

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 3088**

BY DELEGATES MILEY, MILLER AND CANESTRARO

[Introduced February 12, 2019; Referred  
to the Committee on Political Subdivisions 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:*

**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" 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) (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

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)~~ (3) 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~~ (4) 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)~~ (4) Prior to July 1, 2014:

73 OTHER ELECTED OFFICIALS BASE SALARIES

74		County	Circuit	County	Prosecuting	
75	Sheriff	Clerk	Clerk	Assessor	Attorney	
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

88		County	Circuit	County	Prosecuting	
89	Sheriff	Clerk	Clerk	Assessor	Attorney	
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 ~~(8)~~ (5) Any county clerk, circuit clerk, county assessor, prosecuting attorney or sheriff of a  
 101 Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class  
 102 IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other  
 103 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 (6) 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 or three percent, whichever is greater.

113 (7) 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 or three percent,  
 117 whichever is greater, then the county commission may fix the salary of the count commissioners  
 118 and the other elected county officials at an annual rate of salary to which the county official is  
 119 entitled pursuant to the salary schedule contained in this section including an increase up to the  
 120 increase in the Consumer Price Index or three percent, whichever is greater, as determined by  
 121 the county commission.

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

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

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

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

136 [Signature of office holder]

137 [Date]

138 (9) If there is an insufficient projected increase in revenues to pay the increased salaries  
139 and the related employment taxes, the salaries of that county's elected officials and  
140 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 or three percent, whichever is greater.

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