

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 379**

4 (By Senators Miller, Blair, Boley, Cann, Cookman, Fitzsimmons,  
5 Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and  
6 Plymale)

7 \_\_\_\_\_  
8 [Originating in the Committee on Government Organization;  
9 reported February 12, 2014.]  
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12  
13 A BILL to amend and reenact §7-7-3, §7-7-4 and §7-7-6b of the Code  
14 of West Virginia, 1931, as amended, all relating to counties;  
15 reclassifying counties from ten classes to five classes;  
16 increasing the salaries of county commissioners and elected  
17 county officials; clarifying that the salary increases for  
18 county commissioners and elected county officials take effect  
19 with the new term of office; authorizing an automatic salary  
20 increase every two years; clarifying that the automatic salary  
21 increases only take effect with the new term of office;  
22 providing that the State Auditor shall not be held liable for  
23 relying upon information and data provided by a county  
24 commission in certifying a county's annual budget; and  
25 clarifying assessors' additional compensation classifications.

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

1 That §7-7-3, §7-7-4 and §7-7-6b of the Code of West Virginia,  
2 1931, as amended, be amended and reenacted, all to read as follows:

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

4 **§7-7-3. Classification of counties for purpose of determining**  
5 **compensation of elected county officials.**

6 (a) Effective July 1, 1996, and thereafter, for the purpose of  
7 determining the compensation of elected county officials, the  
8 counties of the State of West Virginia will be grouped into ten  
9 classes based on their assessed valuation of property, all classes.  
10 These ten classes and the minimum and maximum valuation of  
11 property, all classes, established to determine the classification  
12 of each county are as follows:

13	Minimum Assessed	Maximum Assessed
14	Valuation of Property	Valuation of Property
15 Class	All Classes	All Classes
16 Class I	\$ 2,000,000,000	No Limit
17 Class II	\$ 1,500,000,000	\$ 1,999,999,999
18 Class III	\$ 1,000,000,000	\$ 1,499,999,999
19 Class IV	\$ 700,000,000	\$ 999,999,999
20 Class V	\$ 600,000,000	\$ 699,999,999
21 Class VI	\$ 500,000,000	\$ 599,999,999
22 Class VII	\$ 400,000,000	\$ 499,999,999
23 Class VIII	\$ 300,000,000	\$ 399,999,999
24 Class IX	\$ 200,000,000	\$ 299,999,999
25 Class X	\$-0-	\$ 199,999,999

1 (b) Effective July 1, 2016, and thereafter, for the purpose of  
 2 determining the compensation of elected county officials, the  
 3 counties of the State of West Virginia will be grouped into five  
 4 classes based on their assessed valuation of property. These five  
 5 classes and the minimum and maximum valuation of property, all  
 6 classes, established to determine the classification of each county  
 7 are as follows:

8	<u>Minimum Assessed</u>	<u>Maximum Assessed</u>
9	<u>Valuation of Property</u>	<u>Valuation of Property</u>
10	<u>All Classes</u>	<u>All Classes</u>
11	<u>\$ 8,000,000,000</u>	<u>No Limit</u>
12	<u>\$ 2,000,000,000</u>	<u>\$ 7,999,999,999</u>
13	<u>\$ 600,000,000</u>	<u>\$ 1,999,999,999</u>
14	<u>\$ 400,000,000</u>	<u>\$ 599,999,999</u>
15	<u>\$-0-</u>	<u>\$ 399,999,999</u>

16 (b) (c) The assessed valuation of property, all classes, that  
 17 shall be used as the base to determine the class of a county shall  
 18 be the assessed valuation of property, all classes, of the county  
 19 as certified by the county assessor, State Auditor and county clerk  
 20 prior to March 29, 1996.

21 ~~(c)~~ (d) Prior to March 29, 1998, and each second year  
 22 thereafter, the county commission of each county, shall determine  
 23 if the assessed valuation of property, all classes, of the county,  
 24 as certified by the county assessor, State Auditor and county clerk  
 25 is within the minimum and maximum limits of a class above or below  
 26 the ~~class in which the county then is~~ the county's current

1 classification. If the county commission so determines, it shall  
2 record the new classification of the county with the State Auditor  
3 and State Tax Commissioner and record its action on its county  
4 commission record.

5 ~~(d)~~ (e) The classification of each county ~~shall be~~ is subject  
6 to review by the State Auditor. He or she shall determine if the  
7 classification of each county is correct based on the final  
8 assessed valuation of property, all classes, certified to him or  
9 her by the county assessor, State Auditor and county clerk. If he  
10 or she finds that a county is incorrectly classified, he or she  
11 shall notify the county commission of that county promptly of his  
12 or her finding and in any case shall notify the county prior to  
13 June 30 of that current fiscal year. Any county commission so  
14 notified shall correct its classification immediately and make any  
15 necessary corrections in the salaries of its elected county  
16 officials for the next fiscal year.

