WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2146
(By Delegate Stemple)

Passed March 10, 2006
In Effect Ninety Days from Passage
AN ACT to amend and reenact §50-1-13 of the code of West Virginia, 1931, as amended, relating to payment to magistrates who serve temporarily in another county.

Be it enacted by the Legislature of West Virginia:

That §50-1-13 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-13. Temporary service within or outside of county.

(a) The Chief Justice of the Supreme Court of Appeals or judge of the circuit court of the county in which a magistrate is elected, or the chief judge thereof if there is more than one
judge of the circuit court, may order a magistrate to serve
temporarily at locations within the county other than at the
regular office or offices of the magistrate.

(b) The Chief Justice of the Supreme Court of Appeals or
judge of the circuit court of the county in which a magistrate is
elected, or the chief judge thereof if there is more than one
judge of the circuit court, may by order direct a magistrate to
serve temporarily in any other county within the judicial circuit
for such purposes as the judge may direct. The magistrate’s
authority, to the extent ordered by the judge, shall be equal to
the jurisdiction and authority of a magistrate elected in the
county to which the magistrate is ordered to serve. The tempo­
rary assignment may not exceed sixty days in length in any
given calendar year, except with the consent of the transferred
magistrate.

(c) A magistrate who is temporarily assigned to a county
with a higher salary schedule for magistrates than the salary
schedule in the county from which the magistrate was elected,
shall be reimbursed for the difference of the salary in the
assigned county and the lower salary which the magistrate
received in the county of election, prorated for the number of
days of the temporary assignment. An assigned magistrate may
not be reimbursed on a pro rata basis for less than the salary
received in the county of that magistrate’s election.

(d) A magistrate shall be reimbursed for reasonable
expenses incurred in service outside of the county, as provided
by rule of the Supreme Court of Appeals.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 28th day of March 2006.

Governor