

1 **H. B. 3024**

2
3 (By Delegates Ferro, Perry, Perdue, Diserio
4 and Moore)

5 [Introduced March 21, 2013; referred to the
6 Committee on Political Subdivisions then the Judiciary.]

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10 A BILL to amend and reenact §7-7-7 of the Code of West Virginia,
11 1931, as amended, relating to granting county commissions
12 advice and consent authority with respect to the discharge of
13 county employees.

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

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

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

18 **§7-7-7. County assistants, deputies and employees; their number
19 and compensation; county budget.**

20 (a) The county clerk, circuit clerk, sheriff, county assessor
21 and prosecuting attorney, by and with the advice and consent of the
22 county commission, may appoint and employ, to assist them in the
23 discharge of their official duties for and during their respective
24 terms of office, assistants, deputies and employees. The county

1 clerk may designate one or more of his or her assistants as
2 responsible for all probate matters.

3 (b) The county clerk, circuit clerk, sheriff, county assessor
4 and prosecuting attorney shall, prior to March 2 of each year, file
5 with the county commission a detailed request for appropriations
6 for anticipated or expected expenditures for their respective
7 offices, including the compensation for their assistants, deputies
8 and employees, for the ensuing fiscal year.

9 (c) The county commission shall, prior to March 29 of each
10 year by order fix the total amount of money to be expended by the
11 county for the ensuing fiscal year, which amount shall include the
12 compensation of county assistants, deputies and employees. Each
13 county commission shall enter its order upon its county commission
14 record.

15 (d) The county clerk, circuit clerk, sheriff, county assessor
16 and prosecuting attorney shall then fix the compensation of their
17 assistants, deputies and employees based on the total amount of
18 money designated for expenditure by their respective offices by the
19 county commission and the amount expended shall not exceed the
20 total expenditure designated by the county commission for each
21 office.

22 (e) The county officials, in fixing the individual
23 compensation of their assistants, deputies and employees and the
24 county commission in fixing the total amount of money to be

1 expended by the county, shall give due consideration to the duties,
2 responsibilities and work required of the assistants, deputies and
3 employees and their compensation shall be reasonable and proper.

4 (f) After the county commission has fixed the total amount of
5 money to be expended by the county for the ensuing fiscal year and
6 after each county official has fixed the compensation of each of
7 his or her assistants, deputies and employees, as provided in this
8 section, each county official shall file prior to June 30, with the
9 clerk of the county commission, a budget statement for the ensuing
10 fiscal year setting forth the name, or the position designation if
11 then vacant, of each of his or her assistants, deputies and
12 employees, the period of time for which each is employed, or to be
13 employed if the position is then vacant, and his or her monthly or
14 semimonthly compensation.

15 (g) All budget statements required to be filed by this section
16 shall be verified by an affidavit by the county official making
17 them. Among other things contained in the affidavit shall be the
18 statement that the amounts shown in the budget statement are the
19 amounts actually paid or intended to be paid to the assistants,
20 deputies and employees without rebate, and without any agreement,
21 understanding or expectation that any part thereof shall be repaid
22 to him or her, and that, prior to the time the affidavit is made,
23 nothing has been paid or promised him or her on that account, and
24 that if he or she shall thereafter receive any money, or thing of

1 value, on account thereof, he or she will account for and pay the
2 same to the county. Until the statements required by this section
3 have been filed, no allowance or payments shall be made to any
4 county official or their assistants, deputies and employees.

5 (h) Each county official named in this section, by and with
6 the advice and consent of the county commission, shall have the
7 authority to discharge any of his or her assistants, deputies or
8 employees by filing with the clerk of the county commission a
9 discharge statement specifying the discharge action: *Provided, That*
10 no deputy sheriff appointed pursuant to the provisions of article
11 fourteen, chapter seven of this code, shall be discharged contrary
12 to the provisions of that article.

NOTE: The purpose of this bill is to grant county commissions
with advice and consent authority in the discharge of a county
official's assistants, deputies and employees.

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