

1 **Senate Bill No. 548**

2 (By Senator Barnes)

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4 [Introduced March 15, 2013; referred to the Committee on

5 Government Organization; and then to the Committee on the

6 Judiciary.]

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11 A BILL to amend and reenact §7-7-7 of the Code of West Virginia,

12 1931, as amended, relating to permitting county commissions to

13 consult with county officials before county employees may be

14 discharged from employment.

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

1 county commission, may appoint and employ, to assist them in the
2 discharge of their official duties for and during their respective
3 terms of office, assistants, deputies and employees. The county
4 clerk may designate one or more of his or her assistants as
5 responsible for all probate matters.

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

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

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

1 office.

2 (e) The county officials, in fixing the individual
3 compensation of their assistants, deputies and employees and the
4 county commission in fixing the total amount of money to be
5 expended by the county, shall give due consideration to the duties,
6 responsibilities and work required of the assistants, deputies and
7 employees and their compensation shall be reasonable and proper.

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

19 (g) All budget statements required to be filed by this section
20 shall be verified by an affidavit by the county official making
21 them. Among other things contained in the affidavit shall be the
22 statement that the amounts shown in the budget statement are the
23 amounts actually paid or intended to be paid to the assistants,

1 deputies and employees without rebate, and without any agreement,
2 understanding or expectation that any part thereof shall be repaid
3 to him or her, and that, prior to the time the affidavit is made,
4 nothing has been paid or promised him or her on that account, and
5 that if he or she shall thereafter receive any money, or thing of
6 value, on account thereof, he or she will account for and pay the
7 same to the county. Until the statements required by this section
8 have been filed, no allowance or payments shall be made to any
9 county official or their assistants, deputies and employees.

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

NOTE: The purpose of this bill is to permit county commissions to consult with county officials before county employees may be discharged from employment.

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