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2001 APR 30 P 4: 41

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

Committee Substitute for

SENATE BILL NO. 217

(By Senator Wooten, et al)

PASSED April 13, 2001

In Effect July 1, 2001 **Passage**

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2001 APR 30 P 4: 4.1

OFFICE WEST VIRGINIA
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ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 217

(SENATORS WOOTON, UNGER, LOVE, KESSLER, BOWMAN,
MINEAR, FACEMYER, JACKSON, OLIVERIO, MITCHELL,
HUNTER, ROSS, PREZIOSO, FANNING, SNYDER, BAILEY,
EDGELL, SHARPE, CALDWELL, SPROUSE, ROWE, REDD,
BURNETTE, ANDERSON, MINARD, TOMBLIN, MR. PRESIDENT,
AND PLYMALE, *original sponsors*)

[Passed April 13, 2001; to take effect July 1, 2001.]

AN ACT to amend and reenact sections eight and nine, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to increasing salaries for magistrate clerks, magistrate assistants and magistrate deputy clerks.

Be it enacted by the Legislature of West Virginia:

That sections 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, all to read as follows:

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Enr. Com. Sub. for S. B. No. 217] 2
STATE OF MISSISSIPPI

ARTICLE 1. COURTS AND OFFICERS.

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

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

12 (b) Magistrate court clerks shall be paid a monthly
13 salary by the state. Magistrate court clerks serving
14 magistrates who serve less than eight thousand five
15 hundred in population shall be paid up to one thousand
16 seven hundred forty-eight dollars per month and magis-
17 trate court clerks serving magistrates who serve eight
18 thousand five hundred or more in population shall be paid
19 up to two thousand one hundred fifty-seven dollars per
20 month: *Provided*, That on and after the first day of
21 January, two thousand two, magistrate court clerks
22 serving magistrates who serve less than eight thousand
23 five hundred in population shall be paid up to one thou-
24 sand nine hundred ninety-eight dollars per month and
25 magistrate court clerks serving magistrates who serve
26 eight thousand five hundred or more in population shall be
27 paid up to two thousand four hundred seven dollars per
28 month: *Provided, however*, That after the effective date of
29 this section, any general salary increase granted to all state
30 employees, whose salaries are not set by statute, expressed
31 as a percentage increase or an "across-the-board" in-
32 crease, may also be granted to magistrate court clerks. For
33 the purpose of determining the population served by each
34 magistrate, the number of magistrates authorized for each

35 county shall be divided into the population of each county.
36 The salary of the magistrate court clerk shall be estab-
37 lished by the judge of the circuit court, or the chief judge
38 of the circuit court if there is more than one judge of the
39 circuit court, within the limits set forth in this section.

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

51 (d) The magistrate court clerk, or if there is no magis-
52 trate court clerk in the county, the clerk of the circuit
53 court, may issue all manner of civil process and require the
54 enforcement of subpoenas and subpoenas duces tecum in
55 magistrate court.

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

1 (a) 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 or she shall
5 serve. The assistant shall not be a member of the immedi-
6 ate family of any magistrate and shall not have been
7 convicted of a felony or any misdemeanor involving moral
8 turpitude and shall reside in the state of West Virginia.
9 For the purpose of this section, "immediate family" means
10 the relationships of mother, father, sister, brother, child or
11 spouse.

12 (b) A magistrate assistant shall have the duties, clerical
13 or otherwise, assigned by the magistrate and prescribed by

14 the rules of the supreme court of appeals or the judge of
15 the circuit court or the chief judge of the circuit court if
16 there is more than one judge of the circuit court. In
17 addition to these duties, magistrate assistants shall
18 perform and are accountable to the magistrate court clerks
19 with respect to the following duties:

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

21 (2) The assignment of civil actions to the various magis-
22 trates;

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

25 (4) The submission of moneys, along with an accounting
26 of the moneys, to appropriate authorities as provided by
27 law;

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

30 (6) All duties related to the gathering of information and
31 documents necessary for the preparation of administrative
32 reports and documents required by the rules of the su-
33 preme court of appeals or the judge of the circuit court or
34 the chief judge of the circuit court if there is more than one
35 judge of the circuit court;

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

39 (8) All other duties or responsibilities whereby the
40 magistrate assistant is accountable to the magistrate court
41 clerk as determined by the magistrate.

42 (c) Magistrate assistants shall be paid a monthly salary
43 by the state. Magistrate assistants serving magistrates
44 who serve less than eight thousand five hundred in popula-
45 tion shall be paid up to one thousand four hundred
46 seventy-four dollars per month and magistrate assistants

47 serving magistrates who serve eight thousand five hundred
48 or more in population shall be paid up to one thousand
49 seven hundred thirty-two dollars per month: *Provided,*
50 That on and after the first day of January, two thousand
51 two, magistrate assistants serving magistrates who serve
52 less than eight thousand five hundred in population shall
53 be paid up to one thousand seven hundred twenty-four
54 dollars per month and magistrate assistants serving
55 magistrates who serve eight thousand five hundred or
56 more in population shall be paid up to one thousand nine
57 hundred eighty-two dollars per month: *Provided, how-*
58 *ever,* That after the effective date of this section, any
59 general salary increase granted to all state employees,
60 whose salaries are not set by statute, expressed as a
61 percentage increase or an “across-the-board” increase,
62 may also be granted to magistrate assistants. For the
63 purpose of determining the population served by each
64 magistrate, the number of magistrates authorized for each
65 county shall be divided into the population of each county.
66 The salary of the magistrate assistant shall be established
67 by the magistrate within the limits set forth in this section.

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

Greg News
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

To take effect July 1, 2001.

David Cohen
.....
Clerk of the Senate

Bryan D. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *30th*
Day of *April*, 2001.

Rob Muse
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 11:08am