

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 COMMITTEE SUBSTITUTE

5 FOR

6 **Senate Bill No. 379**

7 (By Senators Miller, Blair, Boley, Cann, Cookman, Fitzsimmons,
8 Kirkendoll, Stollings, Snyder, Kessler (Mr. President) and
9 Plymale)

10 _____
11 [Originating in the Committee on Finance;
12 reported February 21, 2014.]

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15
16 A BILL to amend and reenact §7-7-3, §7-7-4 and §7-7-6b of the Code
17 of West Virginia, 1931, as amended, all relating to counties;
18 reclassifying counties from ten classes to five classes;
19 authorizing an increase in the salaries of county
20 commissioners and elected county officials; clarifying that
21 the salary increases for county commissioners and elected
22 county officials take effect with the new term of office;
23 providing that the State Auditor shall not be held liable for
24 relying upon information and data provided by a county

1 commission in certifying a county's annual budget; and
2 clarifying assessors' additional compensation classifications.

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

4 That §7-7-3, §7-7-4 and §7-7-6b of the Code of West Virginia,
5 1931, as amended, be amended and reenacted, all to read as follows:

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

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

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

16	Minimum Assessed	Maximum Assessed
17	Valuation of Property	Valuation of Property
18 Class	All Classes	All Classes
19 Class I	\$2,000,000,000	No Limit
20 Class II	\$1,500,000,000	\$1,999,999,999
21 Class III	\$1,000,000,000	\$1,499,999,999
22 Class IV	\$ 700,000,000	\$ 999,999,999
23 Class V	\$ 600,000,000	\$ 699,999,999
24 Class VI	\$ 500,000,000	\$ 599,999,999

1 Class VII	\$ 400,000,000	\$ 499,999,999
2 Class VIII	\$ 300,000,000	\$ 399,999,999
3 Class IX	\$ 200,000,000	\$ 299,999,999
4 Class X	\$ -0-	\$ 199,999,999

5 (b) Effective July 1, 2014, and thereafter, for the purpose of
6 determining the compensation of elected county officials, the
7 counties of the State of West Virginia will be grouped into five
8 classes based on their assessed valuation of property. These five
9 classes and the minimum and maximum valuation of property, all
10 classes, established to determine the classification of each county
11 are as follows:

12	<u>Minimum Assessed</u>	<u>Maximum Assessed</u>
13	<u>Valuation of Property</u>	<u>Valuation of Property</u>
14	<u>All Classes</u>	<u>All Classes</u>
15 <u>Class I</u>	<u>\$8,000,000,000</u>	<u>No Limit</u>
16 <u>Class II</u>	<u>\$2,000,000,000</u>	<u>\$7,999,999,999</u>
17 <u>Class III</u>	<u>\$ 600,000,000</u>	<u>\$1,999,999,999</u>
18 <u>Class IV</u>	<u>\$ 400,000,000</u>	<u>\$ 599,999,999</u>
19 <u>Class V</u>	<u>\$ -0-</u>	<u>\$ 399,999,999</u>

20 (1) Before the increased salaries to be paid to the county
21 commissioners and the other elected county officials described in
22 section four of this article on and after July 1, 2014, are paid to
23 the county commissioners and the elected county officials, the
24 following requirements must be met:

1 (A) The Auditor has certified that the proposed annual county
2 budget for the fiscal year beginning July 1, 2014, has increased
3 over the previous fiscal year in an amount sufficient for the
4 payment of the increase in the salaries, and the related employment
5 taxes: *Provided*, That the Auditor may not approve the budget
6 certification for any proposed annual county budget containing
7 anticipated receipts which are unreasonably greater or lesser than
8 that of the previous year. For purposes of this subdivision, the
9 term "receipts" does not include unencumbered fund balance or
10 federal or state grants; and

11 (B) Each county commissioner or other elected official
12 described in this subsection in office on the effective date of the
13 increased salaries provided by this subsection who desires to
14 receive the increased salary has prior to that date filed in the
15 office of the clerk of the county commission his or her written
16 agreement to accept the salary increase. The salary for the person
17 who holds the office of county commissioner or other elected
18 official described in this subsection who fails to file the written
19 agreement as required by this paragraph shall be the salary for
20 that office in effect immediately prior to the effective date of
21 the increased salaries provided by this subsection until the person
22 vacates the office or his or her term of office expires, whichever
23 first occurs.

24 (2) If there is an insufficient projected increase in revenues

1 to pay the increased salaries and the related employment taxes,
2 then the salaries of that county's elected officials and
3 commissioners shall remain at the level in effect at the time
4 certification was sought.

5 (b) (c) The assessed valuation of property, all classes, that
6 shall be used as the base to determine the class of a county shall
7 be the assessed valuation of property, all classes, of the county
8 as certified by the county assessor, State Auditor and county clerk
9 prior to March 29, 1996.

