



1 prosecuting attorneys in each county board, new and additional  
2 duties by the enactment of new provisions and amendments to this  
3 code. The new and additional duties imposed upon the aforesaid  
4 county officials by these enactments are such that they would  
5 justify the increases in compensation as provided in section four  
6 of this article, without violating the provisions of section  
7 thirty-eight, article VI of the Constitution of West Virginia.

8       (b) The Legislature further finds that there are, from time to  
9 time, additional duties imposed upon all county officials through  
10 the acts of the Congress of the United States and that such acts  
11 constitute new and additional duties for county officials and, as  
12 such, justify the increases in compensation as provided by section  
13 four of this article, without violating the provisions of section  
14 thirty-eight, article VI of the Constitution of West Virginia.

15       (c) The Legislature further finds that there is a direct  
16 correlation between the total assessed property valuations of a  
17 county on which the salary levels of the county commissioners,  
18 sheriffs, county and circuit clerks, assessors and prosecuting  
19 attorneys are based, and the new and additional duties that each of  
20 these officials is required to perform as they serve the best  
21 interests of their respective counties. Inasmuch as the  
22 reappraisal of the property valuations in each county has now been

1 accomplished, the Legislature finds that a change in classification  
2 of counties by virtue of increased property valuations will occur  
3 on an infrequent basis. However, it is the further finding of the  
4 Legislature that when such change in classification of counties  
5 does occur, that new and additional programs, economic  
6 developments, requirements of public safety and the need for new  
7 services provided by county officials all increase, that the same  
8 constitute new and additional duties for county officials as their  
9 respective counties reach greater heights of economic development,  
10 as exemplified by the substantial increases in property valuations  
11 and, as such, justify the increases in compensation provided in  
12 section four of this article, without violating the provisions of  
13 section thirty-eight, article VI of the Constitution of West  
14 Virginia.

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

21 **§7-7-4. Compensation of elected county officials and county**  
22 **commissioners for each class of county; effective**

1                   **date.**

2           (1) The increased salaries to be paid to the county  
3 commissioners and the other elected county officials described in  
4 this subsection on and after July 1, 2006, are set out in  
5 subdivisions (5) and (7) of this subsection. Every county  
6 commissioner and elected county official in each county, whose term  
7 of office commenced prior to or on or after July 1, 2006, shall  
8 receive the same annual salary by virtue of legislative findings of  
9 extra duties as set forth in section one of this article.

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

14          (A) The Auditor has certified that the proposed annual county  
15 budget for the fiscal year beginning the first days of July, 2006,  
16 has increased over the previous fiscal year in an amount sufficient  
17 for the payment of the increase in the salaries, set out in  
18 subdivisions (5) and (7) of this subsection, and the related  
19 employment taxes: *Provided*, That the Auditor may not approve the  
20 budget certification for any proposed annual county budget  
21 containing anticipated receipts which are unreasonably greater or  
22 lesser than that of the previous year. For purposes of this

1 subdivision, the term "receipts" does not include unencumbered fund  
2 balance or federal or state grants; and

3       (B) Each county commissioner or other elected official  
4 described in this subsection in office on the effective date of the  
5 increased salaries provided by this subsection who desires to  
6 receive the increased salary has prior to that date filed in the  
7 office of the clerk of the county commission his or her written  
8 agreement to accept the salary increase. The salary for the person  
9 who holds the office of county commissioner or other elected  
10 official described in this subsection who fails to file the written  
11 agreement as required by this paragraph shall be the salary for  
12 that office in effect immediately prior to the effective date of  
13 the increased salaries provided by this subsection until the person  
14 vacates the office or his or her term of office expires, whichever  
15 first occurs.

16       (3) If there is an insufficient projected increase in revenues  
17 to pay the increased salaries and the related employment taxes,  
18 then the salaries of that county's elected officials and  
19 commissioners shall remain at the level in effect at the time  
20 certification was sought.

21       (4) In any county having a tribunal in lieu of a county  
22 commission, the county commissioners of that county may be paid

1 less than the minimum salary limits of the county commission for  
 2 that particular class of the county.

