-b of this article~~ for such additional
17 duties required of ~~him~~ the assessor by this section.

18 To receive such additional compensation, the following duties
19 are hereby imposed upon every assessor of this state:

20 (1) He or she shall annually complete a sales ratio analysis
21 in a manner prescribed by the State Tax Commissioner.

22 (2) He or she shall present to the Tax Commissioner a list of
23 real property transfers of the prior assessment year by December
24 first annually.

1 (3) He or she shall on or before December 1 of each year
2 supply a list of new construction and improvements exceeding \$1,000
3 of the previous assessment year on forms prescribed by the State
4 Tax Commissioner.

5 (4) He or she shall on or before December 1 of each year
6 supply a list of new businesses added to the assessment rolls and
7 businesses that have discontinued operations in the previous
8 assessment year and been removed from the assessment rolls.

9 (5) He or she shall provide assistance to the Tax Commissioner
10 to disseminate information with respect to the taxation,
11 classification and valuation of non utility and public utility
12 property to the end that all property shall be more equally and
13 uniformly assessed throughout the state.

14 (6) He or she shall annually assist the Tax Commissioner in
15 determining the current use of such real property in his or her
16 county as the Tax Commissioner may require to accomplish a uniform
17 appraisal and assessment of real property.

18 The duties hereinbefore listed must be substantially completed
19 by the assessor no later than November 1 of each year, and each
20 assessor shall certify to the Tax Commissioner that he or she has
21 substantially completed such duties in accordance with requirements
22 of the Tax Commissioner. If at this time there has been
23 substantial completion of the above duties to the satisfaction of
24 the Tax Commissioner, the Tax Commissioner shall, but no later than

1 November 15 of each year, certify to the county commission that the
 2 assessor has substantially performed these duties, and is entitled
 3 to the remuneration provided for in section six-b of this article.

4 **§7-7-6b. Additional compensation of assessors according to county**
 5 **classification.**

6 ~~For the purpose of determining the additional compensation to~~
 7 ~~be paid to the county assessor of each county for the additional~~
 8 ~~duties provided by section six-a of this article, the following~~
 9 ~~compensations for each county assessor by class, as provided in~~
 10 ~~section three of this article, are hereby established and shall be~~
 11 ~~used by each county commission in determining the compensation of~~
 12 ~~each county assessor; for assessors in Class I - V counties,~~
 13 ~~inclusive, \$15,000; for assessors in Class VI and VII counties,~~
 14 ~~\$10,000; for assessors in Class VIII and IX counties, \$9,000; for~~
 15 ~~assessors in Class X counties, \$6,500.~~

16 Notwithstanding the provisions of this section or any other
 17 section of the code to the contrary, the additional compensation
 18 paid to the county assessors for performance of additional duties
 19 as provided in section six-a of this article may not be less than
 20 the additional compensation the county assessors received on
 21 January 1, 1976.

NOTE: The purpose of this bill is to allow county commissions

broad discretion in setting the salaries of county elected officials.

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