

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 622

BY SENATORS TRUMP, HAMILTON, STOLLINGS, WOELFEL,

LINDSAY, IHLENFELD, CAPUTO, AND UNGER

[Originating in the Committee on Government

Organization; reported on March 27, 2021]

1 A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to
2 increasing the compensation of elected county officials.

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 salaries to be paid to the county commissioners and the other elected
2 county officials described in this section on and after July 1, 2014, and on and after July 1, 2021,
3 are set out in subsections (5) and (7) of this section. Every county commissioner and elected
4 county official in each county, whose term of office commenced prior to or on or after July 1, 2014,
5 shall receive the same annual salary by virtue of legislative findings of extra duties as set forth in
6 §7-7-1 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 subdivision 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 of
 32 this code, as amended. This salary increase is effective July 1, ~~2014~~ 2021.

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) Prior to July 1, 2014:

43 COUNTY COMMISSIONERS

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

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 After June 30, 2021:

67 COUNTY COMMISSIONERS

68	<u>Class I</u>	<u>\$45,535</u>
69	<u>Class II</u>	<u>\$44,722</u>
70	<u>Class III</u>	<u>\$43,909</u>
71	<u>Class IV</u>	<u>\$43,096</u>
72	<u>Class V</u>	<u>\$42,282</u>

73	<u>Class VI.....</u>	<u>\$34,965</u>
74	<u>Class VII.....</u>	<u>\$34,151</u>
75	<u>Class VIII.....</u>	<u>\$30,899</u>
76	<u>Class IX.....</u>	<u>\$30,085</u>
77	<u>Class X.....</u>	<u>\$24,394</u>

78 (6) For the purpose of determining the salaries to be paid to the elected county officials of
 79 each county, the salaries for each county office by class, set out in subsection (7) of this section,
 80 are established and shall be used by each county commission in determining the salaries of each
 81 of their county officials other than salaries of members of the county commission.

82 (7) Prior to July 1, 2014:

83 OTHER ELECTED OFFICIALS						
		84 County	Circuit		Prosecuting	
		Sheriff	Clerk	Clerk	Assessor	Attorney
86	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$96,600
87	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$94,400
88	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$92,200
89	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$90,000
90	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$87,800
91	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$59,400
92	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$56,760
93	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$54,120
94	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$50,160
95	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$46,200

96 After June 30, 2014:

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

110 After June 30, 2021:

<u>OTHER ELECTED OFFICIALS</u>						
		<u>Sheriff</u>	<u>County Clerk</u>	<u>Circuit Clerk</u>	<u>Assessor</u>	<u>Prosecuting Attorney</u>
114	<u>Class I</u>	<u>\$56,793</u>	<u>\$68,302</u>	<u>\$68,302</u>	<u>\$56,793</u>	<u>\$119,011</u>
115	<u>Class II</u>	<u>\$55,979</u>	<u>\$67,489</u>	<u>\$67,489</u>	<u>\$55,979</u>	<u>\$116,301</u>
116	<u>Class III</u>	<u>\$55,573</u>	<u>\$65,863</u>	<u>\$65,863</u>	<u>\$55,573</u>	<u>\$113,590</u>
117	<u>Class IV</u>	<u>\$55,166</u>	<u>\$65,485</u>	<u>\$65,485</u>	<u>\$55,166</u>	<u>\$110,880</u>
118	<u>Class V</u>	<u>\$54,760</u>	<u>\$65,050</u>	<u>\$65,050</u>	<u>\$54,760</u>	<u>\$108,170</u>
119	<u>Class VI</u>	<u>\$54,353</u>	<u>\$60,984</u>	<u>\$60,984</u>	<u>\$53,853</u>	<u>\$73,181</u>
120	<u>Class VII</u>	<u>\$53,946</u>	<u>\$60,171</u>	<u>\$60,171</u>	<u>\$53,446</u>	<u>\$69,928</u>
121	<u>Class VIII</u>	<u>\$53,540</u>	<u>\$59,358</u>	<u>\$59,358</u>	<u>\$52,940</u>	<u>\$66,675</u>
122	<u>Class IX</u>	<u>\$53,133</u>	<u>\$58,544</u>	<u>\$58,544</u>	<u>\$52,533</u>	<u>\$61,797</u>
123	<u>Class X</u>	<u>\$48,661</u>	<u>\$52,040</u>	<u>\$52,040</u>	<u>\$47,811</u>	<u>\$56,918</u>

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

NOTE: The purpose of this bill is to authorize an increase in compensation to elected county officials.

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