WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED
Committee Substitute for
SENATE BILL NO. 519

(By Senator PREZIOSO, ET AL.)

PASSED March 9, 2002

In Effect From Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 519

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

[Passed March 9, 2002; in effect 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 salaries of magistrates; and establishing effective date.

Be it enacted by the Legislature of West Virginia:

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 I. 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 section thirty-nine, article VI 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 caseload; 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 fewer than eight thousand five hundred in population shall be paid annual salaries of thirty 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-seven thousand dollars: Provided, That on and after the first day of July, two thousand three, magistrates who serve fewer than eight thousand five hundred in population shall be paid annual salaries of thirty-three thousand
six hundred twenty-five dollars and magistrates who serve eight thousand five hundred or more in population shall be paid annual salaries of forty 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 government.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 21st Day of March, 2002.

Governor