

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2865

2015 Carryover

(BY DELEGATE WALTERS)

[Introduced January 13, 2016; referred to the
Committee on Government Organization then
Finance.]

1 A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to
 2 providing county commissioners an ongoing mechanism to consider compensation
 3 increases for elected officials every two years.

Be it enacted by the Legislature of West Virginia:

1 That §7-7-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 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 (1) The increased base salaries to be paid to the county commissioners and the other
 2 elected county officials described in this section on and after July 1, 2014, are set out in
 3 subsections ~~(5)~~ (2) and ~~(7)~~ (4) of this section. Every county commissioner and elected county
 4 official in each county, whose term of office commenced prior to or on or after July 1, 2014, shall
 5 receive the same annual salary by virtue of legislative findings of extra duties as set forth in section
 6 one of this article.

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

10 ~~(A) The Auditor has certified that the fiscal condition of the county, considering costs,~~
 11 ~~revenues, liabilities and significant trends of the same; maintenance standards; and the~~
 12 ~~commitment to the provision of county services has sufficiently improved over the previous fiscal~~
 13 ~~years so that there exists an amount sufficient for the payment of the increase in the salaries set~~
 14 ~~out in subsections (5) and (7) of this section and the related employment taxes: *Provided, That*~~
 15 ~~the Auditor may not provide the certification for the payment of the increase in the salaries where~~

16 ~~any proposed annual county budget contains anticipated receipts which are unreasonably greater~~
 17 ~~or lesser than that of the previous year. For purposes of this subsection, the term "receipts"~~
 18 ~~does not include unencumbered fund balance or federal or state grants: *Provided, however,* That~~
 19 ~~the Auditor shall not be held liable for relying upon information and data provided by a county~~
 20 ~~commission in assessing the county's fiscal condition or a proposed annual county budget; and~~

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

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

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

33 ~~[Signature of office holder]~~

34 ~~[Date]~~

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

39 ~~(4) In any county having a tribunal in lieu of a county commission, the county~~

40 ~~commissioners of that county may be paid less than the minimum salary limits of the county~~
41 ~~commission for that particular class of the county.~~

42 (5) (2) Prior to July 1, 2014:

43 COUNTY COMMISSIONERS BASE SALARIES

44	Class I	\$36,960
45	Class II	\$36,300
46	Class III	\$35,640
47	Class IV	\$34,980
48	Class V	\$34,320
49	Class VI	\$28,380
50	Class VII	\$27,720
51	Class VIII	\$25,080
52	Class IX	\$24,420
53	Class X	\$19,800

54 After June 30, 2014:

55 COUNTY COMMISSIONERS BASE SALARIES

56	Class I	\$41,395
57	Class II	\$40,656
58	Class III	\$39,917
59	Class IV	\$39,178
60	Class V	\$38,438
61	Class VI	\$31,786
62	Class VII	\$31,046
63	Class VIII	\$28,090

64 Class IX \$27,350

65 Class X \$22,176

66 ~~(6)~~ (3) For the purpose of determining the base salaries to be paid to the elected county
67 officials of each county, the base salaries for each county office by class, set out in ~~subdivision~~
68 ~~(7) of this subsection~~ (4) of this section, are established and shall be used by each county
69 commission in determining the base salaries of each of their county officials other than salaries
70 of members of the county commission.

71 ~~(7)~~ (4) Prior to July 1, 2014:

72 OTHER ELECTED OFFICIALS BASE SALARIES

		County	Circuit	Prosecuting
	Sheriff	Clerk	Clerk	Assessor Attorney
73	Class I	\$44,880	\$55,440	\$55,440 \$44,880 \$ 96,600
74	Class II	\$44,220	\$54,780	\$54,780 \$44,220 \$ 94,400
75	Class III	\$43,890	\$53,460	\$53,460 \$43,890 \$ 92,200
76	Class IV	\$43,560	\$53,154	\$53,154 \$43,560 \$ 90,000
77	Class V	\$43,230	\$52,800	\$52,800 \$43,230 \$ 87,800
78	Class VI	\$42,900	\$49,500	\$49,500 \$42,900 \$ 59,400
79	Class VII	\$42,570	\$48,840	\$48,840 \$42,570 \$ 56,760
80	Class VIII	\$42,240	\$48,180	\$48,180 \$42,240 \$ 54,120
81	Class IX	\$41,910	\$47,520	\$47,520 \$41,910 \$ 50,160
82	Class X	\$38,280	\$42,240	\$42,240 \$38,280 \$ 46,200

83 After June 30, 2014:

84 OTHER ELECTED OFFICIALS BASE SALARIES

	County	Circuit	Prosecuting
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		Sheriff	Clerk	Clerk	Assessor	Attorney
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89	Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
90	Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
91	Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
92	Class IV	\$48,787	\$59,532	\$59,532	\$48,787	\$100,800
93	Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336
94	Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
95	Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
96	Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
97	Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
98	Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

99 ~~(8)~~ (5) Any county clerk, circuit clerk, county assessor, prosecuting attorney or sheriff of a
 100 Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class
 101 IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other
 102 employment: *Provided*, That any public official whose term of office begins when his or her
 103 county's classification imposes no restriction on his or her outside activities may not be restricted
 104 on his or her outside activities during the remainder of the term for which he or she is elected.

105 (6) On March 1, 2017, and each second year after that, the county commission of each
 106 county shall review the annual Consumer Price Index published by the United States Department
 107 of Commerce and determine if the proposed annual county budget for the fiscal year beginning
 108 July, 1, 2017, has increased over the previous fiscal year in an amount sufficient for the payment
 109 of an increase in the salaries and the related employment taxes of the county commissioners and
 110 other elected county officials in an amount up to the increase in the Consumer Price Indices over
 111 the prior two years or three percent, whichever is greater.

112 (7) If the proposed annual county budget for the fiscal year beginning July 1, 2017, has
113 increased over the previous fiscal year in an amount sufficient for the payment of an increase in
114 the salaries and the related employment taxes of the county commissioners and other elected
115 county officials in an amount up to the increase in the Consumer Price Index or three percent,
116 whichever is greater, then the county commission may fix the salary of the county commissioners
117 and the other elected county officials at an annual rate of salary to which the county official is
118 entitled pursuant the salary schedules contained in this section including an increase up to the
119 increase in Consumer Price Index or three percent, whichever is greater, as determined by the
120 county commission.

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

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

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

132 I, (name of office holder], the duly elected [name of office] in and for the County of [name
133 of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4,
134 as amended. This salary increase is effective July 1, 2017.

135 [Signature of office holder]

136 [Date]
137 (9) If there is an insufficient protected increase in revenues to pay the increased salaries
138 and the related employment taxes, the salaries of that county's elected officials and
139 commissioners remain at the level in effect at the time certification was sought.

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.