

1 attorneys to be devoted full time to public duties.

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

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

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

6 **§7-7-1. Legislative findings and purpose.**

7 (a) The Legislature finds that it has, since January 1, ~~2003~~
8 2007, consistently and annually imposed upon the county
9 commissioners, sheriffs, county and circuit clerks, assessors and
10 prosecuting attorneys in each county ~~board~~, new and additional
11 duties by the enactment of new provisions and amendments to this
12 code. The new and additional duties imposed upon the aforesaid
13 county officials by these enactments are such that they would
14 justify the increases in compensation as provided in section four
15 of this article, without violating the provisions of section
16 thirty-eight, article VI of the Constitution of West Virginia.

17 (b) The Legislature further finds that there are, from time to
18 time, additional duties imposed upon all county officials through
19 the acts of the Congress of the United States and that such acts
20 constitute new and additional duties for county officials and, as
21 such, justify the increases in compensation as provided by section
22 four of this article, without violating the provisions of section

1 thirty-eight, article VI of the Constitution of West Virginia.

2 (c) The Legislature further finds that there is a direct
3 correlation between the total assessed property valuations of a
4 county on which the salary levels of the county commissioners,
5 sheriffs, county and circuit clerks, assessors and prosecuting
6 attorneys are based, and the new and additional duties that each of
7 these officials is required to perform as they serve the best
8 interests of their respective counties. Inasmuch as the
9 reappraisal of the property valuations in each county has now been
10 accomplished, the Legislature finds that a change in classification
11 of counties by virtue of increased property valuations will occur
12 on an infrequent basis. However, it is the further finding of the
13 Legislature that when such change in classification of counties
14 does occur, that new and additional programs, economic
15 developments, requirements of public safety and the need for new
16 services provided by county officials all increase, that the same
17 constitute new and additional duties for county officials as their
18 respective counties reach greater heights of economic development,
19 as exemplified by the substantial increases in property valuations
20 and, as such, justify the increases in compensation provided in
21 section four of this article, without violating the provisions of
22 section thirty-eight, article VI of the Constitution of West

1 Virginia.

2 (d) The Legislature further finds and declares that the
3 amendments enacted to this article are intended to modify the
4 provisions of this article so as to cause the same to be in full
5 compliance with the provisions of the Constitution of West Virginia
6 and to be in full compliance with the decisions of the Supreme
7 Court of Appeals of West Virginia.

8 **§7-7-4. Compensation of elected county officials and county**
9 **commissioners for each class of county; effective**
10 **date.**

11 (1) The increased salaries to be paid to the county
12 commissioners and the other elected county officials described in
13 this ~~subsection~~ section on and after July 1, ~~2006~~ 2014, are set out
14 in ~~subdivisions~~ subsections (5) and (7) of this ~~subsection~~ section.
15 Every county commissioner and elected county official in each
16 county, whose term of office commenced prior to or on or after July
17 1, ~~2006~~ 2014, shall receive the same annual salary by virtue of
18 legislative findings of extra duties as set forth in section one of
19 this article.

20 (2) Before the increased salaries, as set out in ~~subdivisions~~
21 subsections (5) and (7) of this ~~subsection~~ section, are paid to the
22 county commissioners and the elected county officials, the

1 following requirements must be met:

2 (A) The Auditor has certified that the ~~proposed annual county~~
3 ~~budget for the fiscal year beginning the first days of July 1,~~
4 ~~2006,~~ fiscal condition of the county, considering costs, revenues,
5 liabilities and significant trends of the same; maintenance
6 standards; and the commitment to the provision of county services
7 ~~has increased~~ sufficiently improved over the previous fiscal year
8 years in so that there exists an amount sufficient for the payment
9 of the increase in the salaries set out in ~~subdivisions~~ subsections
10 (5) and (7) of this ~~subsection~~ section and the related employment
11 taxes: *Provided*, That the Auditor may not ~~approve the budget~~
12 provide the certification for the payment of the increase in the
13 salaries where any proposed annual county budget containing
14 contains anticipated receipts which are unreasonably greater or
15 lesser than that of the previous year. For purposes of this
16 ~~subdivision~~ subsection, the term "receipts" does not include
17 unencumbered fund balance or federal or state grants: *Provided*,
18 however, That the Auditor shall not be held liable for relying upon
19 information and data provided by a county commission in assessing
20 the county's fiscal condition or a proposed annual county budget;
21 and

