

H. B. 3023

(By Delegates Caputo, Perry, Diserio and Moore)

[Introduced March 21, 2013; referred to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to providing county commissioners an ongoing mechanism to consider compensation increases for elected officials every two years.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

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

(1) The increased salaries to be paid to the county commissioners and the other elected county officials described in this subsection on and after July 1, 2006, are set out in subdivisions (5) and (7) of this subsection. Every county

1 commissioner and elected county official in each county whose term
2 of office commenced prior to or on or after July 1, 2006, shall
3 receive the same annual salary by virtue of legislative findings of
4 extra duties as set forth in section one of this article.

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

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

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

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

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

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

18 (5) COUNTY COMMISSIONERS

19

20	Class I	\$36,960
21	Class II	\$36,300
22	Class III	\$35,640
23	Class IV	\$34,980
24	Class V	\$34,320

1	Class VI	\$28,380
2	Class VII	\$27,720
3	Class VIII	\$25,080
4	Class IX	\$24,420
5	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
15 Class I	\$44,880	\$55,440	\$44,880
16 Class II	\$44,220	\$54,780	\$44,220
17 Class III	\$43,890	\$53,460	\$43,890
18 Class IV	\$43,560	\$53,154	\$43,560
19 Class V	\$43,230	\$52,800	\$43,230
20 Class VI	\$42,900	\$49,500	\$42,900
21 Class VII	\$42,570	\$48,840	\$42,570
22 Class VIII	\$42,240	\$48,180	\$42,240
23 Class IX	\$41,910	\$47,520	\$41,910
24 Class X	\$38,280	\$42,240	\$38,280

1 (8) ~~Any~~ A county clerk, circuit clerk, county assessor or
2 sheriff of a Class I through Class V county, inclusive, ~~any~~ and an
3 assessor or ~~any~~ a sheriff of a Class VI through Class IX county,
4 inclusive, shall devote full-time to his or her public duties to
5 the exclusion of any other employment. ~~Provided, That any~~ A public
6 official, however, 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) On March 1, 2015, and each second year thereafter, the
12 county commission of each county shall review the annual Consumer
13 Price Index published by the United States Department of Commerce
14 and determine if the proposed annual county budget for the fiscal
15 year beginning July, 1, 2015, has increased over the previous
16 fiscal year in an amount sufficient for the payment of an increase
17 in the salaries and the related employment taxes of the county
18 commissioners and other elected county officials in an amount up to
19 the increase in the Consumer Price Indices over the prior two years
20 or three percent, whichever is greater.

21 (10) If the proposed annual county budget for the fiscal year
22 beginning July, 1, 2015, has increased over the previous fiscal
23 year in an amount sufficient for the payment of an increase in the
24 salaries and the related employment taxes of the county

1 commissioners and other elected county officials in an amount up to
2 the increase in the Consumer Price Index or three percent,
3 whichever is greater, then the county commission may fix the salary
4 of the county commissioners and the other elected county officials
5 at an annual rate of salary to which the county official is
6 entitled pursuant the salary schedules contained in this section
7 including an increase up to the increase in Consumer Price Index or
8 three percent, whichever is greater, as determined by the county
9 commission.

10 (11) Before the increased salaries are paid to the county
11 commissioners and the elected county officials, the following
12 requirements must be met:

13 (A) The Auditor has certified that the proposed annual county
14 budget for the fiscal year beginning July 1, 2015, has increased
15 over the previous fiscal year in an amount sufficient for the
16 payment of the increase in the salaries, and related employment
17 taxes. The Auditor may not approve the budget certification for a
18 proposed annual county budget containing anticipated receipts which
19 are unreasonably greater or lesser than that of the previous year.
20 For purposes of this subdivision, the term "receipts" does not
21 include unencumbered fund balance or federal or state grants; and

22 (B) Each county commissioner or other elected official
23 described in this subsection in office on the effective date of the
24 increased salaries provided by this subsection who desires to

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

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

16 (13) In a county having a tribunal in lieu of a county
17 commission, the county commissioners of that county may be paid
18 less than the minimum salary limits of the county commission for
19 that particular class of the county.

NOTE: The purpose of this bill is to allow county commissioners an ongoing mechanism to consider compensation increases for elected county officials every two years in an amount up to the increase in the annual Consumer Price Index published by the United States Department of Commerce over the prior two years or three percent, whichever is greater.

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