10 ~~(c)~~ (d) Prior to March 29, 1998, and each second year
11 thereafter, the county commission of each county shall determine if
12 the assessed valuation of property, all classes, of the county, as
13 certified by the county assessor, State Auditor and county clerk is
14 within the minimum and maximum limits of a class above or below the
15 ~~class in which the county then is~~ county's current classification.

16 If the county commission so determines, it shall record the new
17 classification of the county with the State Auditor and State Tax
18 Commissioner and record its action on its county commission record.

19 ~~(d)~~ (e) The classification of each county ~~shall be~~ is subject
20 to review by the State Auditor. He or she shall determine if the
21 classification of each county is correct based on the final
22 assessed valuation of property, all classes, certified to him or
23 her by the county assessor, State Auditor and county clerk. If he
24 or she finds that a county is incorrectly classified, he or she

1 shall notify the county commission of that county promptly of his
2 or her finding and in any case shall notify the county prior to
3 June 30 of that current fiscal year. Any county commission so
4 notified shall correct its classification immediately and make any
5 necessary corrections in the salaries of its elected county
6 officials for the next fiscal year.

7 ~~(e)~~ (f) Notwithstanding the provisions of this article,
8 whenever any other provision of this code refers to classifications
9 of counties for purposes of imposing any right, duty or
10 responsibility, the classification system set forth in subsection
11 (a) of this section shall be utilized for determining the
12 classification of a particular county.

13 **§7-7-4. Compensation of elected county officials and county**
14 **commissioners for each class of county; effective**
15 **date.**

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

1 (b) On or after July 1, 2014, the salaries to be paid to the
 2 county commissioners and the other elected county officials
 3 described in this section are set out in subsections (c), (d) and
 4 (e) of this section: Provided, That the salaries set out in
 5 subsections (c), (d) and (e) shall not take effect until the county
 6 commissioners' or elected county officials' new term of office.

7 (c)

8 COUNTY COMMISSIONERS

9	<u>Class I</u>	<u>\$42,000</u>
10	<u>Class II</u>	<u>\$41,000</u>
11	<u>Class III</u>	<u>\$40,000</u>
12	<u>Class IV</u>	<u>\$31,000</u>
13	<u>Class V</u>	<u>\$28,000</u>

14 (d)

15 OTHER ELECTED OFFICIALS

16		<u>County</u>	<u>Circuit</u>	<u>Assessor</u>	<u>Prosecuting</u>
17	<u>Sheriff</u>	<u>Clerk</u>	<u>Clerk</u>		<u>Attorney</u>
18	<u>Class I</u>	<u>\$51,000</u>	<u>\$63,000</u>	<u>\$51,000</u>	<u>\$109,000</u>
19	<u>Class II</u>	<u>\$50,000</u>	<u>\$62,000</u>	<u>\$50,000</u>	<u>\$108,000</u>
20	<u>Class III</u>	<u>\$49,000</u>	<u>\$61,000</u>	<u>\$49,000</u>	<u>\$105,000</u>
21	<u>Class IV</u>	<u>\$48,000</u>	<u>\$55,000</u>	<u>\$48,000</u>	<u>\$ 95,000</u>
22	<u>Class V</u>	<u>\$47,000</u>	<u>\$54,000</u>	<u>\$47,000</u>	<u>\$ 93,000</u>

23 Any county clerk, circuit clerk, county assessor or sheriff of
 24 a Class I through Class III county, inclusive, any assessor or any

1 sheriff of a Class IV through Class V county, inclusive, shall
2 devote full time to his or her public duties to the exclusion of
3 any other employment: Provided, That any public official, whose
4 term of office begins when his or her county's classification
5 imposes no restriction on his or her outside activities, may not be
6 restricted on his or her outside activities during the remainder of
7 the term for which he or she is elected.

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

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

15 ~~(A)~~ (1) The Auditor has certified that the proposed annual
16 county budget for the fiscal year ~~beginning the first days of July~~
17 ~~1, 2006,~~ has increased over the previous fiscal year in an amount
18 sufficient for the payment of the increase in the salaries ~~set out~~
19 ~~in subdivisions (5) and (7) of this subsection~~ and the related
20 employment taxes: *Provided, That the Auditor may not approve the*
21 budget certification for any proposed annual county budget
22 containing anticipated receipts which are unreasonably greater or
23 lesser than that of the previous year. For purposes of this
24 ~~subdivision~~ subsection, the term "receipts" does not include

1 unencumbered fund balance or federal or state grants: Provided,
2 however, That the Auditor shall not be held liable for relying upon
3 information and data provided by a county commission in certifying
4 that county's annual budget; and

5 ~~(B)~~ (2) Each county commissioner or other elected county
6 official, described in this ~~subsection~~ section, in office on the
7 effective date of the increased salaries provided by this
8 ~~subsection~~ section, who desires to receive the increased salary
9 has, prior to that date, filed in the office of the clerk of the
10 county commission his or her written agreement to accept the salary
11 increase. The salary for the person who holds the office of county
12 commissioner or other elected county official, described in this
13 ~~subsection~~ section, who fails to file the written agreement as
14 required by this paragraph, ~~shall be~~ is the salary for that office
15 in effect immediately prior to the effective date of the increased
16 salaries provided by this ~~subsection~~ section until the person
17 vacates the office or his or her term of office expires, whichever
18 first occurs.

