

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Committee Substitute

for

Senate Bill 587

BY SENATORS CLEMENTS, CHAPMAN, CHARNOCK,
DEEDS, GRADY, HAMILTON, HELTON, PHILLIPS, TAKUBO,
TARR, THORNE, MORRIS, ROSE, WELD, ROBERTS, AND Z.

MAYNARD

[Reported March 2, 2026, from 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 adjusting the salary schedules for elected county officials; eliminating
3 duplicative budget certification by State Auditor; adding mechanism for future salary
4 increases; and prohibiting salary adjustment in certain circumstances.

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~~ 2023, 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 §7-7-4 of this code, without violating the provisions of W. Va. Const.
7 Art. VI, §38.

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 §7-7-4 of this code, without violating the provisions of W. Va. Const.
12 Art. VI, §38.

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 §7-7-4 of this code, without violating
26 the provisions of W. Va. Const. Art. VI, §38.

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 and on and after July 1, 2026, are set out in subsections ~~(5) (2)~~ and ~~(7) (4)~~ of this section. Every
4 county commissioner and elected county official in each county, whose term of office commenced
5 prior to or on or after July 1, 2014, shall receive the same annual salary by virtue of legislative
6 findings of extra duties as set 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~~
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.~~

42 ~~(5)~~ (2) 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

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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	<u>After June 30, 2026:</u>
79	<u>COUNTY COMMISSIONERS</u>
80	<u>Class I \$46,901</u>
81	<u>Class II \$46,064</u>
82	<u>Class III \$45,226</u>
83	<u>Class IV \$44,389</u>
84	<u>Class V \$43,550</u>
85	<u>Class VI \$36,014</u>
86	<u>Class VII \$35,176</u>
87	<u>Class VIII \$31,826</u>
88	<u>Class IX \$30,988</u>
89	<u>Class X \$25,126</u>

90 ~~(6)~~ (3) For the purpose of determining the salaries to be paid to the elected county officials
 91 of each county, the salaries for each county office by class, set out in subsection ~~(7)~~ (4) of this
 92 section, are established and shall be used by each county commission in determining the salaries
 93 of each of their county officials other than salaries of members of the county commission.

94 ~~(7)~~ (4) Prior to July 1, 2014:

95 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

96 After June 30, 2014:

97 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

98 After June 30, 2022:

99 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

100 After June 30, 2026:

101 OTHER ELECTED OFFICIALS

	<u>Sheriff</u>	<u>County Clerk</u>	<u>Circuit Clerk</u>	<u>Assessor</u>	<u>Prosecuting Attorney</u>
<u>Class I</u>	\$58,497	\$70,351	\$70,351	\$58,497	\$122,581
<u>Class II</u>	\$57,658	\$69,514	\$69,514	\$57,658	\$119,790
<u>Class III</u>	\$57,240	\$67,839	\$67,839	\$57,240	\$116,998
<u>Class IV</u>	\$56,821	\$67,450	\$67,450	\$56,821	\$114,206
<u>Class V</u>	\$56,403	\$67,002	\$67,002	\$56,403	\$111,415
<u>Class VI</u>	\$55,984	\$62,814	\$62,814	\$55,469	\$75,376
<u>Class VII</u>	\$55,564	\$61,976	\$61,976	\$55,049	\$72,026
<u>Class VIII</u>	\$55,146	\$61,139	\$61,139	\$54,528	\$68,675
<u>Class IX</u>	\$54,727	\$60,300	\$60,300	\$54,109	\$63,651
<u>Class X</u>	\$50,121	\$53,601	\$53,601	\$49,245	\$58,626

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

105 ~~(8)~~ (5) Any county clerk, circuit clerk, county assessor, prosecuting attorney, or sheriff of
 106 a Class I through Class V county, inclusive, any assessor or any sheriff of a Class VI through
 107 Class IX county, inclusive, shall devote full time to his or her public duties to the exclusion of any
 108 other employment: *Provided*, That any public official whose term of office begins when his or her
 109 county's classification imposes no restriction on his or her outside activities may not be restricted
 110 on his or her outside activities during the remainder of the term for which he or she is elected.

111 (6) On March 1, 2028, and every second year after that, the county commission of each
 112 county shall review the current salaries of all elected county officials as set out in this section who
 113 prevailed in the preceding general election and commenced a new full term of office and
 114 determine if the proposed annual county budget for the fiscal year beginning July 1, 2028, has
 115 increased over the previous fiscal year in an amount sufficient for the payment of an increase in

116 the salaries and the related employment taxes of all elected county officials who prevailed in the
117 preceding general election and commenced a new full term of office.

118 (7) If the proposed annual county budget for the fiscal year beginning July 1, 2028, has
119 increased over the previous fiscal year in an amount sufficient for the payment of an increase in
120 the salaries and the related employment taxes of all elected county officials who prevailed in the
121 preceding general election and commenced a new full term of office then the county commission
122 shall fix the salary of all elected county officials who prevailed in the preceding general election
123 and commenced a new full term of office at an annual rate of salary to which the elected county
124 official is entitled pursuant to the effective salary upon commencement of a new term of office.

125 (8) No increase in salary for elected county officials as provided for in this section may
126 occur if the county is more than ninety days in arrears on the county's obligation to the Division
127 of Corrections and Rehabilitation for the housing and maintenance of inmates as set forth in §15A-
128 3-16 of this code.