

Senate Bill No. 531

(By Senators Kirkendoll, Cann, D. Hall, Tucker, Chafin and
Fitzsimmons)

[Introduced March 14, 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.

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

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

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

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

23 (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 ~~shall be~~ is the salary for
9 that office in effect immediately prior to the effective date of
10 the 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 (3) If there is an insufficient projected increase in revenues
14 to pay the increased salaries and the related employment taxes,
15 ~~then~~ the salaries of that county's elected officials and
16 commissioners ~~shall~~ remain at the level in effect at the time
17 certification was sought.

18 (4) In ~~any~~ 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 (5) COUNTY COMMISSIONERS

23

1	Class I	\$36,960
2	Class II	\$36,300
3	Class III	\$35,640
4	Class IV	\$34,980
5	Class V	\$34,320
6	Class VI	\$28,380
7	Class VII	\$27,720
8	Class VIII	\$25,080
9	Class IX	\$24,420
10	Class X	\$19,800

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

17 (7) OTHER ELECTED OFFICIALS

18		County	Circuit		Prosecuting	
19		Sheriff	Clerk	Clerk	Assessor	Attorney
20	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
21	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
22	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
23	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000

1 Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
2 Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
3 Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
4 Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
5 Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
6 Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

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

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

4 (10) If the proposed annual county budget for the fiscal year
5 beginning July, 1, 2015, has increased over the previous fiscal
6 year in an amount sufficient for the payment of an increase in the
7 salaries and the related employment taxes of the county
8 commissioners and other elected county officials in an amount up to
9 the increase in the Consumer Price Index or three percent,
10 whichever is greater, then the county commission may fix the salary
11 of the county commissioners and the other elected county officials
12 at an annual rate of salary to which the county official is
13 entitled pursuant the salary schedules contained in this section
14 including an increase up to the increase in Consumer Price Index or
15 three percent, whichever is greater, as determined by the county
16 commission.

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

20 (A) The Auditor has certified that the proposed annual county
21 budget for the fiscal year beginning July 1, 2015, has increased
22 over the previous fiscal year in an amount sufficient for the
23 payment of the increase in the salaries, and related employment

1 taxes. The Auditor may not approve the budget certification for a
2 proposed annual county budget containing anticipated receipts which
3 are unreasonably greater or lesser than that of the previous year.

4 For purposes of this subdivision, the term "receipts" does not
5 include unencumbered fund balance or federal or state grants; and

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

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

1 (13) In a county having a tribunal in lieu of a county
2 commission, the county commissioners of that county may be paid
3 less than the minimum salary limits of the county commission for
4 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.