19 ~~(3)~~ (g) If there is an insufficient projected increase in
20 revenues to pay the increased salaries and the related employment
21 taxes, then the salaries of that county's elected officials and
22 commissioners shall remain at the level in effect at the time
23 certification was sought.

24 ~~(4)~~ (h) In any county having a tribunal in lieu of a county

1 commission, the county commissioners of that county may be paid
2 less than the minimum salary limits of the county commission for
3 that particular class of the county.

4 ~~(5)~~ (I)

5 COUNTY COMMISSIONERS

6	Class I	\$36,960
7	Class II	\$36,300
8	Class III	\$35,640
9	Class IV	\$34,980
10	Class V	\$34,320
11	Class VI	\$28,380
12	Class VII	\$27,720
13	Class VIII	\$25,080
14	Class IX	\$24,420
15	Class X	\$19,800

16 ~~(6)~~ (j) For the purpose of determining the salaries to be paid
17 to the elected county officials of each county, the salaries for
18 each county office by class, set out in subdivision (7) subsection
19 (1) of this subsection section, are established and shall be used
20 by each county commission in determining the salaries of each of
21 their county officials other than salaries of members of the county
22 commission.

23 ~~(7)~~ (k)

24 OTHER ELECTED OFFICIALS

	County	Circuit	Assessor	Prosecuting	
1					
2	Sheriff	Clerk	Clerk	Attorney	
3	Class I	\$44,880	\$55,440	\$44,880	\$96,600
4	Class II	\$44,220	\$54,780	\$44,220	\$94,400
5	Class III	\$43,890	\$53,460	\$43,890	\$92,200
6	Class IV	\$43,560	\$53,154	\$43,560	\$90,000
7	Class V	\$43,230	\$52,800	\$43,230	\$87,800
8	Class VI	\$42,900	\$49,500	\$42,900	\$59,400
9	Class VII	\$42,570	\$48,840	\$42,570	\$56,760
10	Class VIII	\$42,240	\$48,180	\$42,240	\$54,120
11	Class IX	\$41,910	\$47,520	\$41,910	\$50,160
12	Class X	\$38,280	\$42,240	\$38,280	\$46,200

13 ~~(8)~~ (1) Any county clerk, circuit clerk, county assessor or
14 sheriff of a Class I through Class V county, inclusive, any
15 assessor or any sheriff of a Class VI through Class IX county,
16 inclusive, shall devote full time to his or her public duties to
17 the exclusion of any other employment: *Provided*, That any public
18 official, whose term of office begins when his or her county's
19 classification imposes no restriction on his or her outside
20 activities, may not be restricted on his or her outside activities
21 during the remainder of the term for which he or she is elected.

22 **§7-7-6b. Additional compensation of assessors according to county**
23 **classification.**

24 (a) For the purpose of determining the additional compensation

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

10 (b) Beginning July 1, 2014, for the purpose of determining the
11 additional compensation to be paid to the county assessor of each
12 county for the additional duties provided by section six-a of this
13 article, the following compensations for each county assessor by
14 class, as provided in section three of this article, are
15 established and shall be used by each county commission in
16 determining the compensation of each county assessor:

17 (1) For assessors in Class I - III counties, inclusive,
18 \$15,000;

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

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

21 (c) Before the increased salaries to be paid to the county
22 assessors described in this subsection on and after July 1, 2014,
23 are paid to the county assessors, the following requirements must
24 be met:

1 (1) The Auditor has certified that the proposed annual county
2 budget for the fiscal year beginning July 1, 2014, has increased
3 over the previous fiscal year in an amount sufficient for the
4 payment of the increase in the salaries and the related employment
5 taxes: *Provided*, That the Auditor may not approve the budget
6 certification for any proposed annual county budget containing
7 anticipated receipts which are unreasonably greater or lesser than
8 that of the previous year. For purposes of this subdivision, the
9 term "receipts" does not include unencumbered fund balance or
10 federal or state grants; and

11 (2) Each county assessor described in this subsection in
12 office on the effective date of the increased salaries provided by
13 this subsection who desires to receive the increased salary has
14 prior to that date filed in the office of the clerk of the county
15 assessor his or her written agreement to accept the salary
16 increase. The salary for the person who holds the office of county
17 assessor described in this subsection who fails to file the written
18 agreement as required by this paragraph shall be the salary for
19 that office in effect immediately prior to the effective date of
20 the increased salaries provided by this subsection until the person
21 vacates the office or his or her term of office expires, whichever
22 first occurs.

23 (3) If there is an insufficient projected increase in revenues
24 to pay the increased salaries and the related employment taxes,

1 then the salaries of that county's elected officials and assessors
2 shall remain at the level in effect at the time certification was
3 sought.