

Senate Bill No. 529

(By Senators Kirkendoll, Cann and Tucker)

[Introduced March 14, 2013; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

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

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

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

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

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

21 (a) The county clerk, circuit clerk, sheriff, county assessor
22 and prosecuting attorney, by and with the advice and consent of the
23 county commission, may appoint and employ, to assist them in the

1 discharge of their official duties for and during their respective
2 terms of office, assistants, deputies and employees. The county
3 clerk may designate one or more of his or her assistants as
4 responsible for all probate matters.

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

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

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

24 (e) The county officials, in fixing the individual

1 compensation of their assistants, deputies and employees and the
2 county commission in fixing the total amount of money to be
3 expended by the county, shall give due consideration to the duties,
4 responsibilities and work required of the assistants, deputies and
5 employees and their compensation shall be reasonable and proper.

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

17 (g) All budget statements required to be filed by this section
18 shall be verified by an affidavit by the county official making
19 them. Among other things contained in the affidavit shall be the
20 statement that the amounts shown in the budget statement are the
21 amounts actually paid or intended to be paid to the assistants,
22 deputies and employees without rebate, and without any agreement,
23 understanding or expectation that any part thereof shall be repaid
24 to him or her, and that, prior to the time the affidavit is made,

1 nothing has been paid or promised him or her on that account, and
2 that if he or she shall thereafter receive any money, or thing of
3 value, on account thereof, he or she will account for and pay the
4 same to the county. Until the statements required by this section
5 have been filed, no allowance or payments shall be made to any
6 county official or their assistants, deputies and employees.

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

NOTE: The purpose of this bill is 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.