

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 3111

BY DELEGATES DEAN, MCCORMICK, B. SMITH,

STEPHENS, WARD, KELLY, MOORE, HITE, CHIARELLI,

PRITT, AND HOTT

[Passed April 12, 2025; in effect July 1, 2025]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2025 APR 30 P 11:13

FILED

HB 3111 veto

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1 AN ACT to amend and reenact §51-1-10a, §51-2- 13, §51-2A-6, §51-9-4, and §51-11-11 of the
2 Code of West Virginia, 1931, as amended, relating to salaries and retirement benefits of
3 judges; increasing annual salary of justices of the Supreme Court of Appeals, circuit court
4 judges, family court judges, and judges of the Intermediate Court of Appeals; providing for
5 employee contribution into judicial retirement system; and suspending contribution of
6 employer into judicial retirement system until certain condition met

Be it enacted by the Legislature of West Virginia:

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 of Appeals shall be \$95,000 per
2 year: *Provided*, That beginning July 1, 2005, the salary of each of the justices of the Supreme
3 Court shall be \$121,000: *Provided, however*, That beginning July 1, 2011, the annual salary of a
4 justice of the Supreme Court shall be \$136,000: *Provided further*, That beginning July 1, 2021,
5 the annual salary of a justice of the Supreme Court of Appeals shall be \$142,800, and beginning
6 July 1, 2022, the annual salary of a justice of the Supreme Court of Appeals shall be \$149,600:
7 *Provided further*, That beginning July 1, 2026, the annual salary of a justice of the Supreme Court
8 of Appeals shall be \$154,600: *And provided further*, That beginning July 1, 2027, the annual salary
9 of a justice of the Supreme Court of Appeals shall be \$159,600.

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

4 The annual salary of all circuit judges shall be \$90,000 per year: *Provided*, That beginning
5 July 1, 2005, the annual salary of all circuit judges shall be \$116,000 per year: *Provided, however*,
6 That beginning July 1, 2011, the annual salary of a circuit court judge shall be \$126,000: *Provided*
7 *further*, That beginning July 1, 2021, the annual salary of a circuit judge shall be \$132,300, and
8 beginning July 1, 2022, the annual salary of a circuit court judge shall be \$138,600: *Provided*
9 *further*, That beginning July 1, 2026, the annual salary of a circuit judge shall be \$143,600: *And*
10 *provided further*, That beginning July 1, 2027, the annual salary of a circuit judge shall be
11 \$148,600.

ARTICLE 2A. FAMILY COURTS.

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

1 (a) A family court judge may receive as compensation for his or her services an annual
2 salary of \$62,500: *Provided*, That beginning July 1, 2005, a family court judge may receive as
3 compensation for his or her services an annual salary of \$82,500: *Provided, however*, That
4 beginning July 1, 2011, the annual salary of a family court judge shall be \$94,500: *Provided*
5 *further*, That beginning July 1, 2020, the annual salary of a family court judge shall be \$103,950:
6 *Provided further*, That beginning July 1, 2026, the annual salary of a family court judge shall be
7 \$113,950: *And provided further*, That beginning July 1, 2027, the annual salary of a family court
8 judge shall be \$118,950.

9 (b) The secretary-clerk of the family court judge is appointed by the family court judge and
10 serves at his or her will and pleasure. The secretary-clerk of the family court shall be paid at least
11 twice per month by the state. The annual salary of all secretary-clerks of the family court \$42,576.
12 Beginning July 1, 2023, the annual salary of a family court secretary-clerk shall be \$44,876. Family
13 court secretary-clerks may receive any general salary increase granted to state employees,
14 whose salaries are not set by statute, expressed as a percentage increase or an across-the-board
15 increase enacted after July 1, 2023.

(c) The family court judge may employ not more than one family case coordinator who serves at his or her will and pleasure: *Provided*, That the Supreme Court of Appeals may authorize additional family case coordinators if the workload of a circuit's family court requires extra staff support. The annual salary of the family case coordinator of the family court judge shall be established by the Administrative Director of the Supreme Court of Appeals but may not exceed \$54,576. Beginning July 1, 2023, the annual salary of a family court case coordinator shall not exceed \$56,876. Family court case coordinators may receive any general salary increase granted to state employees, whose salaries are not set by statute, expressed as a percentage increase or an across-the-board increase enacted after July 1, 2023. If more than one family case coordinator is approved by the Supreme Court of Appeals, then the chief family court judge of that circuit shall appoint, supervise, and assign job duties for any additional family case coordinator as needed for that circuit.

