

**WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
FIRST EXTRAORDINARY SESSION, 2014**



ENROLLED

Senate Bill No. 1005

**(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)**

[PASSED MARCH 14, 2014; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 1005

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2014 MAR 31 A 11:00

FILED

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Senate Bill No. 1005

(BY SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[Passed March 14, 2014; in effect ninety days from passage.]

AN ACT to amend and reenact §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended, all relating to authorizing an increase in the salaries of county commissioners and elected county officials; revising legislative findings; requiring the State Auditor to consider certain factors when certifying whether a county has an amount sufficient for payment of the salary increases; providing that the State Auditor may not be held liable for relying upon information and data provided by a county commission in assessing a county's fiscal condition or annual budget; requiring submission of a written request for a salary increase; providing salary ranges for county commissioners and other county officials for the time period beginning July 1, 2014; and requiring certain prosecuting attorneys to be devoted full time to public duties.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

FILED

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

1 (a) The Legislature finds that it has, since January 1,
 2 2007, consistently and annually imposed upon the county
 3 commissioners, sheriffs, county and circuit clerks, assessors
 4 and prosecuting attorneys in each county new and additional
 5 duties by the enactment of new provisions and amendments
 6 to this code. The new and additional duties imposed upon the
 7 aforesaid county officials by these enactments are such that
 8 they would justify the increases in compensation as provided
 9 in section four of this article, without violating the provisions
 10 of section thirty-eight, article VI of the Constitution of West
 11 Virginia.

12 (b) The Legislature further finds that there are, from time
 13 to time, additional duties imposed upon all county officials
 14 through the acts of the Congress of the United States and that
 15 such acts constitute new and additional duties for county
 16 officials and, as such, justify the increases in compensation as
 17 provided by section four of this article, without violating the
 18 provisions of section thirty-eight, article VI of the
 19 Constitution of West Virginia.

20 (c) The Legislature further finds that there is a direct
 21 correlation between the total assessed property valuations of
 22 a county on which the salary levels of the county
 23 commissioners, sheriffs, county and circuit clerks, assessors
 24 and prosecuting attorneys are based, and the new and
 25 additional duties that each of these officials is required to
 26 perform as they serve the best interests of their respective
 27 counties. Inasmuch as the reappraisal of the property
 28 valuations in each county has now been accomplished, the
 29 Legislature finds that a change in classification of counties by
 30 virtue of increased property valuations will occur on an
 31 infrequent basis. However, it is the further finding of the
 32 Legislature that when such change in classification of

33 counties does occur, that new and additional programs,
34 economic developments, requirements of public safety and
35 the need for new services provided by county officials all
36 increase, that the same constitute new and additional duties
37 for county officials as their respective counties reach greater
38 heights of economic development, as exemplified by the
39 substantial increases in property valuations and, as such,
40 justify the increases in compensation provided in section four
41 of this article, without violating the provisions of section
42 thirty-eight, article VI of the Constitution of West Virginia.

43 (d) The Legislature further finds and declares that the
44 amendments enacted to this article are intended to modify the
45 provisions of this article so as to cause the same to be in full
46 compliance with the provisions of the Constitution of West
47 Virginia and to be in full compliance with the decisions of the
48 Supreme Court of Appeals of West Virginia.

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

1 (1) The increased salaries to be paid to the county
2 commissioners and the other elected county officials
3 described in this section on and after July 1, 2014, are set out
4 in subsections (5) and (7) of this section. Every county
5 commissioner and elected county official in each county,
6 whose term of office commenced prior to or on or after July
7 1, 2014, shall receive the same annual salary by virtue of
8 legislative findings of extra duties as set forth in section one
9 of this article.

