

H. B. 4293

(By Delegates Miley, Frazier, Longstreth,
Barill and Jones)

(By Request of the Supreme Court of Appeals)

[Introduced January 25, 2012; referred to the
Committee on the Judiciary then 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, however,* That on
11 and after July 1, 2012, the annual salary of the secretary-clerk
12 shall be established by the Administrative Director of the Supreme
13 Court of Appeals, but may not exceed \$41,500. In addition, any
14 person employed as a secretary-clerk to a family court judge on the
15 effective date of the enactment of this section during the sixth
16 extraordinary session of the Legislature in the year 2001 who is
17 receiving an additional \$500 per year up to ten years of a certain
18 period of prior employment under the provisions of the prior
19 enactment of section eight of this article during the second
20 extraordinary session of the Legislature in the year 1999 shall
21 continue to receive such additional amount. Further, the
22 secretary-clerk will receive such percentage or proportional salary
23 increases as may be provided by general law for other public
24 employees and is entitled to receive the annual incremental salary

1 increase as provided in article five, chapter five of this 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 *Provided, however, That on and after July 1, 2012, the annual*
10 *salary of the family case coordinator shall be established by the*
11 *Administrative Director of the Supreme Court of Appeals, but may*
12 *not exceed \$52,000.* The family case coordinator will receive such
13 percentage or proportional salary increases as may be provided by
14 general law for other public employees and is entitled to receive
15 the annual incremental salary increase as provided in article five,
16 chapter five of this code.

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

23 (e) Disbursement of salaries for family court judges and
24 members of their staffs are made by or pursuant to the order of the

1 Director of the Administrative Office of the Supreme Court of
2 Appeals.

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

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

NOTE: The purpose of this bill is to increase the amount the
Supreme Court of Appeals is authorized to compensate
secretary-clerks and case coordinators serving the family court
system. The bill addresses across-the-board raises for state
employees that resulted in some employees exceeded the existing
cap.

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

This bill was recommended for introduction and passage during
the Regular Session of the Legislature by the West Virginia Supreme
Court of Appeals.