

1 **H. B. 2887**

2  
3 (By Delegates Perry, L. Phillips, Westfall, Morgan,  
4 Longstreth, Caputo, Lynch, Skinner, Stowers, Romine and Craig)

5  
6 [Introduced March 8, 2013; referred to the  
7 Committee on Finance.]

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9  
10 A BILL to amend and reenact §7-7-1 and §7-7-4 of the Code of West  
11 Virginia, 1931, as amended, all relating to compensation of  
12 elected county officials and county commissioners for each  
13 class of county; legislative findings; and authorizing  
14 increasing this compensation after July 1, 2013.

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

16 That §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as  
17 amended, be amended and reenacted, all to read as follows:

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

19 **§7-7-1. Legislative findings and purpose.**

20 (a) The Legislature finds that it has, since January 1, ~~2003~~  
21 2007, consistently and annually imposed upon the county  
22 commissioners, sheriffs, county and circuit clerks, assessors and  
23 prosecuting attorneys in each county board, new and additional  
24 duties by the enactment of new provisions and amendments to this  
25 code. The new and additional duties imposed upon the aforesaid

1 county officials by these enactments are such that they would  
2 justify the increases in compensation as provided in section four  
3 of this article, without violating the provisions of section  
4 thirty-eight, article VI of the Constitution of West Virginia.

5 (b) The Legislature further finds that there are, from time to  
6 time, additional duties imposed upon all county officials through  
7 the acts of the Congress of the United States and that such acts  
8 constitute new and additional duties for county officials and, as  
9 such, justify the increases in compensation as provided by section  
10 four of this article, without violating the provisions of section  
11 thirty-eight, article VI of the Constitution of West Virginia.

12 (c) The Legislature further finds that there is a direct  
13 correlation between the total assessed property valuations of a  
14 county on which the salary levels of the county commissioners,  
15 sheriffs, county and circuit clerks, assessors and prosecuting  
16 attorneys are based, and the new and additional duties that each of  
17 these officials is required to perform as they serve the best  
18 interests of their respective counties. Inasmuch as the  
19 reappraisal of the property valuations in each county has now been  
20 accomplished, the Legislature finds that a change in classification  
21 of counties by virtue of increased property valuations will occur  
22 on an infrequent basis. However, it is the further finding of the  
23 Legislature that when such change in classification of counties  
24 does occur, that new and additional programs, economic

1 developments, requirements of public safety and the need for new  
2 services provided by county officials all increase, that the same  
3 constitute new and additional duties for county officials as their  
4 respective counties reach greater heights of economic development,  
5 as exemplified by the substantial increases in property valuations  
6 and, as such, justify the increases in compensation provided in  
7 section four of this article, without violating the provisions of  
8 section thirty-eight, article VI of the Constitution of West  
9 Virginia.

10 (d) The Legislature further finds and declares that the  
11 amendments enacted to this article are intended to modify the  
12 provisions of this article so as to cause the same to be in full  
13 compliance with the provisions of the Constitution of West Virginia  
14 and to be in full compliance with the decisions of the Supreme  
15 Court of Appeals of West Virginia.

16 **§7-7-4. Compensation of elected county officials and county**  
17 **commissioners for each class of county; effective**  
18 **date.**

19 (1) The increased salaries to be paid to the county  
20 commissioners and the other elected county officials described in  
21 this subsection on and after July 1, 2006, are set out in  
22 subdivisions (5) and (7) of this subsection. Every county  
23 commissioner and elected county official in each county, whose term  
24 of office commenced prior to or on or after July 1, 2006, shall

1 receive the same annual salary by virtue of legislative findings of  
2 extra duties as set forth in section one of this article.

