

**Senate Bill No. 94**

(By Senator Barnes)

\_\_\_\_\_

[Introduced January 8, 2014; referred to the Committee on Labor;  
and then to the Committee on Government Organization.]

\_\_\_\_\_

A BILL to amend and reenact §7-7-7 of the Code of West Virginia,  
1931, as amended, relating to requiring county commissions be  
notified before county officials may discharge county  
employees.

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

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

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

**§7-7-7. County assistants, deputies and employees; their number  
and compensation; county budget.**

(a) The county clerk, circuit clerk, sheriff, county assessor  
and prosecuting attorney, by and with the advice and consent of the  
county commission, may appoint and employ, to assist them in the  
discharge of their official duties for and during their respective

1 terms of office, assistants, deputies and employees. The county  
2 clerk may designate one or more of his or her assistants as  
3 responsible for all probate matters.

4 (b) The county clerk, circuit clerk, sheriff, county assessor  
5 and prosecuting attorney shall, prior to March 2 of each year, file  
6 with the county commission a detailed request for appropriations  
7 for anticipated or expected expenditures for their respective  
8 offices, including the compensation for their assistants, deputies  
9 and employees, for the ensuing fiscal year.

10 (c) The county commission shall, prior to March 29 of each  
11 year by order fix the total amount of money to be expended by the  
12 county for the ensuing fiscal year, which amount shall include the  
13 compensation of county assistants, deputies and employees. Each  
14 county commission shall enter its order upon its county commission  
15 record.

16 (d) The county clerk, circuit clerk, sheriff, county assessor  
17 and prosecuting attorney shall then fix the compensation of their  
18 assistants, deputies and employees based on the total amount of  
19 money designated for expenditure by their respective offices by the  
20 county commission and the amount expended shall not exceed the  
21 total expenditure designated by the county commission for each  
22 office.

23 (e) The county officials, in fixing the individual  
24 compensation of their assistants, deputies and employees and the

1 county commission in fixing the total amount of money to be  
2 expended by the county, shall give due consideration to the duties,  
3 responsibilities and work required of the assistants, deputies and  
4 employees and their compensation shall be reasonable and proper.

5 (f) After the county commission has fixed the total amount of  
6 money to be expended by the county for the ensuing fiscal year and  
7 after each county official has fixed the compensation of each of  
8 his or her assistants, deputies and employees, as provided in this  
9 section, each county official shall file prior to June 30, with the  
10 clerk of the county commission, a budget statement for the ensuing  
11 fiscal year setting forth the name, or the position designation if  
12 then vacant, of each of his or her assistants, deputies and  
13 employees, the period of time for which each is employed, or to be  
14 employed if the position is then vacant, and his or her monthly or  
15 semimonthly compensation.

16 (g) All budget statements required to be filed by this section  
17 shall be verified by an affidavit by the county official making  
18 them. Among other things contained in the affidavit shall be the  
19 statement that the amounts shown in the budget statement are the  
20 amounts actually paid or intended to be paid to the assistants,  
21 deputies and employees without rebate, and without any agreement,  
22 understanding or expectation that any part thereof shall be repaid  
23 to him or her, and that, prior to the time the affidavit is made,  
24 nothing has been paid or promised him or her on that account, and

1 that if he or she shall thereafter receive any money, or thing of  
2 value, on account thereof, he or she will account for and pay the  
3 same to the county. Until the statements required by this section  
4 have been filed, no allowance or payments shall be made to any  
5 county official or their assistants, deputies and employees.

6 (h) Each county official named in this section ~~shall have~~ has  
7 the authority, after notifying the county commission, to discharge  
8 any of his or her assistants, deputies or employees by filing with  
9 the clerk of the county commission a discharge statement specifying  
10 the discharge action: *Provided,* That no deputy sheriff appointed  
11 pursuant to ~~the provisions of~~ article fourteen, chapter seven of  
12 this code, shall be discharged contrary to ~~the provisions of~~ that  
13 article.

NOTE: The purpose of this bill is to require county  
commissions be notified before county officials may discharge  
county employees.

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