

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 29

BY SENATORS OLIVERIO, HAMILTON, MORRIS, THORNE,

TAKUBO

[Reported March 2, 2026, from the Committee on

Finance]

1 A BILL to amend and reenact §50-1-3, §51-1-10a, §51-2-13, §51-2A-6, §51-9-4, and §51-11-11
2 of the Code of West Virginia, 1931, as amended, relating to salaries of magistrates and
3 judges; increasing annual salary of magistrates; increasing annual salary of justices of the
4 Supreme Court of Appeals, circuit court judges, family court judges, and judges of the
5 Intermediate Court of Appeals; providing for employee contribution into judicial retirement
6 system; and suspending contribution of employer into judicial retirement system until
7 certain condition met.

Be it enacted by the Legislature of West Virginia:

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-3. Salaries of magistrates.

1 Notwithstanding any provisions of this code to the contrary, beginning July 1, 2021, the
2 annual salary of a magistrate shall be \$60,375, and beginning July 1, 2022, the annual salary of
3 a magistrate shall be \$63,250. Beginning July 1, 2027, the annual salary of a magistrate shall be
4 \$70,000.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

1 The salary of each of the justices of the Supreme Court of Appeals shall be \$95,000 per
2 year: *Provided*, That beginning July 1, 2005, the salary of each of the justices of the Supreme
3 Court shall be \$121,000: *Provided, however*, That beginning July 1, 2011, the annual salary of a
4 justice of the Supreme Court shall be \$136,000: *Provided further*, That beginning July 1, 2021,
5 the annual salary of a justice of the Supreme Court of Appeals shall be \$142,800, and beginning
6 July 1, 2022, the annual salary of a justice of the Supreme Court of Appeals shall be \$149,600;
7 *And provided further*, That beginning July 1, 2027, the annual salary of a justice of the Supreme

8 Court of Appeals shall be \$154,600: *And provided further*, That beginning July 1, 2028, the annual
9 salary of a justice of the Supreme Court of Appeals shall be \$159,600.

ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.

§51-2-13. Salaries of judges of circuit courts.

1 The salaries of the judges of the various circuit courts shall be paid solely out of the State
2 Treasury. No county, county commission, board of commissioners, or other political subdivision
3 shall supplement or add to such salaries.

4 The annual salary of all circuit judges shall be \$90,000 per year: *Provided*, That beginning
5 July 1, 2005, the annual salary of all circuit judges shall be \$116,000 per year: *Provided, however*,
6 That beginning July 1, 2011, the annual salary of a circuit court judge shall be \$126,000: *Provided*
7 *further*, That beginning July 1, 2021, the annual salary of a circuit judge shall be \$132,300 and
8 beginning July 1, 2022, the annual salary of a circuit court judge shall be \$138,600: *And provided*
9 *further*, That beginning July 1, 2027, the annual salary of a circuit judge shall be \$143,600: *And*
10 *provided further*, That beginning July 1, 2028, the annual salary of a circuit judge shall be
11 \$148,600.

ARTICLE 2A. FAMILY COURTS.

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

1 (a) A family court judge is entitled to receive as compensation for his or her services an
2 annual salary of \$62,500: *Provided*, That beginning July 1, 2005, a family court judge is entitled
3 to receive as compensation for his or her services an annual salary of \$82,500: *Provided*,
4 *however*, That beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500:
5 *Provided further*, That beginning July 1, 2020, the annual salary of a family court judge shall be
6 \$103,950: *And provided further*, That beginning July 1, 2027, the annual salary of a family court
7 judge shall be \$113,950: *And provided further*, That beginning July 1, 2028, the annual salary of
8 a family court judge shall be \$118,950.

9 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
10 serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least
11 twice per month by the state. The annual salary of all secretary-clerks of the family court is
12 \$42,576. Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be
13 \$44,876. Family court secretary-clerks may receive any general salary increase granted to state
14 employees, whose salaries are not set by statute, expressed as a percentage increase or an
15 across-the-board increase enacted after July 1, 2023.

16 (c) The family court judge may employ not more than one family case coordinator who
17 serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize
18 additional family case coordinators if the workload of a circuit's family court requires extra staff
19 support. The annual salary of the family case coordinator of the family court judge shall be
20 established by the Administrative Director of the Supreme Court of Appeals but may not exceed
21 \$54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not
22 exceed \$56,876. Family court case coordinators may receive any general salary increase granted
23 to state employees, whose salaries are not set by statute, expressed as a percentage increase
24 or an across-the-board increase enacted after July 1, 2023. If more than one family case
25 coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of
26 that circuit shall appoint, supervise, and assign job duties for any additional family case
27 coordinator as needed for that circuit.