17 ~~(e)~~ (f) Notwithstanding the provisions of this article,  
18 whenever any other provision of this code refers to classifications  
19 of counties for purposes of imposing any right, duty or  
20 responsibility, the classification system set forth in subsection  
21 (a) of this section shall be utilized for determining the  
22 classification of a particular county.

23 **§7-7-4. Compensation of elected county officials and county**  
24 **commissioners for each class of county; effective**  
25 **date.**

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

10 (b) On or after July 1, 2016, the salaries to be paid to the  
 11 county commissioners and the other elected county officials  
 12 described in this section are set out in subsections (c), (d) and  
 13 (e) of this section: Provided, That the salaries set out in  
 14 subsections (c), (d) and (e) shall not take effect until the county  
 15 commissioners' or elected county officials' new term of office.

16 (c) COUNTY COMMISSIONERS

17	<u>Class I</u>	<u>\$42,000</u>
18	<u>Class II</u>	<u>\$41,000</u>
19	<u>Class III</u>	<u>\$40,000</u>
20	<u>Class IV</u>	<u>\$31,000</u>
21	<u>Class V</u>	<u>\$28,000</u>

22 (d) OTHER ELECTED OFFICIALS

23		<u>County</u>	<u>Circuit</u>		<u>Prosecuting</u>
24		<u>Sheriff</u>	<u>Clerk</u>	<u>Clerk</u>	<u>Assessor</u> <u>Attorney</u>
25	<u>Class I</u>	<u>\$51,000</u>	<u>\$63,000</u>	<u>\$63,000</u>	<u>\$51,000</u> <u>\$109,000</u>
26	<u>Class II</u>	<u>\$50,000</u>	<u>\$62,000</u>	<u>\$62,000</u>	<u>\$50,000</u> <u>\$108,000</u>

1	<u>Class III</u>	<u>\$49,000</u>	<u>\$61,000</u>	<u>\$61,000</u>	<u>\$49,000</u>	<u>\$105,000</u>
2	<u>Class IV</u>	<u>\$48,000</u>	<u>\$55,000</u>	<u>\$55,000</u>	<u>\$48,000</u>	<u>\$ 95,000</u>
3	<u>Class V</u>	<u>\$47,000</u>	<u>\$54,000</u>	<u>\$54,000</u>	<u>\$47,000</u>	<u>\$ 93,000</u>

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

13 (e) Notwithstanding provisions of the Code to this contrary,  
14 on or after July 1, 2016, any prosecutor that is employed by a  
15 county on a part-time basis shall be paid a salary of \$57,500.

16 (f) Beginning July 1, 2018, and every two years thereafter,  
17 the county commissioners and the other elected county officials of  
18 each county shall receive a salary increase equal to three percent  
19 of the county commissioner's or elected county official's salary  
20 during the preceding year so long as the requirements of subsection  
21 (g) of this section are met: *Provided*, That the salary increase  
22 does not take effect until the new term of office for the county  
23 commissioner or elected county official.

24 ~~(2)~~ (g) Before the increased salaries, as set out in  
25 ~~subdivisions (5) and (7) of this subsection provided for in~~  
26 subsection (f), are paid to the county commissioners and the

1 elected county officials, the following requirements must be met:

2       ~~(A)~~ (1) The Auditor has certified that the proposed annual  
3 county budget for the fiscal year ~~beginning the first days of July~~  
4 ~~1, 2006,~~ has increased over the previous fiscal year in an amount  
5 sufficient for the payment of the increase in the salaries, ~~set out~~  
6 ~~in subdivisions (5) and (7) of this subsection~~ section, and the  
7 related employment taxes: *Provided,* That the Auditor may not  
8 approve the budget certification for any proposed annual county  
9 budget containing anticipated receipts which are unreasonably  
10 greater or lesser than that of the previous year. For purposes of  
11 this ~~subdivision~~ subsection, the term "receipts" does not include  
12 unencumbered fund balance or federal or state grants: *Provided,*  
13 *further,* That the Auditor shall not be held liable for relying upon  
14 information and data provided by a county commission in certifying  
15 that county's annual budget; and

16       ~~(B)~~ (2) Each county commissioner or other elected county  
17 official, described in this ~~subsection~~ section, in office on the  
18 effective date of the increased salaries provided by this  
19 ~~subsection~~ section, who desires to receive the increased salary  
20 has, prior to that date, filed in the office of the clerk of the  
21 county commission his or her written agreement to accept the salary  
22 increase. The salary for the person who holds the office of county  
23 commissioner or other elected county official, described in this  
24 ~~subsection~~ section, who fails to file the written agreement as  
25 required by this paragraph, ~~shall be~~ is the salary for that office  
26 in effect immediately prior to the effective date of the increased

1 salaries provided by this ~~subsection~~ section until the person  
2 vacates the office or his or her term of office expires, whichever  
3 first occurs.

