

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

Senate Bill 615

SENATORS TRUMP, PLYMALE, AND BOSO,

original sponsors

[Originating in the Committee on Government
Organization; Reported on February 22, 2019]

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:

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
2 elected county officials described in this section on and after July 1, 2014, are set out in
3 subsections ~~(5) (b)~~ and ~~(7) (d)~~ 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 §7-7-1
6 of this code.

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" does~~
18 ~~not include unencumbered fund balance or federal or state grants: *Provided, however*, That the~~

19 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 holds~~
25 ~~the office of county commissioner or other elected official described in this section who fails to file~~
26 ~~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) (b) 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

55 After June 30, 2014:

56 COUNTY COMMISSIONERS BASE SALARIES

57	Class I	\$41,395
58	Class II	\$40,656
59	Class III	\$39,917
60	Class IV	\$39,178
61	Class V	\$38,438
62	Class VI	\$31,786
63	Class VII	\$31,046
64	Class VIII	\$28,090
65	Class IX	\$27,350
66	Class X	\$22,176

67 ~~(6)~~ (c) For the purpose of determining the base salaries to be paid to the elected county
68 officials of each county, the base salaries for each county office by class, set out in ~~subdivision~~

69 ~~(7) of this subsection (d) of this section,~~ are established and shall be used by each county
 70 commission in determining the base salaries of each of their county officials other than salaries
 71 of members of the county commission.

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

73 OTHER ELECTED OFFICIALS BASE SALARIES

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

86 After June 30, 2014:

87 OTHER ELECTED OFFICIALS BASE SALARIES

		County	Circuit	County	Prosecuting	
	Sheriff	Clerk	Clerk	Assessor	Attorney	
88						
89						
90	Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
91	Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
92	Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
93	Class IV	\$48,787	\$59,532	\$59,532	\$48,787	\$100,800
94	Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336

95	Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
96	Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
97	Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
98	Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
99	Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

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

106 (f) On March 1, 2020, and each second year after that, the county commission of each
 107 county shall review the annual Consumer Price Index published by the United States Department
 108 of Commerce and determine if the proposed annual county budget for the fiscal year beginning
 109 July 1, 2020, has increased over the previous fiscal year in an amount sufficient for the payment
 110 of an increase in the salaries and the related employment taxes of the county commissioners and
 111 other elected county officials in an amount up to the increase in the Consumer Price Index over
 112 the prior two years.

113 (g) If the proposed annual county budget for the fiscal year beginning July 1, 2020, has
 114 increased over the previous fiscal year in an amount sufficient for the payment of an increase in
 115 the salaries and the related employment taxes of the county commissioner and other elected
 116 county officials in an amount up to the increase in the Consumer Price Index, then the county
 117 commission may fix the salary of the county commissioners and the other elected county officials
 118 at an annual rate of salary to which the county official is entitled pursuant to the salary schedule
 119 contained in this section including an increase up to the increase in the Consumer Price Index,
 120 as determined by the county commission.

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

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

131 (2) 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, [year]."

135 [Signature of office holder]

136 [Date]

137 (i) If there is an insufficient projected 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 official 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.

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