

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 728

**FISCAL
NOTE**

By Senator Rose

[Introduced February 3, 2026; referred
to the Committee on Government Organization; and
then to the Committee on 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 compensation of elected county officials; and authorizing county commissions
3 to increase 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 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 (3), (5) and ~~(7)~~ (8) 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, revenues, liabilities, and significant trends of the same; maintenance standards; and the commitment to the provision of county services has sufficiently improved over the previous fiscal years so that there exists an amount sufficient for the payment of the increase in the salaries set out in subsections (5) and (7) of this section and the related employment taxes: *Provided*, That the Auditor may not provide the certification for the payment of the increase in the salaries where any proposed annual county budget contains anticipated receipts which are unreasonably greater or lesser than that of the previous year. For purposes of this subsection, the term "receipts" does not include unencumbered fund balance or federal or state grants: *Provided, however*, That the Auditor shall not be held liable for relying upon information and data provided by a county commission in assessing the county's fiscal condition or a proposed annual county budget; and~~

~~(B) Each county commissioner or other elected official described in this section in office on the effective date of the increased salaries provided by this section who desires to receive the increased salary shall have prior to that date filed in the office of the clerk of the county commission his or her written request for the salary increase. The salary for the person who holds the office of county commissioner or other elected official described in this section who fails to file the written request as required by this subdivision shall be the salary for that office in effect immediately prior to the effective date of the increased salaries provided by this section until the person vacates the office or his or her term of office expires, whichever first occurs.~~

~~Any request for a salary increase shall use the following language:~~

~~I, [name of office holder], the duly elected [name of office] in and for the County of [name of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4 of this code, as amended. This salary increase is effective (_____).~~

~~[Signature of office holder]~~

~~[Date]~~

~~(3) If the Auditor has failed to certify that there is an amount sufficient for the payment of the 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)~~ (2) 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)~~ (3) 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

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)~~ (4) For the purpose of determining the salaries to be paid to the elected county officials
 79 of each county, the base salaries for each county office by class, set out in subsection ~~(7)~~ (5) 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)~~ (5) Prior to July 1, 2014:

83 OTHER ELECTED OFFICIALS

		County	Circuit		Prosecuting	
	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
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

		County		Circuit		Prosecuting
		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

Provided, That the salary amounts used to determine any increases in compensation for public officials, as provided for in subsection (8) of this section, shall include any additional compensation received by those public officials pursuant to §7-7-6b and §11A-1-17 of this code.

~~(8)~~ (6) Any county clerk, circuit clerk, county assessor, prosecuting attorney, or sheriff of a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through Class IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any other employment: *Provided, That any public official whose term of office begins when his or her county's classification imposes no restriction on his or her outside activities may not be restricted on his or her outside activities during the remainder of the term for which he or she is elected.*

(7) On March 1, 2027, and every second year after that, the county commission of each county shall review the annual Consumer Price Index published by the United States Department of Commerce and determine if the proposed annual county budget for the fiscal year beginning July 1, 2027, has increased over the previous fiscal year in an amount sufficient for the payment of 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 percentage increase in the Consumer Price Index over the prior two years.

140 (8) If the proposed annual county budget for the fiscal year beginning July 1, 2027, 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 over the
144 prior two years, then the county commission shall fix the salary of the county commissioners and
145 the other elected county officials at an annual rate of salary to which the county official is entitled
146 pursuant to the effective salary schedules contained in this section including an increase of no less
147 than two percent but not to exceed the percentage increase in the Consumer Price Index, as
148 determined by the county commission: *Provided*, That any increases in compensation provided in
149 this subsection, shall not violate the provisions of section 38, article VI of the Constitution of West
150 Virginia: *Provided, however*, That no increases in compensation pursuant to this section may be
151 made by the county commission of any county that is more than 90 days delinquent in payment of
152 the annual regional jail per diem costs for which it is responsible pursuant to §15A-3-16 of this
153 code.

NOTE: The purpose of this bill is to authorize 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.