

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-87

Time _____

MD: 1559

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

Com. Sub. for
HOUSE BILL No. 1559

(By Mr. Frazier)



Passed April 11, 1981

In Effect July 1, 1981 ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1559

(By MR. FRAZIER)

[Passed April 11, 1981; in effect July 1, 1981.]

AN ACT to amend and reenact sections three, eight and nine, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing increased compensation for magistrates, magistrate court clerks, magistrate assistants and magistrate court deputy clerks; and providing for salaries and maximum salary levels to be paid on a population basis.

Be it enacted by the Legislature of West Virginia:

That sections three, eight and nine, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-3. Salary of magistrates.

- 1 The salary of each magistrate shall be paid by the State.
- 2 Beginning on the first day of July, one thousand nine hundred
- 3 eighty-one, magistrates who serve less than ten thousand in
- 4 population shall be paid annual salaries of fifteen thousand
- 5 seven hundred fifty dollars; magistrates who serve ten thousand
- 6 or more in population but less than fifteen thousand in popula-

7 tion shall be paid annual salaries of nineteen thousand one
8 hundred twenty-five dollars: *Provided*, That magistrates in
9 the county of Putnam shall be paid annual salaries of nineteen
10 thousand one hundred twenty-five dollars. Magistrates who
11 serve fifteen thousand or more in population shall be paid an-
12 nual salaries of twenty-three thousand six hundred twenty-
13 five dollars: *Provided, however*, That magistrates in the
14 county of Raleigh shall be paid annual salaries of twenty-three
15 thousand six hundred twenty-five dollars. For the purpose
16 of determining the population served by each magistrate, the
17 number of magistrates authorized for each county shall be
18 divided into the population of each county. Magistrates shall
19 be paid once a month.

§50-1-8. Magistrate court clerks; duties; duties of circuit clerk.

1 In each county having three or more magistrates the judge of
2 the circuit court, or the chief judge thereof if there is more
3 than one judge of the circuit court, shall appoint a magistrate
4 court clerk. In all other counties such judge may appoint a
5 magistrate court clerk or may by rule require the duties of the
6 magistrate court clerk to be performed by the clerk of the
7 circuit court, in which even said circuit court clerk shall be
8 entitled to additional compensation in the amount of two thou-
9 sand five hundred dollars per year. In any county a magistrate
10 court clerk may be appointed prior to the first day of January,
11 one thousand nine hundred seventy-seven. The magistrate court
12 clerk shall serve at the will and pleasure of such circuit judge.

13 Magistrate court clerks shall be paid a monthly salary by
14 the State. Beginning on the first day of July, one thousand nine
15 hundred eighty-one, magistrate court clerks serving magistrates
16 who serve five thousand or less in population shall be paid up
17 to six hundred ninety-eight dollars per month; magistrate
18 court clerks serving magistrates who serve more than five
19 thousand in population but less than ten thousand in popula-
20 tion shall be paid up to eight hundred ninety-eight dollars per
21 month; magistrate court clerks serving magistrates who serve
22 more than ten thousand in population but less than fifteen
23 thousand in population shall be paid up to one thousand one
24 hundred fifty-four dollars per month: *Provided, however*, That
25 the magistrate court clerk in the County of Putnam shall be

26 paid up to one thousand one hundred fifty-four dollars per
27 month; and magistrate court clerks serving magistrates who
28 serve fifteen thousand or more in population shall be paid
29 up to one thousand four hundred ten dollars per month:
30 *Provided, however,* That the magistrate court clerk in the
31 County of Raleigh shall be paid up to one thousand four hun-
32 dred ten dollars per month. For the purpose of determining
33 the population served by each magistrate, the number of
34 magistrates authorized for each county shall be divided into
35 the population of each county. The salary of the magistrate
36 court clerk shall be established by the judge of the circuit court,
37 or the chief judge thereof if there is more than one judge of the
38 circuit court, within the limits set forth in this section.

