WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 467

By Senators Woodrum and Deeds

[Originating in the Committee on Government Organization; reported on February 10, 2023]

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:

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)~~ (a) The ~~increased~~ base salaries to be paid to the county commissioners and the other elected county officials described in this section on and after July 1, 2014, and on and after July 1, 2022, are set out in subsections ~~(5)~~ (b) and ~~(7)~~ (d) of this section. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, 2014, shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in §7-7-1 of this code.

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

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

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

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

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

~~[Signature of office holder]~~

~~[Date]~~

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

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

~~(5)~~ (b) Prior to July 1, 2014:

COUNTY COMMISSIONERS BASE SALARIES

Class I $36,960

Class II $36,300

Class III $35,640

Class IV $34,980

Class V $34,320

Class VI $28,380

Class VII $27,720

Class VIII $25,080

Class IX $24,420

Class X $19,800

After June 30, 2014:

COUNTY COMMISSIONERS BASE SALARIES

Class I $41,395

Class II $40,656

Class III $39,917

Class IV $39,178

Class V $38,438

Class VI $31,786

Class VII $31,046

Class VIII $28,090

Class IX $27,350

Class X $22,176

After June 30, 2022:

COUNTY COMMISSIONERS BASE SALARIES

Class I $45,535

Class II $44,722

Class III $43,909

Class IV $43,096

Class V $42,282

Class VI $34,965

Class VII $34,151

Class VIII $30,899

Class IX $30,085

Class X $24,394

~~(6)~~ (c) For the purpose of determining the base salaries to be paid to the elected county officials of each county, the base salaries for each county office by class, set out in subsection ~~(7)~~ (d) of this section, are established and shall be used by each county commission in determining the base salaries of each of their county officials other than salaries of members of the county commission.

~~(7)~~ (d) Prior to July 1, 2014:

 OTHER ELECTED OFFICIALS BASE SALARIES

County Circuit County Prosecuting

Sheriff Clerk Clerk Assessor Attorney

Class I $44,880 $55,440 $55,440 $44,880 $ 96,600

Class II $44,220 $54,780 $54,780 $44,220 $ 94,400

Class III $43,890 $53,460 $53,460 $43,890 $ 92,200

Class IV $43,560 $53,154 $53,154 $43,560 $ 90,000

Class V $43,230 $52,800 $52,800 $43,230 $ 87,800

Class VI $42,900 $49,500 $49,500 $42,900 $ 59,400

Class VII $42,570 $48,840 $48,840 $42,570 $ 56,760

Class VIII $42,240 $48,180 $48,180 $42,240 $ 54,120

Class IX $41,910 $47,520 $47,520 $41,910 $ 50,160

Class X $38,280 $42,240 $42,240 $38,280 $ 46,200

After June 30, 2014:

OTHER ELECTED OFFICIALS BASE SALARIES

County Circuit County Prosecuting

Sheriff Clerk Clerk Assessor Attorney

Class I $50,266 $62,093 $62,093 $50,266 $108,192

Class II $49,526 $61,354 $61,354 $49,526 $105,728

Class III $49,157 $59,875 $59,875 $49,157 $103,264

Class IV $48,787 $59,532 $59,532 $48,787 $100,800

Class V $48,418 $59,136 $59,136 $48,418 $98,336

Class VI $48,048 $55,440 $55,440 $48,048 $66,528

Class VII $47,678 $54,701 $54,701 $47,678 $63,571

Class VIII $47,309 $53,962 $53,962 $47,309 $60,614

Class IX $46,939 $53,222 $53,222 $46,939 $56,179

Class X $42,874 $47,309 $47,309 $42,874 $51,744

After June 30, 2022:

OTHER ELECTED OFFICIALS BASE SALARIES

 Sheriff County Clerk Circuit Clerk Assessor Prosecuting Attorney

Class I $56,793 $68,302 $68,302 $56,793 $119,011

Class II $55,979 $67,489 $67,489 $55,979 $116,301

Class III $55,573 $65,863 $65,863 $55,573 $113,590

Class IV $55,166 $65,485 $65,485 $55,166 $110,880

Class V $54,760 $65,050 $65,050 $54,760 $108,170

Class VI $54,353 $60,984 $60,984 $53,853 $73,181

Class VII $53,946 $60,171 $60,171 $53,446 $69,928

Class VIII $53,540 $59,358 $59,358 $52,940 $66,675

Class IX $53,133 $58,544 $58,544 $52,533 $61,797

Class X $48,661 $52,040 $52,040 $47,811 $56,918

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

(f) On March 1, 2024, and on March 1 of each second year thereafter, the county commission of each county shall review the annual Consumer Price Index published by the United States Department of Commerce and determine if the proposed annual county budget for the fiscal year beginning July 1, 2024, or of the upcoming fiscal year, has increased over the previous fiscal year in an amount sufficient for the payment of an increase in the salaries and the related employment taxes of the county commissioners and other elected county officials in an amount up to the increase in the Consumer Price Index over the prior two years.

(g) If the proposed annual county budget for the fiscal year beginning July 1, 2024, or of the upcoming fiscal year, has increased over the previous fiscal year in an amount sufficient for the payment of an increase in the salaries and the related employment taxes of the county commissioner and other elected county officials in an amount up to the increase in the Consumer Price Index, then the county commission may fix the salary of the county commissioners and the other elected county officials at an annual rate of salary to which the county official is entitled pursuant to the salary schedule contained in this section including an increase up to the increase in the Consumer Price Index, as determined by the county commission.

(h) Before the increased salaries are paid to the county commissioners and the elected county officials, the following requirement must be met:

(1) Each county commissioner or other elected official described in this section in office on the effective date of the increased salaries provided by this section who desires to receive the increased salary has prior to that date filed in the office of the clerk of the county commission his or her written agreement to accept the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this section who fails to file the written agreement as required by this subsection is the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this section until the person vacates the office or his or her term of office expires, whichever first occurs.

(2) Any request for a salary increase shall use the following language:

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

[Signature of office holder]

[Date]

(i) If there is an insufficient projected increase in revenues to pay the increased salaries and the related employment taxes, the salaries of that county’s elected officials and commissioners shall remain at the level in effect at the time the review of the Consumer Price Index and the budget for the upcoming fiscal year was conducted.