4 ~~(3)~~ (h) If there is an insufficient projected increase in  
5 revenues to pay the increased salaries and the related employment  
6 taxes, then the salaries of that county's elected officials and  
7 commissioners shall remain at the level in effect at the time  
8 certification was sought.

9 ~~(4)~~ (i) In any county having a tribunal in lieu of a county  
10 commission, the county commissioners of that county may be paid  
11 less than the minimum salary limits of the county commission for  
12 that particular class of the county.

13 ~~(5)~~ (j) COUNTY COMMISSIONERS

14	Class I	\$36,960
15	Class II	\$36,300
16	Class III	\$35,640
17	Class IV	\$34,980
18	Class V	\$34,320
19	Class VI	\$28,380
20	Class VII	\$27,720
21	Class VIII	\$25,080
22	Class IX	\$24,420
23	Class X	\$19,800

24 ~~(6)~~ (k) For the purpose of determining the salaries to be paid  
25 to the elected county officials of each county, the salaries for  
26 each county office by class, set out in subdivision (7) subsection



1 (1) of this subsection section, are established and shall be used  
 2 by each county commission in determining the salaries of each of  
 3 their county officials other than salaries of members of the county  
 4 commission.

5       ~~(7)~~ (1)                   OTHER ELECTED OFFICIALS

6		County	Circuit	Assessor	Prosecuting
7		Sheriff	Clerk	Clerk	Attorney
8	Class I	\$44,880	\$55,440	\$55,440	\$ 96,600
9	Class II	\$44,220	\$54,780	\$54,780	\$ 94,400
10	Class III	\$43,890	\$53,460	\$53,460	\$ 92,200
11	Class IV	\$43,560	\$53,154	\$53,154	\$ 90,000
12	Class V	\$43,230	\$52,800	\$52,800	\$ 87,800
13	Class VI	\$42,900	\$49,500	\$49,500	\$ 59,400
14	Class VII	\$42,570	\$48,840	\$48,840	\$ 56,760
15	Class VIII	\$42,240	\$48,180	\$48,180	\$ 54,120
16	Class IX	\$41,910	\$47,520	\$47,520	\$ 50,160
17	Class X	\$38,280	\$42,240	\$42,240	\$ 46,200

18       ~~(8)~~ (m) Any county clerk, circuit clerk, county assessor or  
 19 sheriff of a Class I through Class V county, inclusive, any  
 20 assessor or any sheriff of a Class VI through Class IX county,  
 21 inclusive, shall devote full-time to his or her public duties to  
 22 the exclusion of any other employment: *Provided*, That any public  
 23 official, whose term of office begins when his or her county's  
 24 classification imposes no restriction on his or her outside  
 25 activities, may not be restricted on his or her outside activities  
 26 during the remainder of the term for which he or she is elected.

1 **§7-7-6b. Additional compensation of assessors according to county**  
2 **classification.**

3 (a) For the purpose of determining the additional compensation  
4 to be paid to the county assessor of each county for the additional  
5 duties provided by section six-a of this article, the following  
6 compensations for each county assessor by class, as provided in  
7 section three of this article, are ~~hereby~~ established and shall be  
8 used by each county commission in determining the compensation of  
9 each county assessor: For assessors in Class I - V counties,  
10 inclusive, \$15,000; for assessors in Class VI and VII counties,  
11 \$10,000; for assessors in Class VIII and IX counties, \$9,000; and  
12 for assessors in Class X counties, \$6,500.

13 (b) Beginning July 1, 2016, for the purpose of determining the  
14 additional compensation to be paid to the county assessor of each  
15 county for the additional duties provided by section six-a of this  
16 article, the following compensations for each county assessor by  
17 class, as provided in section three of this article, are  
18 established and shall be used by each county commission in  
19 determining the compensation of each county assessor:

20 (1) For assessors in Class I - III counties, inclusive,  
21 \$15,000;

22 (2) For assessors in Class IV counties, \$10,000; and

23 (3) For assessors in Class V counties, \$9,000.

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