

No: 2498

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 2498

(By Delegate *Love*.....)

— ● —

Passed *March 19,*..... 1987

In Effect *from*..... Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2498
(By DELEGATE LOVE)

[Passed March 19, 1987; in effect from passage.]

AN ACT to repeal section nine-b, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections three, eight and nine of said article one, all relating to the salary of magistrates; magistrate court clerks; and magistrate court deputy clerks and magistrate assistants.

Be it enacted by the Legislature of West Virginia:

That section nine-b, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections three, eight and nine of said article one be amended and reenacted, all to read as follows: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
2 state. Beginning on the first day of July, one thousand
3 nine hundred eighty-seven, magistrates who serve less
4 than ten thousand in population shall be paid annual
5 salaries of nineteen thousand dollars; magistrates who
6 serve ten thousand or more in population but less than

7 fifteen thousand in population shall be paid annual
8 salaries of twenty-five thousand one hundred twenty-five
9 dollars. Magistrates who serve fifteen thousand or more
10 in population shall be paid annual salaries of twenty-five
11 thousand one hundred twenty-five dollars: *Provided*,
12 That on and after the first day of January, one thousand
13 nine hundred eighty-nine, magistrates who serve less
14 than ten thousand in population shall be paid annual
15 salaries of twenty thousand six hundred twenty-five
16 dollars and magistrates who serve ten thousand or more
17 in population shall be paid annual salaries of twenty-
18 seven thousand dollars. For the purpose of determining
19 the population served by each magistrate, the number
20 of magistrates authorized for each county shall be
21 divided into the population of each county. Magistrates
22 shall be paid once a month.

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

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

13 Magistrate court clerks shall be paid a monthly salary
14 by the state. Beginning on the first day of July, one
15 thousand nine hundred eighty-seven, magistrate court
16 clerks serving magistrates who serve less than ten
17 thousand in population shall be paid up to one thousand
18 thirty-one dollars per month; magistrate court clerks
19 serving magistrates who serve ten thousand or more in
20 population but less than fifteen thousand in population
21 shall be paid up to one thousand five hundred sixty-six
22 dollars per month and magistrate court clerks serving
23 magistrates who serve fifteen thousand or more in

24 population shall be paid up to one thousand five hundred
25 sixty-six dollars per month: *Provided*, That on and after
26 the first day of January, one thousand nine hundred
27 eighty-nine, magistrate court clerks serving magistrates
28 who serve less than ten thousand in population shall be
29 paid up to one thousand two hundred forty-one dollars
30 and magistrate court clerks serving magistrates who
31 serve ten thousand or more in population shall be paid
32 up to one thousand six hundred fifty dollars per month.
33 For the purpose of determining the population served
34 by each magistrate, the number of magistrates autho-
35 rized for each county shall be divided into the population
36 of each county. The salary of the magistrate court clerk
37 shall be established by the judge of the circuit court, or
38 the chief judge thereof if there is more than one judge
39 of the circuit court, within the limits set forth in this
40 section.

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

53 The magistrate court clerk or, if there is no magis-
54 trate court clerk in the county, the clerk of the circuit
55 court shall have the authority to issue all manner of civil
56 process and to require the enforcement of subpoenas and
57 subpoenas duces tecum in magistrate court.

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

1 In each county there shall be one magistrate assistant
2 for each magistrate. Each magistrate assistant shall be
3 appointed by the magistrate under whose authority and
4 supervision and at whose will and pleasure he shall
5 serve. Such assistant shall not be a member of the

6 immediate family of any magistrate and shall not have
7 been convicted of a felony or any misdemeanor involving
8 moral turpitude and shall reside in the county where
9 appointed. For the purpose of this section, immediate
10 family shall mean the relationships of mother, father,
11 sister, brother, child or spouse.

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

21 (1) The preparation of summons in civil actions;

22 (2) The assignment of civil actions to the various
23 magistrates;

24 (3) The collection of all costs, fees, fines, forfeitures
25 and penalties which may be payable to the court;

26 (4) The submission of such moneys, along with an
27 accounting thereof to appropriate authorities as pro-
28 vided by law;

29 (5) The daily disposition of closed files which are to
30 be located in the magistrate clerk's office;

31 (6) All duties related to the gathering of information
32 and documents necessary for the preparation of admini-
33 strative reports and documents required by the rules
34 of the supreme court of appeals or the judge of the
35 circuit court, or the chief judge thereof if there is more
36 than one judge of the circuit court;

37 (7) All duties relating to the notification, certification
38 and payment of jurors serving pursuant to the terms of
39 this chapter;

40 (8) All other duties or responsibilities whereby the
41 magistrate assistant shall be accountable to the magis-
42 trate court clerk as the magistrate shall determine.

43 Magistrates assistants shall be paid a monthly salary
44 by the state. Beginning on the first day of July, one
45 thousand nine hundred eighty-seven, magistrate assist-
46 ants serving magistrates who serve less than ten
47 thousand in population shall be paid up to eight hundred
48 thirty-eight dollars per month; magistrate assistants
49 serving magistrates who serve ten thousand or more in
50 population but less than fifteen thousand in population
51 shall be paid up to one thousand ninety-five dollars per
52 month and magistrate assistants serving magistrates
53 who serve fifteen thousand or more in population shall
54 be paid up to one thousand ninety-five dollars per
55 month: *Provided*, That on and after the first day of
56 January, one thousand nine hundred eighty-nine,
57 magistrate assistants serving magistrates who serve less
58 than ten thousand in population shall be paid up to nine
59 hundred sixty-seven dollars per month and magistrate
60 assistants serving magistrates who serve ten thousand
61 or more in population shall be paid up to one thousand
62 two hundred twenty-five dollars per month. For the
63 purpose of determining the population served by each
64 magistrate, the number of magistrates authorized for
65 each county shall be divided into the population of each
66 county. The salary of the magistrate assistant shall be
67 established by the magistrate within the limits set forth
68 in this section.

James C. Smith
Wm. H. Smith
Wm. H. Smith

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

Burr O. Williams
Chairman Senate Committee

Lyle Satter
Chairman House Committee

Originating in the House.

Takes effect from passage.

Jedd C. Miller
Clerk of the Senate

Donald E. Kopp
Clerk of the House of Delegates

Dan Tomlin
President of the Senate

Robert C. Calhoun
Speaker of the House of Delegates

The within *approved* this the *2nd*
day of *April*, 1987.

Arch A. Moore Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date

3/27/87

Time

2:29 p.m.