

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3312

FISCAL
NOTE

By Delegates Pinson, Kelly, and Kump

[Introduced March 11, 2025; referred to the
Committee on Government Organization then
Finance]

1 A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to
 2 compensation of elected officials; and increasing the salaries of Sheriffs 10% more than
 3 the salaries of the County Clerk and Circuit Clerk.

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, 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 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
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, 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

	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

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85 After June 30, 2014:

86 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

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88 After June 30, 2022:

89 OTHER ELECTED OFFICIALS

	Sheriff	County Clerk	Circuit Clerk	Assessor	Prosecuting Attorney
Class I	\$56,793 <u>75,132</u>	\$68,302	\$68,302	\$56,793	\$119,011
Class II	\$55,979 <u>74,237</u>	\$67,489	\$67,489	\$55,979	\$116,301
Class III	\$55,573 <u>72,449</u>	\$65,863	\$65,863	\$55,573	\$113,590
Class IV	\$55,166 <u>72,033</u>	\$65,485	\$65,485	\$55,166	\$110,880
Class V	\$54,760 <u>71,555</u>	\$65,050	\$65,050	\$54,760	\$108,170
Class VI	\$54,353 <u>67,082</u>	\$60,984	\$60,984	\$53,853	\$73,181
Class VII	\$53,946 <u>66,188</u>	\$60,171	\$60,171	\$53,446	\$69,928
Class VIII	\$53,540 <u>65,293</u>	\$59,358	\$59,358	\$52,940	\$66,675
Class IX	\$53,133 <u>64,398</u>	\$58,544	\$58,544	\$52,533	\$61,797
Class X	\$48,661 <u>57,244</u>	\$52,040	\$52,040	\$47,811	\$56,918

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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.

NOTE: The purpose of this bill is to raise the salary of Sheriff's to be 10% above the salaries of the county clerk and circuit clerk.

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