3           (5)                           COUNTY COMMISSIONERS

4

5	Class I	\$36,960
6	Class II	\$36,300
7	Class III	\$35,640
8	Class IV	\$34,980
9	Class V	\$34,320
10	Class VI	\$28,380
11	Class VII	\$27,720
12	Class VIII	\$25,080
13	Class IX	\$24,420
14	Class X	\$19,800

15           (6) For the purpose of determining the salaries to be paid to  
 16 the elected county officials of each county, the salaries for each  
 17 county office by class, set out in subdivision (7) of this  
 18 subsection, are established and shall be used by each county  
 19 commission in determining the salaries of each of their county  
 20 officials other than salaries of members of the county commission.

21           (7)                           OTHER ELECTED OFFICIALS

22   County           Circuit                           Prosecuting

1	Sheriff	Clerk	Clerk	assessor	Attorney	
2	Class I	\$44,880	\$55,440	\$55,440	\$44,880	\$ 96,600
3	Class II	\$44,220	\$54,780	\$54,780	\$44,220	\$ 94,400
4	Class III	\$43,890	\$53,460	\$53,460	\$43,890	\$ 92,200
5	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
6	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
7	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
8	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
9	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
10	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
11	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

12 (8) Any county clerk, circuit clerk, county assessor or  
13 sheriff of a Class I through Class V county, inclusive, any  
14 assessor or any sheriff of a Class VI through Class IX county,  
15 inclusive, any prosecuting attorney who is designated full-time,  
16 shall devote full-time to his or her public duties to the exclusion  
17 of any other employment other than part-time employment that does  
18 not create a conflict of interest for the official: *Provided,* That  
19 any public official, whose term of office begins when his or her  
20 county's classification imposes no restriction on his or her  
21 outside activities, may not be restricted on his or her outside  
22 activities during the remainder of the term for which he or she is

1 elected.

2 (9) Effective July 1, 2013, the increased salaries to be paid  
3 to the county commissioners and the other elected county officials  
4 described in this subsection are set out in subdivisions (13) and  
5 (15) of this subsection. Every county commissioner and elected  
6 county official in each county, whose term of office commenced  
7 prior to or on or after July 1, 2013, shall receive the same annual  
8 salary by virtue of legislative findings of extra duties as set  
9 forth in section one of this article.

10 (10) Before the increased salaries, as set out in subdivisions  
11 (13) and (15) of this subsection, are paid to the county  
12 commissioners and the elected county officials, the following  
13 requirements must be met:

14 (A) The Auditor has certified that the proposed annual county  
15 budget for the fiscal year beginning July 1, 2013, has increased  
16 over the previous fiscal year in an amount sufficient for the  
17 payment of the increase in the salaries, set out in subdivisions  
18 (13) and (15) of this subsection, and the related employment taxes:  
19 Provided, That the Auditor may not approve the budget certification  
20 for any proposed annual county budget containing anticipated  
21 receipts which are unreasonably greater or lesser than that of the  
22 previous year. For purposes of this subdivision, the term

1 "receipts" does not include unencumbered fund balance or federal or  
2 state grants; and

3 (B) Each county commissioner or other elected official  
4 described in this subsection in office on the effective date of the  
5 increased salaries provided by this subsection who desires to  
6 receive the increased salary has prior to that date filed in the  
7 office of the clerk of the county commission his or her written  
8 agreement to accept the salary increase. The salary for the person  
9 who holds the office of county commissioner or other elected  
10 official described in this subsection who fails to file the written  
11 agreement as required by this paragraph shall be the salary for  
12 that office in effect immediately prior to the effective date of  
13 the increased salaries provided by this subsection until the person  
14 vacates the office or his or her term of office expires, whichever  
15 first occurs.

16 (11) If there is an insufficient projected increase in  
17 revenues to pay the increased salaries and the related employment  
18 taxes, then the salaries of that county's elected officials and  
19 commissioners shall remain at the level in effect at the time  
20 certification was sought.

