WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 261

(By Senator Tomblin, Mr. President, etc.)

PASSED March 8, 1996
In Effect Ninety Days From Passage
AN ACT to amend and reenact section three, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the salaries of magistrates.

That section three, 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.

(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 article VI, section 39 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 five hundred in population and the second tier for magistrates serving eight thousand five hundred or more in population is rational and equitable given current statistical information relating to population and case-load; 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 less than ten thousand in population shall be paid annual salaries of twenty thousand six hundred twenty-five dollars and magistrates who serve ten thousand or more in population shall be paid annual salaries of twenty-seven thousand dollars: Provided, That on and after the first day of January, one thousand nine hundred ninety-two, magistrates who serve less than ten thousand in population shall be paid annual salaries of twenty-one thousand six hundred twenty-five dollars and magistrates who serve ten thousand or more in population shall be paid annual salaries of twenty-eight thousand dollars: Provided, however, That on and after the first day of January, one
thousand nine hundred ninety-three, magistrates who
serve less than eight thousand five hundred in popula-
tion shall be paid annual salaries of twenty-three
thousand six hundred twenty-five dollars and magis-
trates who serve eight thousand five hundred or more in
population shall be paid annual salaries of thirty thou-
sand dollars: Provided further, That on and after the
first day of January, one thousand nine hundred ninety-
seven, magistrates who serve less than eight thousand
five hundred in population shall be paid annual salaries
of twenty-six thousand six hundred twenty-five dollars
and magistrates who serve eight thousand five hundred
or more in population shall be paid annual salaries of
thirty-three 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 govern-
ment.
That Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 25th
day of , 1996.

[Signature]
Governor