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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 514

(By Senator Kessler, et al)

PASSED April 9, 2005

In Effect July 1, 2005 **Passage**

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 514

(SENATORS KESSLER, BAILEY, SHARPE, OLIVERIO, YODER,
UNGER AND LOVE, *original sponsors*)

[Passed April 9, 2005; to take effect July 1, 2005.]

AN ACT to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended; to amend and reenact §50-1-3 of said code; to amend and reenact §51-1-10a of said code; to amend and reenact §51-2-13 of said code; and to amend and reenact §51-2A-6 of said code, all relating generally to the salaries of the Governor, Attorney General, State Treasurer, State Auditor, Commissioner of Agriculture, Secretary of State, Supreme Court Justices, judges of circuit courts, family court judges and magistrates; and effective dates.

Be it enacted by the Legislature of West Virginia:

That §6-7-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §50-1-3 of said code be amended and reenacted; that §51-1-10a of said code be amended and reenacted; that §51-2-13 of said code be amended and reenacted; and that §51-2A-6 of said code be amended and reenacted, all to read as follows:

**CHAPTER 6. GENERAL PROVISIONS
RESPECTING OFFICERS.**

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2. Salaries of certain state officers.

1 (a) Beginning in the calendar year two thousand five,
2 and for each calendar year thereafter, salaries for each of
3 the state constitutional officers shall be as follows:

4 (1) The salary of the Governor shall be ninety-five
5 thousand dollars per year;

6 (2) The salary of the Attorney General shall be eighty
7 thousand dollars per year;

8 (3) The salary of the Auditor shall be seventy-five
9 thousand dollars per year;

10 (4) The salary of the Secretary of State shall be seventy
11 thousand dollars per year;

12 (5) The salary of the Commissioner of Agriculture shall
13 be seventy-five thousand dollars per year; and

14 (6) The salary of the State Treasurer shall be seventy-
15 five thousand dollars per year.

16 (b) Notwithstanding the provisions of subsection (a) of
17 this section, beginning in the calendar year two thousand
18 nine, and for each calendar year thereafter, salaries for
19 each of the state constitutional officers shall be as follows:

20 (1) The salary of the Governor shall be one hundred fifty
21 thousand dollars per year;

22 (2) The salary of the Attorney General shall be one
23 hundred five thousand dollars per year;

24 (3) The salary of the Auditor shall be ninety-five thou-
25 sand dollars per year;

26 (4) The salary of the Secretary of State shall be ninety-
27 five thousand dollars per year;

28 (5) The salary of the Commissioner of Agriculture shall
29 be ninety-five thousand dollars per year; and

30 (6) The salary of the State Treasurer shall be ninety-five
31 thousand dollars per year.

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.

§50-1-3. Salaries of magistrates.

1 (a) The Legislature finds and declares that:

2 (1) The West Virginia Supreme Court of Appeals has held
3 that a salary system for magistrates which is based upon
4 the population that each magistrate serves does not violate
5 the equal protection clause of the Constitution of the
6 United States;

7 (2) The West Virginia Supreme Court of Appeals has held
8 that a salary system for magistrates which is based upon
9 the population that each magistrate serves does not violate
10 section thirty-nine, article VI of the Constitution of West
11 Virginia;

12 (3) The utilization of a two-tiered salary schedule for
13 magistrates is an equitable and rational manner by which
14 magistrates should be compensated for work performed;

15 (4) Organizing the two tiers of the salary schedule into
16 one tier for magistrates serving less than eight thousand
17 four hundred in population and the second tier for magis-
18 trates serving eight thousand four hundred or more in
19 population is rational and equitable given current statisti-
20 cal information relating to population and caseload; and

21 (5) That all magistrates who fall under the same tier
22 should be compensated equally.

