

**Senate Bill No. 226**

(By Senators Kirkendoll and D. Hall)

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[Introduced January 8, 2014; referred to the Committee on  
Government Organization; and then to the Committee on Finance.]  
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**FISCAL  
NOTE**

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:*

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

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

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

(1) The increased salaries to be paid to the county  
commissioners and the other elected county officials described in

1 this subsection on and after July 1, 2006, are set out in  
2 subdivisions (5) and (7) of this subsection. Every county  
3 commissioner and elected county official in each county whose term  
4 of office commenced prior to or on or after July 1, 2006, shall  
5 receive the same annual salary by virtue of legislative findings of  
6 extra duties as set forth in section one of this article.

7 (2) Before the increased salaries, as set out in subdivisions  
8 (5) and (7) of this subsection, are paid to the county  
9 commissioners and the elected county officials, the following  
10 requirements must be met:

11 (A) The Auditor has certified that the proposed annual county  
12 budget for the fiscal year beginning the first day of July, 2006,  
13 has increased over the previous fiscal year in an amount sufficient  
14 for the payment of the increase in the salaries, set out in  
15 subdivisions (5) and (7) of this subsection, and the related  
16 employment taxes. ~~Provided, That~~ The Auditor may not approve the  
17 budget certification for ~~any~~ a proposed annual county budget  
18 containing anticipated receipts which are unreasonably greater or  
19 lesser than that of the previous year. For purposes of this  
20 subdivision, the term "receipts" does not include unencumbered fund  
21 balance or federal or state grants; and

22 (B) Each county commissioner or other elected official  
23 described in this subsection in office on the effective date of the

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

12 (3) If there is an insufficient projected increase in revenues  
 13 to pay the increased salaries and the related employment taxes,  
 14 ~~then~~ the salaries of that county's elected officials and  
 15 commissioners ~~shall~~ remain at the level in effect at the time  
 16 certification was sought.

17 (4) In ~~any~~ a 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) COUNTY COMMISSIONERS

22

23 Class I \$36,960

1	Class II	\$36,300
2	Class III	\$35,640
3	Class IV	\$34,980
4	Class V	\$34,320
5	Class VI	\$28,380
6	Class VII	\$27,720
7	Class VIII	\$25,080
8	Class IX	\$24,420
9	Class X	\$19,800

10 (6) For the purpose of determining the salaries to be paid to  
 11 the elected county officials of each county, the salaries for each  
 12 county office by class, set out in subdivision (7) of this  
 13 subsection, are established and shall be used by each county  
 14 commission in determining the salaries of each of their county  
 15 officials other than salaries of members of the county commission.

16 (7) OTHER ELECTED OFFICIALS

17		County	Circuit		Prosecuting
18		Sheriff	Clerk	assessor	Attorney
19	Class I	\$44,880	\$55,440	\$44,880	\$ 96,600
20	Class II	\$44,220	\$54,780	\$44,220	\$ 94,400
21	Class III	\$43,890	\$53,460	\$43,890	\$ 92,200
22	Class IV	\$43,560	\$53,154	\$43,560	\$ 90,000
23	Class V	\$43,230	\$52,800	\$43,230	\$ 87,800

1 Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
2 Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
3 Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
4 Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
5 Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

6 (8) ~~Any~~ A county clerk, circuit clerk, county assessor or  
7 sheriff of a Class I through Class V county, inclusive, ~~any~~ and an  
8 assessor or ~~any~~ a sheriff of a Class VI through Class IX county,  
9 inclusive, shall devote full-time to his or her public duties to  
10 the exclusion of any other employment. ~~Provided, That any~~ A public  
11 official, however, whose term of office begins when his or her  
12 county's classification imposes no restriction on his or her  
13 outside activities, may not be restricted on his or her outside  
14 activities during the remainder of the term for which he or she is  
15 elected.

16 (9) On March 1, 2016, and each second year thereafter, the  
17 county commission of each county shall review the annual Consumer  
18 Price Index published by the United States Department of Commerce  
19 and determine if the proposed annual county budget for the fiscal  
20 year beginning July, 1, 2016, has increased over the previous  
21 fiscal year in an amount sufficient for the payment of an increase  
22 in the salaries and the related employment taxes of the county  
23 commissioners and other elected county officials in an amount up to

1 the increase in the Consumer Price Indices over the prior two years  
2 or three percent, whichever is greater.

3 (10) If the proposed annual county budget for the fiscal year  
4 beginning July, 1, 2016, has increased over the previous fiscal  
5 year in an amount sufficient for the payment of an increase in the  
6 salaries and the related employment taxes of the county  
7 commissioners and other elected county officials in an amount up to  
8 the increase in the Consumer Price Index or three percent,  
9 whichever is greater, then the county commission may fix the salary  
10 of the county commissioners and the other elected county officials  
11 at an annual rate of salary to which the county official is  
12 entitled pursuant to the salary schedules contained in this section  
13 including an increase up to the increase in Consumer Price Index or  
14 three percent, whichever is greater, as determined by the county  
15 commission.

16 (11) Before the increased salaries are paid to the county  
17 commissioners and the elected county officials, the following  
18 requirements must be met:

19 (A) The Auditor has certified that the proposed annual county  
20 budget for the fiscal year beginning July 1, 2016, has increased  
21 over the previous fiscal year in an amount sufficient for the  
22 payment of the increase in the salaries, and related employment  
23 taxes. The Auditor may not approve the budget certification for a

1 proposed annual county budget containing anticipated receipts which  
2 are unreasonably greater or lesser than that of the previous year.  
3 For purposes of this subdivision, the term "receipts" does not  
4 include unencumbered fund balance or federal or state grants; and

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

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

23       (13) In a 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.

NOTE: The purpose of this bill is to allow county commissioners an ongoing mechanism to consider compensation increases for elected county officials every two years in an amount up to the increase in the annual Consumer Price Index published by the United States Department of Commerce over the prior two years or three percent, whichever is greater.

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