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
ENROLLED
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, and for each calendar year thereafter, salaries for each of the state constitutional officers shall be as follows:

   (1) The salary of the Governor shall be ninety-five thousand dollars per year;
   (2) The salary of the Attorney General shall be eighty thousand dollars per year;
   (3) The salary of the Auditor shall be seventy-five thousand dollars per year;
   (4) The salary of the Secretary of State shall be seventy thousand dollars per year;
   (5) The salary of the Commissioner of Agriculture shall be seventy-five thousand dollars per year; and
   (6) The salary of the State Treasurer shall be seventy-five thousand dollars per year.

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

   (1) The salary of the Governor shall be one hundred fifty thousand dollars per year;
   (2) The salary of the Attorney General shall be one hundred five thousand dollars per year;
   (3) The salary of the Auditor shall be ninety-five thousand dollars per year;
(4) The salary of the Secretary of State shall be ninety-five thousand dollars per year;

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

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

CHAPTER 50. MAGISTRATE COURTS.

ARTICLE 1. COURTS AND OFFICERS.


(a) The Legislature finds and declares that:

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

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

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

(4) Organizing the two tiers of the salary schedule into one tier for magistrates serving less than eight thousand four hundred in population and the second tier for magistrates serving eight thousand four hundred or more in population is rational and equitable given current statistical information relating to population and caseload; and

(5) That all magistrates who fall under the same tier should be compensated equally.
(b) The salary of each magistrate shall be paid by the state. Magistrates who serve fewer than eight thousand four hundred in population shall be paid annual salaries of thirty thousand six hundred twenty-five dollars and magistrates who serve eight thousand four hundred or more in population shall be paid annual salaries of thirty-seven thousand dollars. Provided, That on and after the first day of July, two thousand three, magistrates who serve fewer than eight thousand four hundred in population shall be paid annual salaries of thirty-three thousand six hundred twenty-five dollars and magistrates who serve eight thousand four hundred or more in population shall be paid annual salaries of forty thousand dollars.

(c) For the purpose of determining the population served by each magistrate, the number of magistrates authorized for each county shall be divided into the population of each county. For the purpose of this article, the population of each county is the population as determined by the last preceding decennial census taken under the authority of the United States government.

CHAPTER 51. COURTS AND THEIR OFFICERS.

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

The salary of each of the Justices of the Supreme Court of Appeals shall be ninety-five thousand dollars per year. Provided, That beginning the first day of July, two thousand five, the salary of each of the Justices of the Supreme Court shall be one hundred twenty-one thousand dollars per year.
ARTICLE 2. CIRCUIT COURTS; CIRCUIT JUDGES.


The salaries of the judges of the various circuit courts shall be paid solely out of the State Treasury. No county, county commission, board of commissioners or other political subdivision shall supplement or add to such salaries.

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

ARTICLE 2A. FAMILY COURTS.


(a) A family court judge is entitled to receive as compensation for his or her services an annual salary of sixty-two thousand five hundred dollars: Provided, That beginning the first day of July, two thousand five, a family court judge is entitled to receive as compensation for his or her services an annual salary of eighty-two thousand five hundred dollars.

(b) The secretary-clerk of the family court judge is appointed by the family court judge and serves at his or her will and pleasure. The secretary-clerk of the family court judge is entitled to receive an annual salary of twenty-five thousand three hundred thirty-two dollars. In addition, any person employed as a secretary-clerk to a family court judge on the effective date of the enactment of this section during the sixth extraordinary session of the Legislature in the year two thousand one who is receiving an additional five hundred dollars per year up to ten years of a certain period of prior employment under the provisions 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
29 (c) The family court judge may employ not more than
30 one family case coordinator who serves at his or her will
31 and pleasure. The annual salary of the family case coordi-
32 nator of the family court judge shall be established by the
33 Administrative Director of the Supreme Court of Appeals
34 but may not exceed thirty-six thousand sixty dollars. The
35 family case coordinator will receive such percentage or
36 proportional salary increases as may be provided by
37 general law for other public employees and is entitled to
38 receive the annual incremental salary increase as provided
39 in article five, chapter five of this code.
40
41 (d) The sheriff or his or her designated deputy shall serve
42 as a bailiff for a family court judge. The sheriff of each
43 county shall serve or designate persons to serve so as to
44 assure that a bailiff is available when a family court judge
45 determines the same is necessary for the orderly and
46 efficient conduct of the business of the family court.
47
48 (e) Disbursement of salaries for family court judges and
49 members of their staffs are made by or pursuant to the
50 order of the Director of the Administrative Office of the
51 Supreme Court of Appeals.
52
53 (f) Family court judges and members of their staffs are
54 allowed their actual and necessary expenses incurred in
55 the performance of their duties. The expenses and com-
56 pensation will be determined and paid by the Director of
57 the Administrative Office of the Supreme Court of Appeals
58 under such guidelines as he or she may prescribe, as
59 approved by the Supreme Court of Appeals.
(g) Notwithstanding any other provision of law, family court judges are not eligible to participate in the retirement system for judges under the provisions of article nine of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 2005.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 9th Day of May 2005.

Governor