

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2314**

**FISCAL  
NOTE**

BY DELEGATE SPONAUGLE

[Introduced February 9, 2017; Referred  
to the Committee on the Judiciary then Finance]

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

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

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

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

17 ~~as may be~~ provided by general law for other public employees and is entitled to receive the annual  
18 incremental salary increase as provided in article five, chapter five of this code.

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

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

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

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

39 (g) Notwithstanding any other provision of law, family court judges are not eligible to  
40 participate in the retirement system for 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 a heading or the present law, and underscoring indicates new language that would be added.