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

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

18 (B) Each county commissioner or other elected official  
19 described in this subsection in office on the effective date of the  
20 increased salaries provided by this subsection who desires to  
21 receive the increased salary has prior to that date filed in the  
22 office of the clerk of the county commission his or her written  
23 agreement to accept the salary increase. The salary for the person  
24 who holds the office of county commissioner or other elected

1 official described in this subsection who fails to file the written  
 2 agreement as required by this paragraph shall be the salary for  
 3 that office in effect immediately prior to the effective date of  
 4 the increased salaries provided by this subsection until the person  
 5 vacates the office or his or her term of office expires, whichever  
 6 first occurs.

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

12       (4) In any county having a tribunal in lieu of a county  
 13 commission, the county commissioners of that county may be paid  
 14 less than the minimum salary limits of the county commission for  
 15 that particular class of the county.

16	(5)	COUNTY COMMISSIONERS	
17			
18		Class I	\$36,960
19		Class II	\$36,300
20		Class III	\$35,640
21		Class IV	\$34,980
22		Class V	\$34,320
23		Class VI	\$28,380
24		Class VII	\$27,720

1	Class VIII	\$25,080
2	Class IX	\$24,420
3	Class X	\$19,800

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

(7) OTHER ELECTED OFFICIALS

	County	Circuit	Prosecuting
	Sheriff	Clerk	assessor Attorney
11			
12			
13	Class I	\$44,880	\$55,440 \$55,440 \$44,880 \$ 96,600
14	Class II	\$44,220	\$54,780 \$54,780 \$44,220 \$ 94,400
15	Class III	\$43,890	\$53,460 \$53,460 \$43,890 \$ 92,200
16	Class IV	\$43,560	\$53,154 \$53,154 \$43,560 \$ 90,000
17	Class V	\$43,230	\$52,800 \$52,800 \$43,230 \$ 87,800
18	Class VI	\$42,900	\$49,500 \$49,500 \$42,900 \$ 59,400
19	Class VII	\$42,570	\$48,840 \$48,840 \$42,570 \$ 56,760
20	Class VIII	\$42,240	\$48,180 \$48,180 \$42,240 \$ 54,120
21	Class IX	\$41,910	\$47,520 \$47,520 \$41,910 \$ 50,160
22	Class X	\$38,280	\$42,240 \$42,240 \$38,280 \$ 46,200

(8) Any county clerk, circuit clerk, county assessor or sheriff of a Class I through Class V county, inclusive, any

1 assessor or any sheriff of a Class VI through Class IX county,  
2 inclusive, any prosecuting attorney who is designated full-time,  
3 shall devote full-time to his or her public duties to the exclusion  
4 of any other employment other than part-time employment that does  
5 not create a conflict of interest for the official: *Provided,* That  
6 any public official, whose term of office begins when his or her  
7 county's classification imposes no restriction on his or her  
8 outside activities, may not be restricted on his or her outside  
9 activities during the remainder of the term for which he or she is  
10 elected.

11 (9) Effective July 1, 2013, the increased salaries to be paid  
12 to the county commissioners and the other elected county officials  
13 described in this subsection are set out in subdivisions (13) and  
14 (15) of this subsection. Every county commissioner and elected  
15 county official in each county, whose term of office commenced  
16 prior to or on or after July 1, 2013, shall receive the same annual  
17 salary by virtue of legislative findings of extra duties as set  
18 forth in section one of this article.

19 (10) Before the increased salaries, as set out in subdivisions  
20 (13) and (15) of this subsection, are paid to the county  
21 commissioners and the elected county officials, the following  
22 requirements must be met:

23 (A) The Auditor has certified that the proposed annual county  
24 budget for the fiscal year beginning July 1, 2013, has increased

1 over the previous fiscal year in an amount sufficient for the  
2 payment of the increase in the salaries, set out in subdivisions  
3 (13) and (15) of this subsection, and the related employment taxes:  
4 Provided, That the Auditor may not approve the budget certification  
5 for any proposed annual county budget containing anticipated  
6 receipts which are unreasonably greater or lesser than that of the  
7 previous year. For purposes of this subdivision, the term  
8 "receipts" does not include unencumbered fund balance or federal or  
9 state grants; and

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

23 (11) If there is an insufficient projected increase in  
24 revenues to pay the increased salaries and the related employment



1 taxes, then the salaries of that county's elected officials and  
 2 commissioners shall remain at the level in effect at the time  
 3 certification was sought.

