

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Senate Bill 172

BY SENATORS TRUMP, LINDSAY, JEFFRIES, PHILLIPS,

CAPUTO, AND STOLLINGS

[Passed March 11, 2022; in effect 90 days from passage]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. COMPENSATION OF ELECTED COUNTY OFFICIALS.

§7-7-1. Legislative findings and purpose.

1 (a) The Legislature finds that it has, since January 1, 2015, consistently and annually
2 imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and
3 prosecuting attorneys in each county new and additional duties by the enactment of new
4 provisions and amendments to this code. The new and additional duties imposed upon the
5 aforesaid county officials by these enactments are such that they would justify the increases in
6 compensation as provided in section four of this article, without violating the provisions of section
7 38, article VI of the Constitution of West Virginia.

8 (b) The Legislature further finds that there are, from time to time, additional duties imposed
9 upon all county officials through the acts of the Congress of the United States and that such acts
10 constitute new and additional duties for county officials and, as such, justify the increases in
11 compensation as provided by section four of this article, without violating the provisions of section
12 38, article VI of the Constitution of West Virginia.

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

22 and the need for new services provided by county officials all increase, that the same constitute
23 new and additional duties for county officials as their respective counties reach greater heights of
24 economic development, as exemplified by the substantial increases in property valuations and,
25 as such, justify the increases in compensation provided in section four of this article, without
26 violating the provisions of section 38, article VI of the Constitution of West Virginia.

27 (d) The Legislature further finds and declares that the amendments enacted to this article
28 are intended to modify the provisions of this article so as to cause the same to be in full compliance
29 with the provisions of the Constitution of West Virginia and to be in full compliance with the
30 decisions of the Supreme Court of Appeals of West Virginia.

**§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, 2022,
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 (_____).

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.

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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, 2022:
67 COUNTY COMMISSIONERS

- 68 Class I \$45,535
- 69 Class II \$44,722
- 70 Class III \$43,909
- 71 Class IV \$43,096
- 72 Class V \$42,282
- 73 Class VI \$34,965
- 74 Class VII \$34,151
- 75 Class VIII \$30,899
- 76 Class IX \$30,085
- 77 Class X \$24,394

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		
85	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

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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:					
97	OTHER ELECTED OFFICIALS					
98	County		Circuit			Prosecuting
99		Sheriff	Clerk	Clerk	Assessor	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, 2022:					
111	OTHER ELECTED OFFICIALS					
112		County		Circuit		Prosecuting
113		Sheriff	Clerk	Clerk	Assessor	Attorney
114	Class I	\$56,793	\$68,302	\$68,302	\$56,793	\$119,011
115	Class II	\$55,979	\$67,489	\$67,489	\$55,979	\$116,301
116	Class III	\$55,573	\$65,863	\$65,863	\$55,573	\$113,590
117	Class IV	\$55,166	\$65,485	\$65,485	\$55,166	\$110,880
118	Class V	\$54,760	\$65,050	\$65,050	\$54,760	\$108,170
119	Class VI	\$54,353	\$60,984	\$60,984	\$53,853	\$73,181

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120	Class VII	\$53,946	\$60,171	\$60,171	\$53,446	\$69,928
121	Class VIII	\$53,540	\$59,358	\$59,358	\$52,940	\$66,675
122	Class IX	\$53,133	\$58,544	\$58,544	\$52,533	\$61,797
123	Class X	\$48,661	\$52,040	\$52,040	\$47,811	\$56,918

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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2022.

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Governor