

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

House Bill 4036

FISCAL
NOTE

BY DELEGATE COWLES

[Introduced January 12, 2018; 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, relating generally to
 2 salaries of family court employees; and increasing the maximum salaries of family case
 3 coordinators and secretary-clerks.

Be it enacted by the Legislature of West Virginia:

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~~ \$43,000. In addition, any person employed as a secretary-
 10 clerk to 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 §51-2A-8 of this during the second extraordinary session of the Legislature in the
 14 year 1999 shall continue to receive such additional amount. Further, the secretary-clerk will
 15 receive such percentage or proportional salary increases as may be provided by general law for
 16 other public employees and is entitled to receive the annual incremental salary increase as
 17 provided in §5-5-1 *et seq.* of this code.

18 (c) The family court judge may employ not more than one family case coordinator who
 19 serves at his or her will and pleasure. The annual salary of the family case coordinator of the
 20 family court judge shall be established by the Administrative Director of the Supreme Court of

21 Appeals but may not exceed \$36,000: *Provided*, That on and after July 1, 2006, the annual salary
22 of the family case coordinator of the family court judge may not exceed ~~\$46,060~~ \$56,000. The
23 family case coordinator will receive such percentage or proportional salary increases as may be
24 provided by general law for other public employees and is entitled to receive the annual
25 incremental salary increase as provided in §5-5-1 *et seq.* of this code.

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

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

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

37 (g) Notwithstanding any other provision of law, family court judges are not eligible to
38 participate in the retirement system for judges under the provisions of §51-9-1 *et seq.* of this code.

NOTE: The purpose of this bill is to increase the maximum salaries of family case coordinators and secretary-clerks of family courts.

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