39 In addition to other duties as may be imposed by the provi-
40 sions of this chapter or by the rules of the supreme court of
41 appeals or the judge of the circuit court, or the chief judge
42 thereof if there is more than one judge of the circuit court, it
43 shall be the duty of the magistrate court clerk to establish and
44 maintain appropriate dockets and records in a centralized sys-
45 tem for the magistrate court, to assist in the preparation of
46 such reports as may be required of the court and to carry out
47 on behalf of the magistrates, or chief magistrate if a chief
48 magistrate is appointed, the administrative duties of the court.

49 The magistrate court clerk or, if there is no magistrate
50 court clerk in the county, the clerk of the circuit court shall
51 have the authority to issue all manner of civil process and to
52 require the enforcement of subpoenas and subpoenas duces
53 tecum in magistrate court.

§50-1-9. Magistrate assistants; salary; duties.

1 In each county there shall be one magistrate assistant for
2 each magistrate. Each magistrate assistant shall be appointed
3 by the magistrate under whose authority and supervision and
4 at whose will and pleasure he shall serve. Such assistant shall
5 not be a member of the immediate family of any magistrate
6 and shall not have been convicted of a felony or any misde-
7 meanor involving moral turpitude and shall reside in the coun-
8 ty where appointed. For the purpose of this section, immediate
9 family shall mean the relationships of mother, father, sister,
10 brother, child or spouse.

11 A magistrate assistant shall have such duties, clerical or
12 otherwise as may be assigned by the magistrate and as may be
13 prescribed by the rules of the supreme court of appeals or
14 the judge of the circuit court, or the chief judge thereof if
15 there is more than one judge of the circuit court. In addition
16 to these duties, magistrate assistants shall perform and be
17 accountable to the magistrate court clerks with respect to the
18 following duties:

- 19 (1) The preparation of summons in civil actions;
- 20 (2) The assignment of civil actions to the various magis-
21 trates;
- 22 (3) The collection of all costs, fees, fines, forfeitures and
23 penalties which may be payable to the court;
- 24 (4) The submission of such moneys, along with an account-
25 ing thereof to appropriate authorities as provided by law;
- 26 (5) The daily disposition of closed files which are to be
27 located in the magistrate clerk's office;
- 28 (6) All duties related to the gathering of information and
29 documents necessary for the preparation of administrative re-
30 ports and documents required by the rules of the supreme court
31 of appeals or the judge of the circuit court, or the chief judge
32 thereof if there is more than one judge of the circuit court;
- 33 (7) All duties relating to the notification, certification and
34 payment of jurors serving pursuant to the terms of this chap-
35 ter;
- 36 (8) All other duties or responsibilities whereby the magis-
37 trate assistant shall be accountable to the magistrate court
38 clerk as the magistrate shall determine.

39 Magistrate assistants shall be paid a monthly salary by the
40 State. Beginning on the first day of July, one thousand nine
41 hundred eighty-one, magistrate assistants serving magistrates
42 who serve five thousand or less in population shall be paid
43 up to five hundred sixty-seven dollars per month; magistrate
44 assistants serving magistrates who serve more than five thou-
45 sand in population but less than ten thousand in population
46 shall be paid up to seven hundred five dollars per month;

47 magistrate assistants serving magistrates who serve more than
48 ten thousand in population but less than fifteen thousand in
49 population shall be paid up to eight hundred thirty-four dollars
50 per month: *Provided*, That magistrate assistants in the County
51 of Putnam shall be paid up to eight hundred thirty-four dollars;
52 and magistrate assistants serving magistrates who serve fifteen
53 thousand or more in population shall be paid up to nine hun-
54 dred sixty-two dollars per month: *Provided, however*, That
55 magistrate assistants in the County of Raleigh shall be paid up
56 to nine hundred sixty-two dollars per month. For the purpose
57 of determining the population served by each magistrate, the
58 number of magistrates authorized for each county shall be
59 divided into the population of each county. The salary of the
60 magistrate assistant shall be established by the magistrate with-
61 in the limits set forth in this section.

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

R. P. Baylor

Chairman Senate Committee

Joseph E. Whitlow

Chairman House Committee

Originated in the House.

Takes effect July 1, 1981.

Judd C. Willis

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Mark R. Brown

President of the Senate

Walter H. See, Jr.

Speaker House of Delegates

The within is approved this the 15
day of April, 1981.

Paul T. Ryznar

Governor

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SECY. OF STATE