23 (b) The salary of each magistrate shall be paid by the
24 state. Magistrates who serve fewer than eight thousand
25 four hundred in population shall be paid annual salaries of
26 thirty thousand six hundred twenty-five dollars and
27 magistrates who serve eight thousand four hundred or
28 more in population shall be paid annual salaries of thirty-
29 seven thousand dollars: *Provided*, That on and after the
30 first day of July, two thousand three, magistrates who
31 serve fewer than eight thousand four hundred in popula-
32 tion shall be paid annual salaries of thirty-three thousand
33 six hundred twenty-five dollars and magistrates who serve
34 eight thousand four hundred or more in population shall
35 be paid annual salaries of forty thousand dollars: *Pro-
36 vided, however*, That on and after the first day of July, two
37 thousand five, magistrates who serve fewer than eight
38 thousand four hundred in population shall be paid annual
39 salaries of forty-three thousand six hundred twenty-five
40 dollars and magistrates who serve eight thousand four
41 hundred or more in population shall be paid annual
42 salaries of fifty thousand dollars.

43 (c) For the purpose of determining the population served
44 by each magistrate, the number of magistrates authorized
45 for each county shall be divided into the population of
46 each county. For the purpose of this article, the popula-
47 tion of each county is the population as determined by the
48 last preceding decennial census taken under the authority
49 of the United States government.

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
2 of Appeals shall be ninety-five thousand dollars per year:
3 *Provided*, That beginning the first day of July, two thou-
4 sand five, the salary of each of the Justices of the Supreme
5 Court shall be one hundred twenty-one thousand dollars
6 per year.

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
2 shall be paid solely out of the State Treasury. No county,
3 county commission, board of commissioners or other
4 political subdivision shall supplement or add to such
5 salaries.

6 The annual salary of all circuit judges shall be ninety
7 thousand dollars per year: *Provided*, That beginning the
8 first day of July, two thousand five, the annual salary of
9 all circuit judges shall be one hundred sixteen thousand
10 dollars per year.

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 compen-
2 sation for his or her services an annual salary of sixty-two
3 thousand five hundred dollars: *Provided*, That beginning
4 the first day of July, two thousand five, a family court
5 judge is entitled to receive as compensation for his or her
6 services an annual salary of eighty-two thousand five
7 hundred dollars.

8 (b) The secretary-clerk of the family court judge is
9 appointed by the family court judge and serves at his or
10 her will and pleasure. The secretary-clerk of the family
11 court judge is entitled to receive an annual salary of
12 twenty-five thousand three hundred thirty-two dollars. In
13 addition, any person employed as a secretary-clerk to a
14 family court judge on the effective date of the enactment
15 of this section during the sixth extraordinary session of the
16 Legislature in the year two thousand one who is receiving
17 an additional five hundred dollars per year up to ten years
18 of a certain period of prior employment under the provi-
19 sions of the prior enactment of section eight of this article

20 during the second extraordinary session of the Legislature
21 in the year one thousand nine hundred ninety-nine shall
22 continue to receive such additional amount. Further, the
23 secretary-clerk will receive such percentage or propor-
24 tional salary increases as may be provided by general law
25 for other public employees and is entitled to receive the
26 annual incremental salary increase as provided in article
27 five, chapter five of this code.

28 (c) The family court judge may employ not more than
29 one family case coordinator who serves at his or her will
30 and pleasure. The annual salary of the family case coordi-
31 nator of the family court judge shall be established by the
32 Administrative Director of the Supreme Court of Appeals
33 but may not exceed thirty-six thousand sixty dollars. The
34 family case coordinator will receive such percentage or
35 proportional salary increases as may be provided by
36 general law for other public employees and is entitled to
37 receive the annual incremental salary increase as provided
38 in article five, chapter five of this code.

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

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

49 (f) Family court judges and members of their staffs are
50 allowed their actual and necessary expenses incurred in
51 the performance of their duties. The expenses and com-
52 pensation will be determined and paid by the Director of
53 the Administrative Office of the Supreme Court of Appeals
54 under such guidelines as he or she may prescribe, as
55 approved by the Supreme Court of Appeals.

56 (g) Notwithstanding any other provision of law, family
57 court judges are not eligible to participate in the retire-
58 ment system for judges under the provisions of article nine
59 of this chapter.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Claudia White
.....
Chairman Senate Committee

D. Reed Ben
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2005.

Carroll E. Holmes
.....
Clerk of the Senate

Bryan M. Bay
.....
Clerk of the House of Delegates

Carl R. Tompkins
.....
President of the Senate

Robert H.
.....
Speaker House of Delegates

The within *is approved* this the *4th*
Day of *May* 2005.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 20 2005

Time 2:50 pm