

1 **H. B. 2251**

2
3 (By Delegate Miley and Manchin)
4 [Introduced January 12, 2011; referred to the
5 Committee on the Judiciary then Finance.]

6 **FISCAL**
7 **NOTE**

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9
10 A BILL to amend and reenact §50-1-3 of the Code of West Virginia,
11 1931, as amended, relating to increasing salaries of
12 magistrates who serve populations of eight thousand four
13 hundred or more to sixty percent of the salary of circuit
14 court judges.

15 *Be it enacted by the Legislature of West Virginia:*

16 That §50-1-3 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted to read as follows:

18 **ARTICLE 1. COURTS AND OFFICERS.**

19 **§50-1-3. Salaries of magistrates.**

20 (a) The Legislature finds and declares that:

21 (1) The West Virginia Supreme Court of Appeals has held that
22 a salary system for magistrates which is based upon the population
23 that each magistrate serves does not violate the equal protection

1 clause of the Constitution of the United States;

2 (2) The West Virginia Supreme Court of Appeals has held that
3 a salary system for magistrates which is based upon the population
4 that each magistrate serves does not violate section thirty-nine,
5 article VI of the Constitution of West Virginia;

6 (3) The utilization of a two-tiered salary schedule for
7 magistrates is an equitable and rational manner by which
8 magistrates should be compensated for work performed;

9 (4) Organizing the two tiers of the salary schedule into one
10 tier for magistrates serving less than eight thousand four hundred
11 in population and the second tier for magistrates serving eight
12 thousand four hundred or more in population is rational and
13 equitable given current statistical information relating to
14 population and caseload; and

15 (5) That all magistrates who fall under the same tier should
16 be compensated equally.

17 (b) The salary of each magistrate shall be paid by the state.
18 Magistrates who serve fewer than eight thousand four hundred in
19 population shall be paid annual salaries of \$30,625 and magistrates
20 who serve eight thousand four hundred or more in population shall
21 be paid annual salaries of \$37,000: *Provided*, That on and after
22 July 1, 2003, magistrates who serve fewer than eight thousand four
23 hundred in population shall be paid annual salaries of \$33,625 and
24 magistrates who serve eight thousand four hundred or more in

1 population shall be paid annual salaries of \$40,000: *Provided,*
2 *however,* That on and after July 1, 2005, magistrates who serve
3 fewer than eight thousand four hundred in population shall be paid
4 annual salaries of \$43,625 and magistrates who serve eight thousand
5 four hundred or more in population shall be paid annual salaries of
6 \$50,000: *And provided further,* That on and after July 1, 2011,
7 magistrates who serve eight thousand four hundred or more in
8 population shall be paid annual salaries equal to sixty percent of
9 the annual salary of circuit court judges.

10 (c) For the purpose of determining the population served by
11 each magistrate, the number of magistrates authorized for each
12 county shall be divided into the population of each county. For
13 the purpose of this article, the population of each county is the
14 population as determined by the last preceding decennial census
15 taken under the authority of the United States government.

NOTE: The purpose of this bill is to increase salaries of magistrates who serve populations of eight thousand four hundred or more to sixty percent of the salary of circuit court judges after July 1, 2011.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.