

Senate Bill No. 19

(By Senators Fitzsimmons and Yost)

[Introduced January 8, 2014; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §51-2A-6 of the Code of West Virginia,
1931, as amended, relating to increasing the compensation caps
for secretary-clerks and case coordinators in the family court
system.

Be it enacted by the Legislature of West Virginia:

That §51-2A-6 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2A. FAMILY COURTS.

**§51-2A-6. Compensation and expenses of family court judges and
their staffs.**

(a) A family court judge is entitled to receive as
compensation for his or her services an annual salary of ~~\$62,500:~~
~~Provided, That beginning July 1, 2005, a family court judge is~~
~~entitled to receive as compensation for his or her services an~~

1 ~~annual salary of \$82,500: *Provided, however, That beginning July*~~
2 ~~1, 2011, the annual salary of a family court judge shall be~~
3 ~~\$94,500.~~

4 (b) The secretary-clerk of the family court judge is appointed
5 by the family court judge and serves at his or her will and
6 pleasure. ~~The secretary-clerk of the family court judge is entitled~~
7 ~~to receive an annual salary of \$27,036: *Provided, That on and*~~
8 ~~after July 1, 2006, The annual salary of the secretary-clerk shall~~
9 be established by the Administrative Director of the Supreme Court
10 of Appeals, but may not exceed \$35,000: *Provided, That on and after*
11 July 1, 2014, the annual salary of the secretary-clerk may not
12 exceed \$41,500. In addition, any person employed as a
13 secretary-clerk to a family court judge on the effective date of
14 the enactment of this section during the sixth extraordinary
15 session of the Legislature in the year 2001 who is receiving an
16 additional \$500 per year up to ten years of a certain period of
17 prior employment under the provisions of the prior enactment of
18 section eight of this article during the second extraordinary
19 session of the Legislature in the year 1999 shall continue to
20 receive ~~such that~~ additional amount. Further, the secretary-clerk
21 ~~will~~ shall receive ~~such any~~ percentage or proportional salary
22 ~~increases as may be~~ increase provided by general law for other
23 public employees and is entitled to receive the annual incremental
24 salary increase ~~as~~ provided in article five, chapter five of this

1 code.

2 (c) The family court judge may employ not more than one family
3 case coordinator who serves at his or her will and pleasure. The
4 annual salary of the family case coordinator of the family court
5 judge shall be established by the Administrative Director of the
6 Supreme Court of Appeals but may not exceed \$36,000: *Provided,*
7 That on and after ~~July 1, 2006, the annual salary of the family~~
8 ~~case coordinator of the family court judge may not exceed \$46,060~~
9 July 1, 2014, the annual salary of the family case coordinator may
10 not exceed \$52,500. The family case coordinator ~~will~~ shall receive
11 ~~such~~ any percentage or proportional salary ~~increases as may be~~
12 increase provided by general law for other public employees and is
13 entitled to receive the annual incremental salary increase ~~as~~
14 provided in article five, chapter five of this code.

15 (d) The sheriff or his or her designated deputy ~~shall serve~~
16 serves as a bailiff for a family court judge. The sheriff of each
17 county ~~shall serve~~ serves or shall designate persons to serve so as
18 to assure that a bailiff is available when a family court judge
19 determines the same is necessary for the orderly and efficient
20 conduct of the business of the family court.

21 (e) Disbursement of salaries for family court judges and
22 members of their staffs are made by or pursuant to the order of the
23 ~~Director of the Administrative Office~~ Director of the Supreme Court
24 of Appeals.

1 (f) Family court judges and members of their staffs are
2 allowed their actual and necessary expenses incurred in the
3 performance of their duties. The expenses and compensation ~~will~~
4 shall be determined and paid by the ~~Director of the~~ Administrative
5 ~~Office~~ Director of the Supreme Court of Appeals under ~~such~~
6 guidelines as he or she ~~may prescribe~~ prescribes, as approved by
7 the Supreme Court of Appeals.

8 (g) Notwithstanding any other provision of law, family court
9 judges are not eligible to participate in the retirement system for
10 judges under the provisions of article nine of this chapter.

NOTE: The purpose of this bill is to increase the compensation caps for secretary-clerks and case coordinators in the family court system. The bill is necessary because some relatively recent across-the-board raises for state employees have resulted in some family court employees exceeding the cap.

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