



1 duties by the enactment of new provisions and amendments to this  
2 code. The new and additional duties imposed upon the aforesaid  
3 county officials by these enactments are such that they would  
4 justify the increases in compensation as provided in section four  
5 of this article, without violating the provisions of section  
6 thirty-eight, article VI of the Constitution of West Virginia.

7 (b) The Legislature further finds that there are, from time to  
8 time, additional duties imposed upon all county officials through  
9 the acts of the Congress of the United States and that such acts  
10 constitute new and additional duties for county officials and, as  
11 such, justify the increases in compensation as provided by section  
12 four of this article, without violating the provisions of section  
13 thirty-eight, article VI of the Constitution of West Virginia.

14 (c) The Legislature further finds that there is a direct  
15 correlation between the total assessed property valuations of a  
16 county on which the salary levels of the county commissioners,  
17 sheriffs, county and circuit clerks, assessors and prosecuting  
18 attorneys are based, and the new and additional duties that each of  
19 these officials is required to perform as they serve the best  
20 interests of their respective counties. Inasmuch as the reappraisal  
21 of the property valuations in each county has now been  
22 accomplished, the Legislature finds that a change in classification  
23 of counties by virtue of increased property valuations will occur  
24 on an infrequent basis. However, it is the further finding of the

1 Legislature that when such change in classification of counties  
2 does occur, that new and additional programs, economic  
3 developments, requirements of public safety and the need for new  
4 services provided by county officials all increase, that the same  
5 constitute new and additional duties for county officials as their  
6 respective counties reach greater heights of economic development,  
7 as exemplified by the substantial increases in property valuations  
8 and, as such, justify the increases in compensation provided in  
9 section four of this article, without violating the provisions of  
10 section thirty-eight, article VI of the Constitution of West  
11 Virginia.

12 (d) The Legislature further finds and declares that the  
13 amendments enacted to this article are intended to modify the  
14 provisions of this article so as to cause the same to be in full  
15 compliance with the provisions of the Constitution of West Virginia  
16 and to be in full compliance with the decisions of the Supreme  
17 Court of Appeals of West Virginia.

18 **§7-7-4. Compensation of elected county officials and county**  
19 **commissioners for each class of county; effective**  
20 **date.**

21 (1) The increased salaries to be paid to the county  
22 commissioners and the other elected county officials described in  
23 this subsection on and after July 1, 2006, are set out in  
24 subdivisions (5) and (7) of this subsection. Every county

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

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

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

20 (B) Each county commissioner or other elected official  
21 described in this subsection in office on the effective date of the  
22 increased salaries provided by this subsection who desires to  
23 receive the increased salary has prior to that date filed in the  
24 office of the clerk of the county commission his or her written

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

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

14 (4) In any county having a tribunal in lieu of a county  
 15 commission, the county commissioners of that county may be paid  
 16 less than the minimum salary limits of the county commission for  
 17 that particular class of the county.

18 (5) COUNTY COMMISSIONERS

19

20	Class I	\$36,960
21	Class II	\$36,300
22	Class III	\$35,640
23	Class IV	\$34,980
24	Class V	\$34,320

1	Class VI	\$28,380
2	Class VII	\$27,720
3	Class VIII	\$25,080
4	Class IX	\$24,420
5	Class X	\$19,800

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

(7) OTHER ELECTED OFFICIALS

	County	Circuit	Prosecuting
	Sheriff	Clerk	assessor Attorney
15 Class I	\$44,880	\$55,440	\$44,880 \$ 96,600
16 Class II	\$44,220	\$54,780	\$44,220 \$ 94,400
17 Class III	\$43,890	\$53,460	\$43,890 \$ 92,200
18 Class IV	\$43,560	\$53,154	\$43,560 \$ 90,000
19 Class V	\$43,230	\$52,800	\$43,230 \$ 87,800
20 Class VI	\$42,900	\$49,500	\$42,900 \$ 59,400
21 Class VII	\$42,570	\$48,840	\$42,570 \$ 56,760
22 Class VIII	\$42,240	\$48,180	\$42,240 \$ 54,120
23 Class IX	\$41,910	\$47,520	\$41,910 \$ 50,160
24 Class X	\$38,280	\$42,240	\$38,280 \$ 46,200

1           (8) Any county clerk, circuit clerk, county assessor or  
2 sheriff of a Class I through Class V county, inclusive, any  
3 assessor or any sheriff of a Class VI through Class IX county,  
4 inclusive, shall devote full-time to his or her public duties to  
5 the exclusion of any other employment other than part-time  
6 employment that does not create a conflict of interest for the  
7 official: *Provided,* That any public official, whose term of office  
8 begins when his or her county's classification imposes no  
9 restriction on his or her outside activities, may not be restricted  
10 on his or her outside activities during the remainder of the term  
11 for which he or she is elected.

12           (9) Effective July 1, 2012, the increased salaries to be paid  
13 to the county commissioners and the other elected county officials  
14 described in this subsection are set out in subdivisions (13) and  
15 (15) of this subsection. Every county commissioner and elected  
16 county official in each county, whose term of office commenced  
17 prior to or on or after July 1, 2012, shall receive the same annual  
18 salary by virtue of legislative findings of extra duties as set  
19 forth in section one of this article.

