

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

Senate Bill 467

BY SENATORS WOODRUM AND DEEDS

[Originating in the Committee on Government
Organization; reported on February 10, 2023]

1 A BILL to amend and reenact §7-7-4 of the Code of West Virginia, 1931, as amended, relating to
2 providing county commissioners an ongoing mechanism to consider compensation
3 increases for elected officials every two years.

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)~~ (a) The ~~increased~~ base salaries to be paid to the county commissioners and the other
2 elected county officials described in this section on and after July 1, 2014, and on and after July
3 1, 2022, are set out in subsections ~~(5)~~ (b) and ~~(7)~~ (d) of this section. Every county commissioner
4 and elected county official in each county, whose term of office commenced prior to or on or after
5 July 1, 2014, shall receive the same annual salary by virtue of legislative findings of extra duties
6 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 paragraph 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,
32 as amended. This salary increase is effective July 1, 2014.

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) (b) Prior to July 1, 2014:

43 COUNTY COMMISSIONERS BASE SALARIES

44 Class I \$36,960

CS for SB 467

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 BASE SALARIES

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 BASE SALARIES

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)~~ (c) For the purpose of determining the base salaries to be paid to the elected county
 79 officials of each county, the base salaries for each county office by class, set out in subsection
 80 ~~(7)~~ (d) of this section, are established and shall be used by each county commission in
 81 determining the base salaries of each of their county officials other than salaries of members of
 82 the county commission.

83 ~~(7)~~ (d) Prior to July 1, 2014:

84 OTHER ELECTED OFFICIALS BASE SALARIES

		County	Circuit	County	Prosecuting	
	Sheriff	Clerk	Clerk	Assessor	Attorney	
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	Class IV	\$43,560	\$53,154	\$53,154	\$43,560	\$ 90,000
89	Class V	\$43,230	\$52,800	\$52,800	\$43,230	\$ 87,800
90	Class VI	\$42,900	\$49,500	\$49,500	\$42,900	\$ 59,400
91	Class VII	\$42,570	\$48,840	\$48,840	\$42,570	\$ 56,760
92	Class VIII	\$42,240	\$48,180	\$48,180	\$42,240	\$ 54,120
93	Class IX	\$41,910	\$47,520	\$47,520	\$41,910	\$ 50,160
94	Class X	\$38,280	\$42,240	\$42,240	\$38,280	\$ 46,200

97 After June 30, 2014:

98 OTHER ELECTED OFFICIALS BASE SALARIES

99			County	Circuit	County	Prosecuting
100		Sheriff	Clerk	Clerk	Assessor	Attorney
101	Class I	\$50,266	\$62,093	\$62,093	\$50,266	\$108,192
102	Class II	\$49,526	\$61,354	\$61,354	\$49,526	\$105,728
103	Class III	\$49,157	\$59,875	\$59,875	\$49,157	\$103,264
104	Class IV	\$48,787	\$59,532	\$59,532	\$48,787	\$100,800
105	Class V	\$48,418	\$59,136	\$59,136	\$48,418	\$98,336
106	Class VI	\$48,048	\$55,440	\$55,440	\$48,048	\$66,528
107	Class VII	\$47,678	\$54,701	\$54,701	\$47,678	\$63,571
108	Class VIII	\$47,309	\$53,962	\$53,962	\$47,309	\$60,614
109	Class IX	\$46,939	\$53,222	\$53,222	\$46,939	\$56,179
110	Class X	\$42,874	\$47,309	\$47,309	\$42,874	\$51,744

111 After June 30, 2022:

112 OTHER ELECTED OFFICIALS BASE SALARIES

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

130 (f) On March 1, 2024, and on March 1 of each second year thereafter, the county
131 commission of each county shall review the annual Consumer Price Index published by the United
132 States Department of Commerce and determine if the proposed annual county budget for the
133 fiscal year beginning July 1, 2024, or of the upcoming fiscal year, has increased over the previous
134 fiscal year in an amount sufficient for the payment of an increase in the salaries and the related
135 employment taxes of the county commissioners and other elected county officials in an amount
136 up to the increase in the Consumer Price Index over the prior two years.

137 (g) If the proposed annual county budget for the fiscal year beginning July 1, 2024, or of
138 the upcoming fiscal year, has increased over the previous fiscal year in an amount sufficient for
139 the payment of an increase in the salaries and the related employment taxes of the county
140 commissioner and other elected county officials in an amount up to the increase in the Consumer
141 Price Index, then the county commission may fix the salary of the county commissioners and the
142 other elected county officials at an annual rate of salary to which the county official is entitled
143 pursuant to the salary schedule contained in this section including an increase up to the increase
144 in the Consumer Price Index, as determined by the county commission.

145 (h) Before the increased salaries are paid to the county commissioners and the elected
146 county officials, the following requirement must be met:

147 (1) Each county commissioner or other elected official described in this section in office
148 on the effective date of the increased salaries provided by this section who desires to receive the
149 increased salary has prior to that date filed in the office of the clerk of the county commission his

150 or her written agreement to accept the salary increase. The salary for the person who holds the
151 office of county commissioner or other elected official described in this section who fails to file the
152 written agreement as required by this subsection is the salary for that office in effect immediately
153 prior to the effective date of the increased salaries provided by this section until the person
154 vacates the office or his or her term of office expires, whichever first occurs.

155 (2) Any request for a salary increase shall use the following language:

156 "I [name of office holder], the duly elected [name of office] in and for the County of [name
157 of county], West Virginia, do hereby request a salary increase pursuant to W. Va. Code §7-7-4,
158 as amended. This salary increase is effective July 1, [year]."

159 [Signature of office holder]

160 [Date]

161 (i) If there is an insufficient projected increase in revenues to pay the increased salaries
162 and the related employment taxes, the salaries of that county's elected officials and
163 commissioners shall remain at the level in effect at the time the review of the Consumer Price
164 Index and the budget for the upcoming fiscal year was conducted.