

No: 1465

MAR 23 11 14 AM '84
OFFICE OF THE GOVERNOR

RECEIVED
MAR 23 11 14 AM '84
OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1465

(By ~~Mr.~~ *Del. Chambers*)



Passed March 10, 1984

In Effect July 1, 1984 **Emergency**



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1465
(By DELEGATE CHAMBERS)

[Passed March 10, 1984; in effect July 1, 1984.]

AN ACT to amend and reenact sections three, eight, nine and nine-a, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the judicial system and magistrate courts; providing for altering the population criteria and break-point and reducing the number of classes for determination of maximum allowable salaries for magistrate court clerks and deputy clerks and magistrate assistants; providing for increasing the salaries of magistrates and increasing the allowable maximum salaries of magistrate court clerks and deputy clerks, and magistrate assistants; increasing maximum number of deputy clerks; and specifying effective date.

Be it enacted by the Legislature of West Virginia:

That sections three, eight, nine and nine-a, 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-four, magistrates who serve less than ten thousand in
4 population shall be paid annual salaries of seventeen thousand
5 two 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 twenty thousand six hun-
8 dred twenty-five dollars: *Provided*, That magistrates in the
9 county of Putnam shall be paid annual salaries of twenty thou-
10 sand six hundred twenty-five dollars. Magistrates who serve
11 fifteen thousand or more in population shall be paid annual
12 salaries of twenty-five thousand one hundred twenty-five dol-
13 lars: *Provided*, That magistrates in the counties of Boone,
14 Preston and Jefferson shall be paid annual salaries of twenty-
15 five thousand one hundred twenty-five dollars. For the pur-
16 pose of determining the population served by each magis-
17 trate, the number of magistrates authorized for each county
18 shall be divided into the population of each county. Magis-
19 trates shall be paid once a month.

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

1 In each county having three or more magistrates the judge
2 of 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 mag-
5 istrate court clerk or may by rule require the duties of the mag-
6 istrate court clerk to be performed by the clerk of the circuit
7 court, in which event such circuit court clerk shall be entitled to
8 additional compensation in the amount of two thousand five
9 hundred dollars per year. In any county a magistrate court clerk
10 may be appointed prior to the first day of January, one thou-
11 sand nine hundred seventy-seven. The magistrate court clerk
12 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-four, magistrate court clerks serving magistrates
16 who serve less than ten thousand in population shall be paid
17 up to nine hundred eighty-one dollars per month; magistrate
18 court clerks serving magistrates who serve ten thousand or
19 more in population but less than fifteen thousand in popula-
20 tion shall be paid up to one thousand two hundred forty-one

21 dollars per month: *Provided*, That the magistrate court clerk
 22 in the county of Putnam shall be paid up to one thousand two
 23 hundred forty-one dollars per month; and magistrate court
 24 clerks serving magistrates who serve fifteen thousand or more
 25 in population shall be paid up to one thousand five hundred
 26 sixteen dollars per month: *Provided, however*, That the mag-
 27 istrate court clerks in the counties of Boone, Preston and Jeff-
 28 erson shall be paid up to one thousand five hundred sixteen dol-
 29 lars per month. For the purpose of determining the population
 30 served by each magistrate, the number of magistrates author-
 31 ized for each county shall be divided into the population of
 32 each county. The salary of the magistrate court clerk shall be
 33 established by the judge of the circuit court, or the chief
 34 judge thereof if there is more than one judge of the circuit
 35 court, within the limits set forth in this section.

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

46 The magistrate court clerk or, if there is no magistrate
 47 court clerk in the county, the clerk of the circuit court shall
 48 have the authority to issue all manner of civil process and to
 49 require the enforcement of subpoenas and subpoenas duces
 50 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

8 county where appointed. For the purpose of this section, im-
9 mediate family shall mean the relationships of mother, father,
10 sister, 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
13 be 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
35 chapter;

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-four, magistrate assistants serving magistrates
42 who serve less than ten thousand in population shall be paid

43 up to seven hundred eighty-eight dollars per month; magistrate
 44 assistants serving magistrates who serve ten thousand or more
 45 in population but less than fifteen thousand in population shall
 46 be paid up to nine hundred seventeen dollars per month:
 47 *Provided*, That magistrate assistants in the county of Putnam
 48 shall be paid up to nine hundred seventeen dollars, ^{per month} and mag-
 49 istrate assistants serving magistrates who serve fifteen thousand
 50 or more in population shall be paid up to one thousand forty-
 51 five dollars per month: *Provided, however*, That magistrate
 52 assistants in the counties of Boone, Preston and Jefferson shall
 53 be paid up to one thousand forty-five dollars per month. For the
 54 purpose of determining the population served by each magis-
 55 trate, the number of magistrates authorized for each county
 56 shall be divided into the population of each county. The salary
 57 of the magistrate assistant shall be established by the magistrate
 58 within the limits set forth in this section.

OK
 E.N.
 D.K.

§50-1-9a. Magistrate court deputy clerks; salary; duties.

1 Whenever required by work load and upon the recommenda-
 2 tion of the judge of the circuit court, or the chief judge thereof
 3 if there is more than one judge of the circuit court, the sup-
 4 reme court of appeals may by rule provide for the appointment
 5 of magistrate court deputy clerks, not to exceed forty-six in
 6 number. Such magistrate court deputy clerks shall be appointed
 7 by the judge of the circuit court, or the chief judge thereof if
 8 there is more than one judge of the circuit court, with such
 9 appointee to serve at his will and pleasure under the immediate
 10 supervision of the magistrate court clerk. Such magistrate court
 11 deputy clerk shall have such duties, clerical or otherwise, as
 12 may be assigned by the magistrate court clerk and as may be
 13 prescribed by the rules of the supreme court of appeals or the
 14 judge of the circuit court, or the chief judge thereof if there is
 15 more than one judge of the circuit court. Such magistrate
 16 court deputy clerks shall also have authority to exercise the
 17 power and perform the duties of the magistrate court clerk as
 18 may be delegated or assigned by such magistrate court clerk.

19 Such magistrate court deputy clerk shall not be a member of
 20 the immediate family of any magistrate, magistrate court clerk,
 21 magistrate assistant or circuit court judge within the same coun-

22 ty, shall not have been convicted of a felony or any misde-
23 meanor involving moral turpitude and shall reside in the coun-
24 ty where appointed. For the purpose of this section, immediate
25 family shall mean the relationships of mother, father, sister,
26 brother, child or spouse.

27 Magistrate court deputy clerks shall be paid a monthly sal-
28 ary by the state. Such salary shall be paid on the same basis
29 and in the same applicable amounts as for magistrate assistants
30 in each county as provided in section nine of this article.

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

Harold E. ...
Chairman Senate Committee

Donald Anello
Chairman House Committee

Originating in the House.

Takes effect July 1, 1984.

Judd C. Wilts
Clerk of the Senate

Donald L. ...
Clerk of the House of Delegates

Walter ...
President of the Senate

W. M. See, Jr.
Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

Phil ...
Governor

RECEIVED

84 APR 4 P 3: 51

OFFICE
SECY. OF STATE