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

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

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

(g) The Supreme Court of Appeals may create additional classifications of support staff that it deems necessary to adequately and efficiently staff the family courts of this state, including, but not limited to, receptionists, assistant case coordinators, and assistant secretary-clerks. The

42 Supreme Court of Appeals may determine the authority to hire and terminate, supervise, and
43 assign job duties for these positions pursuant to its own employment rules, policies, and
44 procedures. The annual salary of additional support staff authorized by this section shall not
45 exceed the regular annual salary of a secretary-clerk and shall be paid by the state on the same
46 basis established for secretary-clerks as provided in this section.

ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.

§51-9-4. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; leased employees; military service credit; maximum allowable and qualified military service; qualifiable prosecutorial service.

1 (a) Every person who is now serving or shall hereafter serve as a judge of any court of
2 record of this state shall pay into the Judges' Retirement Fund six percent of the salary received
3 by such person out of the State Treasury: *Provided*, That when a judge becomes eligible to
4 receive benefits from such trust fund by actual retirement, no further payment by him or her shall
5 be required, since such employee contribution, in an equal treatment sense, ceases to be required
6 in the other retirement systems of the state, also, only after actual retirement: *Provided, however*,
7 That on and after January 1, 1995, every person who is then serving or shall thereafter serve as
8 a judge of any court of record in this state shall pay into the Judges' Retirement Fund nine percent
9 of the salary received by that person: *Provided further*, That consistent with the salary increase
10 granted to judges of courts of record during the 2005 regular legislative session and to changes
11 effectuated in judicial retirement by provisions enacted during the third extraordinary legislative
12 session of 2005, on and after July 1, 2005, every person who is then serving or shall thereafter
13 serve as a judge of any court of record in this state shall pay into the Judges' Retirement Fund
14 ten and one-half percent of the salary received by that person: *And provided further*, That on and
15 after July 1, 2013, except as provided in subsections (b) and (c) of this section, every person who
16 is then serving or shall thereafter serve as a judge of any court of record in this state and who

elects to participate in this retirement system shall pay into the Judges' Retirement Fund seven percent of the salary received. Any prior occurrence or practice to the contrary, in any way allowing discontinuance of required employee contributions prior to actual retirement under this retirement system, is rejected as erroneous and contrary to legislative intent and as violative of required equal treatment and is hereby nullified and discontinued fully, with the State Auditor to require such contribution in every instance hereafter, except where no contributions are required to be made under any of the provisions of this article.

(b) On and after July 1, 2014, every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system shall contribute to the fund an amount determined by the board. This amount will be based on the annual actuarial valuation prepared by the State Actuary: *Provided*, That the contribution will be no less than seven percent or no more than ten and one-half percent of the participant's annual compensation.

(c) On and after July 1, 2025, every person who is serving or shall hereafter serve as a judge of any court of record of this state and who elects to participate in this retirement system shall contribute to the Judges' Retirement Fund seven percent of the salary received.

(d) On or after July 1, 2013, and each year thereafter, the Board shall provide the annual actuarial valuation and the annual actuarially required contribution prepared by the State Actuary for use by the courts of this state for legislative appropriation to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement: *Provided*, That in any year that the State Actuary determines that the funding level of the Judges' Retirement Fund exceeds 125%, the Board shall provide the annual actuarial valuation prepared by the State Actuary and a statement of the current funding level of the fund to the Legislature's Joint Committee on Government and Finance and the Joint Committee on Pensions and Retirement. Notwithstanding any provision of this code to the contrary, neither the court nor the Legislature shall be required to make a contribution to the fund when the funding level exceeds 125%. For

purposes of this subsection, the funding level is determined by dividing the assets of the fund by the sum of the assets of the fund and the unfunded accrued liability of the fund.