22 (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 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. Each county commissioner or other elected official
13 described in this section in office on the effective date of the
14 increased salaries provided by this section who desires to receive
15 the increased salary shall have prior to that date filed in the
16 office of the clerk of the county commission his or her written
17 request for the salary increase. The salary for the person who
18 holds the office of county commissioner or other elected official
19 described in this section who fails to file the written request as
20 required by this paragraph shall be the salary for that office in
21 effect immediately prior to the effective date of the increased
22 salaries provided by this section until the person vacates the~~

1 office or his or her term of office expires, whichever first
2 occurs.

3 Any request for a salary increase shall use the following
4 language:

5 I, [name of office holder], the duly elected [name of office]
6 in and for the County of [name of county], West Virginia, do hereby
7 request a salary increase pursuant to W. Va. Code §7-7-4, as
8 amended. This salary increase is effective July 1, 2014.

9 [Signature of office holder]

10 [Date]

11 (3) If the Auditor has failed to certify that there is ~~an~~
12 ~~insufficient projected increase in revenues to pay the increased an~~
13 amount sufficient for the payment of the increase in the salaries
14 and the related employment taxes pursuant to this section, then the
15 salaries of that county's elected officials and commissioners shall
16 remain at the level in effect at the time certification was sought.

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

21 (5) Prior to July 1, 2014:

22 COUNTY COMMISSIONERS

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 After June 30, 2014:

12	<u>COUNTY COMMISSIONERS</u>	
13	<u>Class I</u>	<u>\$41,395</u>
14	<u>Class II</u>	<u>\$40,656</u>
15	<u>Class III</u>	<u>\$39,917</u>
16	<u>Class IV</u>	<u>\$39,178</u>
17	<u>Class V</u>	<u>\$38,438</u>
18	<u>Class VI</u>	<u>\$31,786</u>
19	<u>Class VII</u>	<u>\$31,046</u>
20	<u>Class VIII</u>	<u>\$28,090</u>
21	<u>Class IX</u>	<u>\$27,350</u>
22	<u>Class X</u>	<u>\$22,176</u>

1 (6) For the purpose of determining the salaries to be paid to
 2 the elected county officials of each county, the salaries for each
 3 county office by class, set out in subdivision (7) of this
 4 subsection, are established and shall be used by each county
 5 commission in determining the salaries of each of their county
 6 officials other than salaries of members of the county commission.

7 (7) Prior to July 1, 2014:

8 OTHER ELECTED OFFICIALS

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

21 After June 30, 2014:

22 OTHER ELECTED OFFICIALS

	<u>County</u>	<u>Circuit</u>	<u>Assessor</u>	<u>Prosecuting</u>
1				
2	<u>Sheriff</u>	<u>Clerk</u>	<u>Clerk</u>	<u>Attorney</u>
3	<u>Class I</u>	<u>\$50,266</u>	<u>\$62,093</u>	<u>\$62,093</u>
4	<u>Class II</u>	<u>\$49,526</u>	<u>\$61,354</u>	<u>\$61,354</u>
5	<u>Class III</u>	<u>\$49,157</u>	<u>\$59,875</u>	<u>\$59,875</u>
6	<u>Class IV</u>	<u>\$48,787</u>	<u>\$59,532</u>	<u>\$48,787</u>
7	<u>Class V</u>	<u>\$48,418</u>	<u>\$59,136</u>	<u>\$48,418</u>
8	<u>Class VI</u>	<u>\$48,048</u>	<u>\$55,440</u>	<u>\$48,048</u>
9	<u>Class VII</u>	<u>\$47,678</u>	<u>\$54,701</u>	<u>\$47,678</u>
10	<u>Class VIII</u>	<u>\$47,309</u>	<u>\$53,962</u>	<u>\$47,309</u>
11	<u>Class IX</u>	<u>\$46,939</u>	<u>\$53,222</u>	<u>\$46,939</u>
12	<u>Class X</u>	<u>\$42,874</u>	<u>\$47,309</u>	<u>\$42,874</u>

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

NOTE: The purpose of this bill is to authorize an increase in the salaries of county commissioners and elected county officials.

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