28 (d) The sheriff or his or her designated deputy shall serve as a bailiff for a family court
29 judge. The sheriff of each county shall serve or designate persons to serve so as to assure that
30 a bailiff is available when a family court judge determines the same is necessary for the orderly
31 and efficient conduct of the business of the family court.

32 (e) Disbursement of salaries for family court judges and members of their staffs are made
33 by or pursuant to the order of the Director of the Administrative Office of the Supreme Court of
34 Appeals.

35 (f) Family court judges and members of their ~~staffs~~ staff are allowed their actual and
36 necessary expenses incurred in the performance of their duties. The expenses and compensation
37 will be determined and paid by the Director of the Administrative Office of the Supreme Court of
38 Appeals under such guidelines as he or she may prescribe, as approved by the Supreme Court
39 of Appeals.

40 (g) The Supreme Court of Appeals is authorized to create additional classifications of
41 support staff that it deems necessary to adequately and efficiently staff the family courts of this
42 state, including, but not limited to, receptionists, assistant case coordinators, and assistant
43 secretary-clerks. The Supreme Court of Appeals may determine the authority to hire and
44 terminate, supervise, and assign job duties for these positions pursuant to its own employment
45 rules, policies, and procedures. The annual salary of additional support staff authorized by this
46 section shall not exceed the regular annual salary of a secretary-clerk and shall be paid by the
47 state on the same basis established for secretary-clerks as provided in this section.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; leased employees; military service credit; maximum allowable and qualified military service; qualifiable prosecutorial service.

1 (a) Every person who is now serving or shall hereafter serve as a judge of any court of
2 record of this state shall pay into the Judges' Retirement Fund six percent of the salary received
3 by such person out of the State Treasury: *Provided*, That when a judge becomes eligible to
4 receive benefits from such trust fund by actual retirement, no further payment by him or her shall
5 be required, since such employee contribution, in an equal treatment sense, ceases to be required
6 in the other retirement systems of the state, also, only after actual retirement: *Provided, however*,
7 That on and after January 1, 1995, every person who is then serving or shall thereafter serve as
8 a judge of any court of record in this state shall pay into the Judges' Retirement Fund nine percent

9 of the salary received by that person: *Provided further*, That consistent with the salary increase
10 granted to judges of courts of record during the 2005 regular legislative session and to changes
11 effectuated in judicial retirement by provisions enacted during the third extraordinary legislative
12 session of 2005, on and after July 1, 2005, every person who is then serving or shall thereafter
13 serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund
14 ten and one-half percent of the salary received by that person: *And provided further*, That on and
15 after July 1, 2013, except as provided in subsections (b) and (c) of this section, every person who
16 is then serving or shall thereafter serve as a judge of any court of record in this state and who
17 elects to participate in this retirement system shall pay into the Judges' Retirement Fund seven
18 percent of the salary received. Any prior occurrence or practice to the contrary, in any way
19 allowing discontinuance of required employee contributions prior to actual retirement under this
20 retirement system, is rejected as erroneous and contrary to legislative intent and as violative of
21 required equal treatment and is hereby nullified and discontinued fully, with the State Auditor to
22 require such contribution in every instance hereafter, except where no contributions are required
23 to be made under any of the provisions of this article.

24 (b) On and after July 1, 2014, every person who is serving or shall hereafter serve as a
25 judge of any court of record of this state and who elects to participate in this retirement system
26 shall contribute to the fund an amount determined by the board. This amount will be based on the
27 annual actuarial valuation prepared by the State Actuary: *Provided*, That the contribution will be
28 no less than seven percent or no more than 10 and one-half percent of the participant's annual
29 compensation.

30 (c) ~~On or after July 1, 2013, and each year thereafter, the annual actuarial valuation~~
31 ~~prepared by the State Actuary for determination of all participants' contributions and the annual~~
32 ~~actuarially required contribution prepared by the State Actuary for use by the courts of this state~~
33 ~~for legislative appropriation shall be provided to the Legislature's Joint Committee on Government~~
34 ~~and Finance and the Joint Committee on Pensions and Retirement 2025, every person who is~~

35 serving or shall hereafter serve as a judge of any court of record of this state and who elects to
36 participate in this retirement system shall contribute to the Judges' Retirement Fund seven
37 percent of the salary received.