(e) An individual who is a leased employee shall not be eligible to participate in the system. For purposes of this system, a "leased employee" means any individual who performs services as an independent contractor or pursuant to an agreement with an employee leasing organization or other similar organization. If a question arises regarding the status of an individual as a leased employee, the board has the final power to decide the question.

(f) In drawing warrants for the salary checks of judges, the State Auditor shall deduct from the amount of each such salary check six percent thereof, which amount so deducted shall be credited by the Consolidated Public Retirement Board to the trust fund: *Provided*, That on or after January 1, 1995, the amount so deducted and credited shall be nine percent of each such salary check: *Provided, however*, That consistent with the salary increase granted to judges of courts of record during the 2005 regular legislative session and to changes effectuated in judicial retirement by provisions enacted during the third extraordinary legislative session of 2005, on or after July 1, 2005, the amount so deducted and credited shall be 10 and one-half percent of each such salary check: *Provided further*, That on and after July 1, 2013, except as provided in subsection (b) of this section, the amount so deducted and credited shall be seven percent of each salary check: *And provided further*, That on and after July 1, 2014, the amount so deducted and credited will be determined by the board; *And provided further*, That on and after July 1, 2025, the amount so deducted and credited shall be seven percent of each salary check.

(g) Any judge seeking to qualify military service to be claimed as credited service, in allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same without any required payment in respect thereof to the Judges' Retirement Fund.

(h) Notwithstanding the preceding provisions of this section, contributions, benefits, and service credit with respect to qualified military service shall be provided in accordance with Section 414(u) of the Internal Revenue Code. For purposes of this section, "qualified military

69 service" has the same meaning as in Section 414(u) of the Internal Revenue Code. The
70 Retirement Board is authorized to determine all questions and make all decisions relating to this
71 section and may promulgate rules relating to contributions, benefits and service credit pursuant
72 to the authority granted to the retirement board in §5-10D-1 of this code to comply with Section
73 414(u) of the Internal Revenue Code.

74 (i) Any judge holding office as such on the effective date of the amendments to this article
75 adopted by the Legislature at its 1987 regular session who seeks to qualify service as a
76 prosecuting attorney as credited service, which service credit must have been earned prior to the
77 year 1987, shall be required to pay into the Judges' Retirement Fund nine percent of the annual
78 salary which was actually received by such person as prosecuting attorney during the time such
79 prosecutorial service was rendered prior to the year 1987 and for which credited service is being
80 sought, together with applicable interest. No judge whose term of office shall commence after the
81 effective date of such amendments to this article shall be eligible to claim any credit for service
82 rendered as a prosecuting attorney as eligible service for retirement benefits under this article,
83 nor shall any time served as a prosecutor after the year 1988 be considered as eligible service
84 for any purposes of this article.

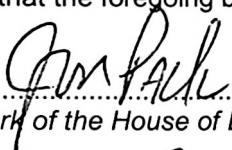
ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.

§51-11-11. Judicial compensation and benefits; expenses.

1 (a) The annual salary of a Judge of the Intermediate Court of Appeals is \$142,500:
2 *Provided*, That beginning July 1, 2026, the annual salary of a Judge of the Intermediate Court of
3 Appeals shall be \$147,500: *And provided further*, That beginning July 1, 2027 the annual salary
4 of a Judge of the Intermediate Court of Appeals shall be \$152,500. The budget for the payment
5 of compensation and expenses of Intermediate Court of Appeals judges shall be included in the
6 appropriation for the Supreme Court of Appeals.

- 7 (b) Judges of the Intermediate Court of Appeals and staff shall be reimbursed for their
8 actual and necessary expenses incurred in the performance of their duties under the guidelines
9 prescribed by the Administrative Director of the Supreme Court of Appeals.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.


.....
Clerk of the House of Delegates


.....
Clerk of the Senate

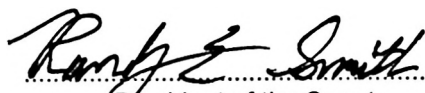
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the House of Delegates.

In effect July 1, 2025.


.....
Speaker of the House of Delegates


.....
President of the Senate

The within is disapproved this the 30th
Day of April, 2025.


.....
Governor

PRESENTED TO THE GOVERNOR

APR 28 2025

Time 3:17pm