21 (12) In any county having a tribunal in lieu of a county  
22 commission, the county commissioners of that county may be paid

1 less than the minimum salary limits of the county commission for  
 2 that particular class of the county.

3       (13)                               COUNTY COMMISSIONERS

4	<u>Class I</u>	<u>\$46,960</u>
5	<u>Class II</u>	<u>\$46,300</u>
6	<u>Class III</u>	<u>\$45,640</u>
7	<u>Class IV</u>	<u>\$44,980</u>
8	<u>Class V</u>	<u>\$44,320</u>
9	<u>Class VI</u>	<u>\$38,380</u>
10	<u>Class VII</u>	<u>\$37,720</u>
11	<u>Class VIII</u>	<u>\$35,080</u>
12	<u>Class IX</u>	<u>\$34,420</u>
13	<u>Class X</u>	<u>\$29,800</u>

14       (14) For the purpose of determining the salaries to be paid to  
 15 the elected county officials of each county, the salaries for each  
 16 county office by class, set out in subdivision (15) of this  
 17 subsection, are established and shall be used by each county  
 18 commission in determining the salaries of each of their county  
 19 officials other than salaries of members of the county commission.

20       (15)                               OTHER ELECTED OFFICIALS

21	<u>County</u>	<u>Circuit</u>	<u>Prosecuting</u>
22	<u>Sheriff</u>	<u>Clerk</u>	<u>Assessor</u> <u>Attorney</u>

1	<u>Class I</u>	<u>\$57,880</u>	<u>\$70,440</u>	<u>\$70,440</u>	<u>\$54,880</u>	<u>\$ 108,600</u>
2	<u>Class II</u>	<u>\$57,220</u>	<u>\$69,780</u>	<u>\$69,780</u>	<u>\$54,220</u>	<u>\$ 106,400</u>
3	<u>Class III</u>	<u>\$56,890</u>	<u>\$68,460</u>	<u>\$68,460</u>	<u>\$53,890</u>	<u>\$ 104,200</u>
4	<u>Class IV</u>	<u>\$56,560</u>	<u>\$68,154</u>	<u>\$68,154</u>	<u>\$53,560</u>	<u>\$ 102,000</u>
5	<u>Class V</u>	<u>\$56,230</u>	<u>\$67,800</u>	<u>\$67,800</u>	<u>\$53,230</u>	<u>\$ 99,800</u>
6	<u>Class VI</u>	<u>\$55,900</u>	<u>\$64,500</u>	<u>\$64,500</u>	<u>\$52,900</u>	<u>\$ 71,400</u>
7	<u>Class VII</u>	<u>\$55,570</u>	<u>\$63,840</u>	<u>\$63,840</u>	<u>\$52,570</u>	<u>\$ 68,760</u>
8	<u>Class VIII</u>	<u>\$55,240</u>	<u>\$63,180</u>	<u>\$63,180</u>	<u>\$52,240</u>	<u>\$ 66,120</u>
9	<u>Class IX</u>	<u>\$54,910</u>	<u>\$62,520</u>	<u>\$62,520</u>	<u>\$51,910</u>	<u>\$ 62,160</u>
10	<u>Class X</u>	<u>\$51,280</u>	<u>\$57,240</u>	<u>\$57,240</u>	<u>\$48,280</u>	<u>\$ 58,200</u>

11       (16) Any county clerk, circuit clerk, county assessor or  
12 sheriff of a Class I through Class V county, inclusive, any  
13 assessor or any sheriff of a Class VI through Class IX county,  
14 inclusive, any prosecuting attorney who is designated as full-time  
15 shall devote full-time to his or her public duties to the exclusion  
16 of any other employment other than part-time employment that does  
17 not create a conflict of interest for the official: *Provided, That*  
18 any public official, whose term of office begins when his or her  
19 county's classification imposes no restriction on his or her  
20 outside activities, may not be restricted on his or her outside  
21 activities during the remainder of the term for which he or she is  
22 elected.

NOTE: The purpose of this bill is to authorize an increase in compensation, after July 1, 2013, of elected county officials and county commissioners for each class of county.

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