

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3003

By Delegates Worrell, Barnhart, Eldridge, Ferrell,
Pritt, and Clay

[Introduced February 27, 2025; referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend and reenact §7-7-1 and §7-7-4 of the Code of West Virginia, 1931, as amended,
2 relating to authorizing County Commissions to increase the compensation of elected
3 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 assessed
14 property valuations of a county on which the salary levels of the county commissioners, sheriffs,
15 county and circuit clerks, assessors and prosecuting attorneys are based, and the new and
16 additional duties that each of these officials is required to perform as they serve the best interests
17 of their respective counties. Inasmuch as the reappraisal of the property valuations in each county
18 has now been accomplished, the Legislature finds that a change in classification of counties by
19 virtue of increased property valuations will occur on an infrequent basis. However, it is the further
20 finding of the Legislature that when such change in classification of counties does occur, that new

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

31 (e) The Legislature further finds and declares that local governments are best postured to
32 make the fiscal determination to justify the increases in compensation provided in §7-4-1 et seq. of
33 this code without violating the provisions of section 38, article VI of the Constitution of West
34 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 July 1, 2025, are set out in subsections (5) and (7) of this section. Every county commissioner and
4 elected county official in each county, whose term of office commenced prior to or on or after July
5 1, 2014, shall receive the same annual salary by virtue of legislative findings of extra duties as set
6 forth in §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 must
9 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 the
15 Auditor may not provide the certification for the payment of the increase in the salaries where any
16 proposed annual county budget contains anticipated receipts which are unreasonably greater or
17 lesser than that of the previous year. For purposes of this subsection, the term "receipts" does not
18 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 on~~
22 ~~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 commission~~
24 ~~his or her written request for the salary increase. The salary for the person who holds the office of~~
25 ~~county commissioner or other elected official described in this section who fails to file the written~~
26 ~~request as required by this subdivision shall be the salary for that office in effect immediately prior~~
27 ~~to the effective date of the increased salaries provided by this section until the person vacates the~~
28 ~~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 of~~
31 ~~county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4 of this~~
32 ~~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 the
36 increase in the salaries and the related employment taxes pursuant to this section, then the

salaries of that county's elected officials and commissioners shall remain at the level in effect at the time certification was sought.

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

~~(5) Prior to July 1, 2014:~~

~~COUNTY COMMISSIONERS~~

~~Class I \$36,960~~

~~Class II \$36,300~~

~~Class III \$35,640~~

~~Class IV \$34,980~~

~~Class V \$34,320~~

~~Class VI \$28,380~~

~~Class VII \$27,720~~

~~Class VIII \$25,080~~

~~Class IX \$24,420~~

~~Class X \$19,800~~

~~After June 30, 2014:~~

~~COUNTY COMMISSIONERS~~

~~Class I \$41,395~~

~~Class II \$40,656~~

~~Class III \$39,917~~

~~Class IV \$39,178~~

~~Class V \$38,438~~

~~Class VI \$31,786~~

~~Class VII \$31,046~~

63 ~~Class VIII \$28,090~~

64 ~~Class IX \$27,350~~

65 ~~Class X \$22,176~~

66 (5) After June 30, 2022 2025, the base salary shall be no less than:

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~~

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting Attorney
Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$96,600
Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$94,400
Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$92,200
Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$90,000
Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$87,800
Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$59,400

Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$56,760
Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$54,120
Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$50,160
Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$46,200

84 ~~After June 30, 2014:~~

85 ~~OTHER ELECTED OFFICIALS~~

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting Attorney
Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
Class IV	\$48,787	\$59,536	\$59,536	\$48,787	\$100,800
Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336
Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

86 (7) After June 30, 2022 2025, the base salaries shall be no less than:

87 OTHER ELECTED OFFICIALS

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

88 Provided, That the base salary amounts used to determine any increases in compensation
89 for public officials, set out in §7-7-4(10) of this code, who received additional compensation
90 pursuant to §7-14-17c and §11A-1-71 shall include said additional compensation.

91 (8) Any county clerk, circuit clerk, county assessor, prosecuting attorney, or sheriff of a
92 Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class
93 IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other

94 employment: *Provided*, That any public official whose term of office begins when his or her
95 county's classification imposes no restriction on his or her outside activities may not be restricted
96 on his or her outside activities during the remainder of the term for which he or she is elected.

97 (9) On March 1, 2026, and each second year after that, the county commission of each
98 county shall review the annual Consumer Price Index published by the United States Department
99 of Commerce and determine if the proposed annual county budget for the fiscal year beginning
100 July 1, 2025, has increased over the previous fiscal year in an amount sufficient for the payment of
101 an increase in the salaries and the related employment taxes of the county commissioners and
102 other elected county officials by no less than two percent or a percentage not to exceed the
103 Consumer Price Index over the prior two years.

104 (10) If the proposed annual county budget for the fiscal year beginning July 1, 2025, has
105 increased over the previous fiscal year in an amount sufficient for the payment of an increase in
106 the base salaries and the related employment taxes of the county commissioner and other elected
107 county officials in an amount up to the percentage increase in the Consumer Price Index, then the
108 county commission shall fix the salary of the county commissioners and the other elected county
109 officials at an annual rate of salary to which the county official is entitled pursuant to the base
110 salary schedules contained in this section including an increase of no less than two percent but not
111 to exceed the percentage increase in the Consumer Price Index, as determined by the county
112 commission.

NOTE: The purpose of this bill is to increase the compensation of 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.