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

8	<u>(13)</u>	<u>COUNTY COMMISSIONERS</u>
9	<u>Class I</u>	<u>\$46,960</u>
10	<u>Class II</u>	<u>\$46,300</u>
11	<u>Class III</u>	<u>\$45,640</u>
12	<u>Class IV</u>	<u>\$44,980</u>
13	<u>Class V</u>	<u>\$44,320</u>
14	<u>Class VI</u>	<u>\$38,380</u>
15	<u>Class VII</u>	<u>\$37,720</u>
16	<u>Class VIII</u>	<u>\$35,080</u>
17	<u>Class IX</u>	<u>\$34,420</u>
18	<u>Class X</u>	<u>\$29,800</u>

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

	<u>OTHER ELECTED OFFICIALS</u>				
		<u>County</u>	<u>Circuit</u>	<u>Prosecuting</u>	
	<u>Sheriff</u>	<u>Clerk</u>	<u>Clerk</u>	<u>Assessor</u>	<u>Attorney</u>
1 <u>(15)</u>					
2					
3					
4 <u>Class I</u>	<u>\$57,880</u>	<u>\$70,440</u>	<u>\$70,440</u>	<u>\$54,880</u>	<u>\$ 108,600</u>
5 <u>Class II</u>	<u>\$57,220</u>	<u>\$69,780</u>	<u>\$69,780</u>	<u>\$54,220</u>	<u>\$ 106,400</u>
6 <u>Class III</u>	<u>\$56,890</u>	<u>\$68,460</u>	<u>\$68,460</u>	<u>\$53,890</u>	<u>\$ 104,200</u>
7 <u>Class IV</u>	<u>\$56,560</u>	<u>\$68,154</u>	<u>\$68,154</u>	<u>\$53,560</u>	<u>\$ 102,000</u>
8 <u>Class V</u>	<u>\$56,230</u>	<u>\$67,800</u>	<u>\$67,800</u>	<u>\$53,230</u>	<u>\$ 99,800</u>
9 <u>Class VI</u>	<u>\$55,900</u>	<u>\$64,500</u>	<u>\$64,500</u>	<u>\$52,900</u>	<u>\$ 71,400</u>
10 <u>Class VII</u>	<u>\$55,570</u>	<u>\$63,840</u>	<u>\$63,840</u>	<u>\$52,570</u>	<u>\$ 68,760</u>
11 <u>Class VIII</u>	<u>\$55,240</u>	<u>\$63,180</u>	<u>\$63,180</u>	<u>\$52,240</u>	<u>\$ 66,120</u>
12 <u>Class IX</u>	<u>\$54,910</u>	<u>\$62,520</u>	<u>\$62,520</u>	<u>\$51,910</u>	<u>\$ 62,160</u>
13 <u>Class X</u>	<u>\$51,280</u>	<u>\$57,240</u>	<u>\$57,240</u>	<u>\$48,280</u>	<u>\$ 58,200</u>

14 (16) Any county clerk, circuit clerk, county assessor or  
15 sheriff of a Class I through Class V county, inclusive, any  
16 assessor or any sheriff of a Class VI through Class IX county,  
17 inclusive, any prosecuting attorney who is designated as full-time  
18 shall devote full-time to his or her public duties to the exclusion  
19 of any other employment other than part-time employment that does  
20 not create a conflict of interest for the official: *Provided, That*  
21 any public official, whose term of office begins when his or her  
22 county's classification imposes no restriction on his or her  
23 outside activities, may not be restricted on his or her outside  
24 activities during the remainder of the term for which he or she is

1 elected.

NOTE: The purpose of this bill is to authorize an increase in compensation, after July 1, 2013, of elected county officials and county commissioners for each class of county.

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