WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

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ENROLLED

HOUSE BILL No. _4144_

(By Delegates *Staton, Frederick, Lonch, Osborne, Ball and Browning*)

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Passed _January 31,_ 1996

In Effect _From_ Passage

® GCU 326-C

ENROLLED

H. B. 4144

(BY DELEGATES STATON, FREDERICK, LINCH, OSBORNE,
BALL AND BROWNING)

[Passed January 31, 1996; in effect from passage.]

AN ACT to amend and reenact section two, article one, chapter
fifty of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to magistrate
courts; and providing one additional magistrate for Harrison
county and allowing Mercer county to retain one magistrate.

Be it enacted by the Legislature of West Virginia:

· That section two, 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. MAGISTRATE COURTS.

§50-1-2. Number of magistrates.

1   (a) The number of magistrates to be elected in each
2 county of this state shall be determined in accordance with
3 the provisions of this section.

4   (b) On or before the thirty-first day of January, one
5 thousand nine hundred ninety-six, and on or before the
6 first day of January in every fourth year thereafter, the
7 supreme court of appeals shall certify to the board of
8 ballot commissioners of each county the number of
9 magistrates to be elected in that county for the term of
10 office commencing on the first day of January of the
11 succeeding year. The number of magistrates so certified
12 shall be determined in accordance with the following:

13   (1) The court shall not provide:

14   (A) For the total number of magistrates in the state to
15 exceed one hundred fifty-six in number;

16   (B) For the number of magistrates in any one county
17 to exceed ten in number; or

18   (C) For the number of magistrates in any one county
19 to be less than two in number.

20   (2) The court shall determine the number of
21 magistrates that would be apportioned for each county by
22 the application of an equal proportions formula, as
23 follows:

24   (A) Two magistrates shall be allocated to each county;

25   (B) The population of the county shall be divided by
26 a mathematical factor, as established by the equal
27 proportion method, to establish each county's priority
28 claim to additional magistrates above the two magistrates
29 provided for by paragraph (A) of this subdivision; and

30   (C) Additional numbers of magistrates shall be
31 allocated to the several counties in order of priority claims,
32 beginning with the largest claim, until magistrates have
33 been assigned within the limits of this section.

34   For purposes of this article, a determination made in
35 accordance with the provisions of this subdivision is the
36 "equal proportion number".

37   (3) The court shall determine the number of
38 magistrates elected in each county at the last general
39 election in which magistrates were regularly elected next
40 prior to the preceding census taken under the authority of
41 the United States government. For purposes of this article,
42 that number shall be referred to as the "election number".

43   (4) The court shall determine the number of case
44 filings per magistrate in each magistrate court for the most
45 recent fiscal year preceding the date of certification, and
46 shall rank the magistrate courts from one through
47 fifty-five, in the order of their case filings per magistrate,
48 with the court having the most filings per magistrate being
49 ranked number one, and the court with the least filings per
50 magistrate being ranked number fifty-five.

51   (5) If the court determines that the equal proportion
52 number for a county is the same as the election number

53 for such county, the court shall certify that number as the
54 number of magistrates to be elected in that county at the
55 next election.

56   (6) If the court determines that the equal proportion
57 number for a county is different from the election number
58 for such county, the court shall apply the ranking
59 established by subdivision (4) of this subsection and
60 determine the number of magistrates for such county, as
61 follows:

62   (A) If the equal proportion number exceeds the
63 election number, the number of magistrates to be elected
64 in that county at the next election shall be the election
65 number: *Provided,* That if the county is ranked as one
66 through ten, inclusive, in accordance with subdivision (4)
67 of this subsection, the court shall certify the equal
68 proportion number as the number of magistrates to be
69 elected in that county at the next election.

70   (B) If the equal proportion number is less than the
71 election number, the number of magistrates to be elected
72 in that county at the next election shall be the equal
73 proportion number: *Provided,* That if the county is
74 ranked as one through ten, inclusive, in accordance with
75 subdivision (4) of this subsection, the court shall certify
76 the election number as the number of magistrates to be
77 elected in that county at the next election.

78   (c) Any magistrate in office at the time of the
79 effective date of this section shall continue as a magistrate,
80 unless sooner removed or retired as provided by law, until
81 the first day of January, one thousand nine hundred
82 ninety-three.

Enr. H. B. 4144]   4

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

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        Chairman Senate Committee

_____
              Chairman House Committee

Originating in the House.

Takes effect from passage.

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          Clerk of the Senate

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          Clerk of the House of Delegates

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          President of the Senate

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          Speaker of the House of Delegates

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The within _is approved_ this the _31st_

day of _January_ , 1996.

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                              Governor