

Senate Bill No. 519

(By Senator Barnes)

[Introduced March 13, 2013; referred to the Committee on Government Organization; and then 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; and proportionate increase to county employees.

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, county employees 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

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

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

11 (A) The Auditor has certified that the proposed annual county
12 budget for the fiscal year beginning the first days of July, 2006,
13 has increased over the previous fiscal year in an amount sufficient
14 for the payment of the increase in the salaries, set out in
15 subdivisions (5) and (7) of this subsection, and the related
16 employment taxes. ~~Provided, That~~ The Auditor may not approve the
17 budget certification for ~~any~~ a proposed annual county budget
18 containing anticipated receipts which are unreasonably greater or
19 lesser than that of the previous year. For purposes of this
20 subdivision, the term "receipts" does not include unencumbered fund
21 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 ~~shall be~~ is the salary for
7 that office in effect immediately prior to the effective date of
8 the 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 (3) If there is an insufficient projected increase in revenues
12 to pay the increased salaries and the related employment taxes,
13 ~~then~~ the salaries of that county's elected officials and
14 commissioners ~~shall~~ remain at the level in effect at the time
15 certification was sought.

16 (4) In ~~any~~ 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.

20 (5) COUNTY COMMISSIONERS.

21

22 Class I \$36,960

23 Class II \$36,300

24 Class III \$35,640

1	Class IV	\$34,980
2	Class V	\$34,320
3	Class VI	\$28,380
4	Class VII	\$27,720
5	Class VIII	\$25,080
6	Class IX	\$24,420
7	Class X	\$19,800

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

14 (7) OTHER ELECTED OFFICIALS.

	County	Circuit	Prosecuting		
	Sheriff	Clerk	Assessor		
	Clerk	Clerk	Attorney		
17 Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
18 Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
19 Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
20 Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
21 Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
22 Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
23 Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
24 Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120

1 Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
2 Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

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

13 (9) On March 1, 2015, and each second year thereafter, the
14 county commission of each county shall review the annual Consumer
15 Price Index published by the United States Department of Commerce
16 and determine if the proposed annual county budget for the fiscal
17 year beginning July 1, 2015, has increased over the previous fiscal
18 year in an amount sufficient for the payment of an increase in the
19 salaries and the related employment taxes of the county
20 commissioners and other elected county officials in an amount up to
21 the increase in the Consumer Price Indices over the prior two years
22 or three percent, whichever is greater.

23 (10) If the proposed annual county budget for the fiscal year
24 beginning July 1, 2015, has increased over the previous fiscal year

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

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

24 (B) Each county commissioner or other elected official

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

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

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

22 (14) Notwithstanding the provisions of this section or any
23 other provision of this code to the contrary, salary increases may
24 not be provided to elected county officials unless county employees

1 are given an equal or greater rate of increase in wages
2 simultaneous with the increase to county officials.

NOTE: The purpose of this bill is to provide 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, contingent upon county employees receiving an equal or greater proportionate increase in wages.

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