

1 **H. B. 4430**

2  
3 (By Delegates Sponaugle, Campbell, R. Phillips,  
4 Skinner, Tomblin, Skaff, Poore, Manchin, White,  
5 Reynolds and Marcum)  
6

7 [Introduced February 6, 2014; referred to the  
8 Committee on the Judiciary then Finance.]  
9

10 A BILL to amend and reenact §51-2A-6 of the Code of West Virginia,  
11 1931, as amended, relating to removing the compensation caps  
12 entirely for secretary-clerks and case coordinators in the  
13 family court system and allowing the Administrative Director  
14 of the Supreme Court of Appeals to set the salary of those  
15 employees.

16 *Be it enacted by the Legislature of West Virginia:*

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

19 **ARTICLE 2A. FAMILY COURTS.**

20 **§51-2A-6. Compensation and expenses of family court judges and**  
21 **their staffs.**

22 (a) A family court judge is entitled to receive as  
23 compensation for his or her services an annual salary of ~~\$62,500:~~  
24 ~~Provided, That beginning July 1, 2005, a family court judge is~~  
25 ~~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.~~ In addition, any person  
11 employed as a secretary-clerk to a family court judge on the  
12 effective date of the enactment of this section during the sixth  
13 extraordinary session of the Legislature in the year 2001 who is  
14 receiving an additional \$500 per year up to ten years of a certain  
15 period of prior employment under the provisions of the prior  
16 enactment of section eight of this article during the second  
17 extraordinary session of the Legislature in the year 1999 shall  
18 continue to receive such additional amount. Further, the  
19 secretary-clerk ~~will~~ is entitled to receive such in addition to the  
20 salary as set by the Administrative Director of the Supreme Court  
21 of Appeals the same percentage or proportional salary increases ~~as~~  
22 ~~may be~~ provided by general law for other public employees and is  
23 entitled to receive the annual incremental salary increase as  
24 provided in article five, chapter five of this code.

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

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

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

23           (f) Family court judges and members of their staffs are  
24 allowed their actual and necessary expenses incurred in the

1 performance of their duties. The expenses and compensation will be  
2 determined and paid by the Director of the Administrative Office of  
3 the Supreme Court of Appeals under ~~such~~ guidelines as he or she ~~may~~  
4 ~~prescribe~~ prescribes, as approved by the Supreme Court of Appeals.

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

NOTE: The purpose of this bill is to remove the compensation caps entirely for secretary-clerks and case coordinators in the family court system and allow the Administrative Director of the Supreme Court of Appeals to set the salary of those employees.

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