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

14 (A) The Auditor has certified that the fiscal condition of
15 the county, considering costs, revenues, liabilities and
16 significant trends of the same; maintenance standards; and the
17 commitment to the provision of county services has
18 sufficiently improved over the previous fiscal years so that
19 there exists an amount sufficient for the payment of the
20 increase in the salaries set out in subsections (5) and (7) of
21 this section and the related employment taxes: *Provided*, That
22 the Auditor may not provide the certification for the payment
23 of the increase in the salaries where any proposed annual
24 county budget contains anticipated receipts which are
25 unreasonably greater or lesser than that of the previous year.
26 For purposes of this subsection, the term "receipts" does not
27 include unencumbered fund balance or federal or state grants:
28 *Provided, however*, That the Auditor shall not be held liable
29 for relying upon information and data provided by a county
30 commission in assessing the county's fiscal condition or a
31 proposed annual county budget; and

32 (B) Each county commissioner or other elected official
33 described in this section in office on the effective date of the
34 increased salaries provided by this section who desires to
35 receive the increased salary shall have prior to that date filed
36 in the office of the clerk of the county commission his or her
37 written request for the salary increase. The salary for the
38 person who holds the office of county commissioner or other
39 elected official described in this section who fails to file the
40 written request as required by this paragraph shall be the
41 salary for that office in effect immediately prior to the
42 effective date of the increased salaries provided by this
43 section until the person vacates the office or his or her term
44 of office expires, whichever first occurs.

45 Any request for a salary increase shall use the following
46 language:

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

52 [Signature of office holder]

53 [Date]

54 (3) If the Auditor has failed to certify that there is an
 55 amount sufficient for the payment of the increase in the
 56 salaries and the related employment taxes pursuant to this
 57 section, then the salaries of that county's elected officials and
 58 commissioners shall remain at the level in effect at the time
 59 certification was sought.

60 (4) In any county having a tribunal in lieu of a county
 61 commission, the county commissioners of that county may be
 62 paid less than the minimum salary limits of the county
 63 commission for that particular class of the county.

64 (5) Prior to July 1, 2014:

65 COUNTY COMMISSIONERS

66	Class I	\$36,960
67	Class II	\$36,300
68	Class III	\$35,640
69	Class IV	\$34,980
70	Class V	\$34,320
71	Class VI	\$28,380
72	Class VII	\$27,720
73	Class VIII	\$25,080
74	Class IX	\$24,420
75	Class X	\$19,800

76 After June 30, 2014:

77 COUNTY COMMISSIONERS

78	Class I	\$41,395
79	Class II	\$40,656
80	Class III	\$39,917
81	Class IV	\$39,178
82	Class V	\$38,438
83	Class VI	\$31,786
84	Class VII	\$31,046
85	Class VIII	\$28,090
86	Class IX	\$27,350
87	Class X	\$22,176

88 (6) For the purpose of determining the salaries to be paid
 89 to the elected county officials of each county, the salaries for
 90 each county office by class, set out in subdivision (7) of this
 91 subsection, are established and shall be used by each county
 92 commission in determining the salaries of each of their
 93 county officials other than salaries of members of the county
 94 commission.

95 (7) Prior to July 1, 2014:

96 OTHER ELECTED OFFICIALS

97		County	Circuit	Prosecuting		
98		Sheriff	Clerk	Assessor		
			Clerk	Attorney		
99	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
100	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
101	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200

102	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
103	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
104	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
105	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
106	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
107	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
108	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

109 **After June 30, 2014:**

110 **OTHER ELECTED OFFICIALS**

111		County	Circuit	Prosecuting		
112		Sheriff	Clerk	Clerk	Assessor	Attorney
113	Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
114	Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
115	Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
116	Class IV	\$48,787	\$59,532	\$59,532	\$48,787	\$100,800
117	Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336
118	Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
119	Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
120	Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
121	Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
122	Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

123 (8) Any county clerk, circuit clerk, county assessor,
124 prosecuting attorney or sheriff of a Class I through Class V
125 county, inclusive, any assessor or any sheriff of a Class VI
126 through Class IX county, inclusive, shall devote full time to
127 his or her public duties to the exclusion of any other
128 employment: *Provided*, That any public official whose term
129 of office begins when his or her county's classification
130 imposes no restriction on his or her outside activities may not
131 be restricted on his or her outside activities during the
132 remainder of the term for which he or she is elected.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]
.....
Member — ~~Chairman~~ Senate Committee

[Handwritten Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]
.....
Clerk of the Senate

[Handwritten Signature]
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within *is approved* this
the *31st* Day of *March*, 2014.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2014

Time 3:45p