

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **Senate Bill 690**

By Senators Woodrum and Oliverio

[Introduced March 4, 2025; referred  
to the Committee on Government Organization]

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 county  
3 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~~

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

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

(b) The Legislature further finds and declares that local governments are best postured to make the fiscal determination to justify the increases in compensation provided in §7-7-4 of this code, without violating the provisions of section 38, article VI of the Constitution of the State of West  
Virginia.

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

(1) The increased salaries to be paid to the county commissioners and the other elected county officials described in this section on and after July 1, 2014, and on and after July 1, 2022 are set out in subsections (5) and (7) of this section. Every county commissioner and elected county official in each county, whose term of office commenced prior to or on or after July 1, 2014, shall receive the same annual salary by virtue of legislative findings ~~of extra duties~~ as set forth in §7-7-1 of this code.

(2) Before the increased salaries, as set out in subsections (5) and (7) and (10) of this section, are paid to the county commissioners and the elected county officials, the following requirements must be met:

(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 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 base salaries for each county office by class, set out in subsection (7) of this  
 80 section, are established and shall be used by each county commission in determining the salaries  
 81 of each of their county officials other than salaries of members of the county commission.

82 (7) Prior to July 1, 2014:

83 OTHER ELECTED OFFICIALS

		County	Circuit		Prosecuting	
	Sheriff	Clerk	Clerk	Assessor	Attorney	
84						
85	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$96,600
86	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$94,400
87	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$92,200
88						

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:

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
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 Provided, That the salary amounts used to determine any increases in compensation for  
 125 public officials, set out in subsection (10) of this section, who receive additional compensation  
 126 pursuant to §7-14-17c and §11A-1-17 shall include said additional compensation.

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

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

140 (10) If the proposed annual county budget for the fiscal year beginning July 1, 2025, has



141 increased over the previous fiscal year in an amount sufficient for the payment of an increase in  
142 the salaries and the related employment taxes of the county commissioner and other elected  
143 county officials in an amount up to the percentage increase in the Consumer Price Index, then the  
144 county commission shall fix the salary of the county commissioners and the other elected county  
145 officials at an annual rate of salary to which the county official is entitled pursuant to the effective  
146 salary schedules contained in this section including an increase of no less than two percent but not  
147 to exceed the percentage increase in the Consumer Price Index, as determined by the county  
148 commission: *Provided*, That any increases in compensation provided in this subsection of this  
149 article, shall not violate the provisions of section 38, article VI of the Constitution of West Virginia.

NOTE: The purpose of this bill is to authorizing County Commissions 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.