20           (10) Before the increased salaries, as set out in subdivisions  
21 (13) and (15) of this subsection, are paid to the county  
22 commissioners and the elected county officials, the following  
23 requirements must be met:

24           (A) The Auditor has certified that the proposed annual county

1 budget for the fiscal year beginning July 1, 2012, has increased  
2 over the previous fiscal year in an amount sufficient for the  
3 payment of the increase in the salaries, set out in subdivisions  
4 (13) and (15) of this subsection, and the related employment taxes:  
5 Provided, That the Auditor may not approve the budget certification  
6 for any proposed annual county budget containing anticipated  
7 receipts which are unreasonably greater or lesser than that of the  
8 previous year. For purposes of this subdivision, the term  
9 "receipts" does not include unencumbered fund balance or federal or  
10 state grants; and

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

24 (11) If there is an insufficient projected increase in



1 revenues to pay the increased salaries and the related employment  
 2 taxes, then the salaries of that county's elected officials and  
 3 commissioners shall remain at the level in effect at the time  
 4 certification was sought.

5 (12) In any county having a tribunal in lieu of a county  
 6 commission, the county commissioners of that county may be paid  
 7 less than the minimum salary limits of the county commission for  
 8 that particular class of the county.

9 (13) COUNTY COMMISSIONERS

10	<u>Class I</u>	<u>\$46,960</u>
11	<u>Class II</u>	<u>\$46,300</u>
12	<u>Class III</u>	<u>\$45,640</u>
13	<u>Class IV</u>	<u>\$44,980</u>
14	<u>Class V</u>	<u>\$44,320</u>
15	<u>Class VI</u>	<u>\$38,380</u>
16	<u>Class VII</u>	<u>\$37,720</u>
17	<u>Class VIII</u>	<u>\$35,080</u>
18	<u>Class IX</u>	<u>\$34,420</u>
19	<u>Class X</u>	<u>\$29,800</u>

20 (14) For the purpose of determining the salaries to be paid to  
 21 the elected county officials of each county, the salaries for each  
 22 county office by class, set out in subdivision (15) of this  
 23 subsection, are established and shall be used by each county  
 24 commission in determining the salaries of each of their county

1 officials other than salaries of members of the county commission.

2 (15) OTHER ELECTED OFFICIALS

		<u>County</u>	<u>Circuit</u>	<u>Prosecuting</u>		
	<u>Sheriff</u>	<u>Clerk</u>	<u>Clerk</u>	<u>Assessor</u>	<u>Attorney</u>	
3						
4						
5	<u>Class I</u>	<u>\$57,880</u>	<u>\$70,440</u>	<u>\$70,440</u>	<u>\$44,880</u>	<u>\$ 108,600</u>
6	<u>Class II</u>	<u>\$57,220</u>	<u>\$69,780</u>	<u>\$69,780</u>	<u>\$54,220</u>	<u>\$ 106,400</u>
7	<u>Class III</u>	<u>\$56,890</u>	<u>\$68,460</u>	<u>\$68,460</u>	<u>\$54,890</u>	<u>\$ 104,200</u>
8	<u>Class IV</u>	<u>\$56,560</u>	<u>\$68,154</u>	<u>\$68,154</u>	<u>\$53,560</u>	<u>\$ 102,000</u>
9	<u>Class V</u>	<u>\$56,230</u>	<u>\$67,800</u>	<u>\$67,800</u>	<u>\$53,230</u>	<u>\$ 99,800</u>
10	<u>Class VI</u>	<u>\$55,900</u>	<u>\$64,500</u>	<u>\$64,500</u>	<u>\$53,900</u>	<u>\$ 71,400</u>
11	<u>Class VII</u>	<u>\$55,570</u>	<u>\$63,840</u>	<u>\$63,840</u>	<u>\$52,570</u>	<u>\$ 68,760</u>
12	<u>Class VIII</u>	<u>\$55,240</u>	<u>\$63,180</u>	<u>\$63,180</u>	<u>\$52,240</u>	<u>\$ 66,120</u>
13	<u>Class IX</u>	<u>\$54,910</u>	<u>\$62,520</u>	<u>\$62,520</u>	<u>\$51,910</u>	<u>\$ 62,160</u>
14	<u>Class X</u>	<u>\$51,280</u>	<u>\$57,240</u>	<u>\$57,240</u>	<u>\$48,280</u>	<u>\$ 58,200</u>

15 (16) Any county clerk, circuit clerk, county assessor or  
 16 sheriff of a Class I through Class V county, inclusive, any  
 17 assessor or any sheriff of a Class VI through Class IX county,  
 18 inclusive, shall devote full-time to his or her public duties to  
 19 the exclusion of any other employment other than part-time  
 20 employment that does not create a conflict of interest for the  
 21 official: Provided, That any public official, whose term of office  
 22 begins when his or her county's classification imposes no  
 23 restriction on his or her outside activities, may not be restricted  
 24 on his or her outside activities during the remainder of the term

1 for which he or she is elected.

NOTE: The purpose of this bill is to authorize an increase in compensation, after July 1, 2012, of elected county officials and county commissioners for each class of county.

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