38 (d) On or after July 1, 2013, and each year thereafter, the board shall provide the annual
39 actuarial valuation and the annual actuarially required contribution prepared by the State Actuary
40 for use by the courts of this state for legislative appropriation to the Legislature's Joint Committee
41 on Government and Finance and the Joint Committee on Pensions and Retirement: *Provided,*
42 That in any year that the State Actuary determines that the funding level of the Judges' Retirement
43 Fund exceeds 125 percent, the board shall provide the annual actuarial valuation prepared by the
44 State Actuary and a statement of the current funding level of the fund to the Legislature's Joint
45 Committee on Government and Finance and the Joint Committee on Pensions and Retirement.
46 Notwithstanding any provision of this code to the contrary, neither the court nor the Legislature
47 shall be required to make a contribution to the fund when the funding level exceeds 125 percent.
48 For purposes of this subsection, the funding level is determined by dividing the assets of the fund
49 by the sum of the assets of the fund and the unfunded accrued liability of the fund.

50 ~~(d)~~(e) An individual who is a leased employee shall not be eligible to participate in the
51 system. For purposes of this system, a "leased employee" means any individual who performs
52 services as an independent contractor or pursuant to an agreement with an employee leasing
53 organization or other similar organization. If a question arises regarding the status of an individual
54 as a leased employee, the board has the final power to decide the question.

55 ~~(e)~~(f) In drawing warrants for the salary checks of judges, the State Auditor shall deduct
56 from the amount of each such salary check six percent thereof, which amount so deducted shall
57 be credited by the Consolidated Public Retirement Board to the trust fund: *Provided,* That on or
58 after January 1, 1995, the amount so deducted and credited shall be nine percent of each such
59 salary check: *Provided, however,* That consistent with the salary increase granted to judges of
60 courts of record during the 2005 regular legislative session and to changes effectuated in judicial

61 retirement by provisions enacted during the third extraordinary legislative session of 2005, on or
62 after July 1, 2005, the amount so deducted and credited shall be ten and one-half percent of each
63 such salary check: *Provided further*, That on and after July 1, 2013, except as provided in
64 subsection (b) of this section, the amount so deducted and credited shall be seven percent of
65 each salary check: *And provided further*, That on and after July 1, 2014, the amount so deducted
66 and credited will be determined by the board: *And provided further*, That on and after July 1, 2027,
67 the amount so deducted and credited shall be seven percent of each salary check.

68 ~~(f)~~(g) Any judge seeking to qualify military service to be claimed as credited service, in
69 allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same
70 without any required payment in respect thereof to the Judges' Retirement Fund.

71 ~~(g)~~(h) Notwithstanding the preceding provisions of this section, contributions, benefits and
72 service credit with respect to qualified military service shall be provided in accordance with
73 Section 414(u) of the Internal Revenue Code. For purposes of this section, "qualified military
74 service" has the same meaning as in Section 414(u) of the Internal Revenue Code. The
75 Retirement Board is authorized to determine all questions and make all decisions relating to this
76 section and may promulgate rules relating to contributions, benefits and service credit pursuant
77 to the authority granted to the retirement board in §5-10D-1 of this code to comply with Section
78 414(u) of the Internal Revenue Code.

79 ~~(h)~~(i) Any judge holding office as such on the effective date of the amendments to this
80 article adopted by the Legislature at its 1987 regular session who seeks to qualify service as a
81 prosecuting attorney as credited service, which service credit must have been earned prior to the
82 year 1987, shall be required to pay into the Judges' Retirement Fund nine percent of the annual
83 salary which was actually received by such person as prosecuting attorney during the time such
84 prosecutorial service was rendered prior to the year 1987 and for which credited service is being
85 sought, together with applicable interest. No judge whose term of office shall commence after the
86 effective date of such amendments to this article shall be eligible to claim any credit for service

87 rendered as a prosecuting attorney as eligible service for retirement benefits under this article,
88 nor shall any time served as a prosecutor after the year 1988 be considered as eligible service
89 for any purposes of this article.

ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.

§51-11-11. Judicial compensation and benefits; expenses.

1 (a) The annual salary of a Judge of the Intermediate Court of Appeals is \$142,500;
2 Provided, That beginning July 1, 2027, the annual salary of a Judge of the Intermediate Court of
3 Appeals shall be \$147,500: *Provided, however,* That beginning July 1, 2028, the annual salary of
4 a Judge of the Intermediate Court of Appeals shall be \$152,500. The budget for the payment of
5 compensation and expenses of Intermediate Court of Appeals judges shall be included in the
6 appropriation for the Supreme Court of Appeals.

7 (b) Judges of the Intermediate Court of Appeals and staff shall be reimbursed for their
8 actual and necessary expenses incurred in the performance of their duties under the guidelines
9 prescribed by the Administrative Director of the Supreme Court of Appeals.