

H. B. 2925

(By Delegates Manchin, Longstreth and Caputo)
[Introduced January 28, 2011; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §50-1-8 of the Code of West Virginia,
1931, as amended, relating to increasing the number of
magistrate court clerks in Marion County by one.

Be it enacted by the Legislature of West Virginia:

That §50-1-8 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

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

(a) In each county having three or more magistrates, the judge
of the circuit court or, ~~the chief judge of the circuit court, if~~
~~there is more than one judge of the circuit court,~~ in counties
having more than one circuit court judge, the chief judge shall
appoint a magistrate court clerk. In all other counties, the judge

1 may appoint a magistrate court clerk or may, by rule, require the
2 duties of the magistrate court clerk to be performed by the clerk
3 of the circuit court ~~in which event the circuit court clerk is who~~
4 is entitled to additional compensation in the amount of \$2,500 per
5 year. The magistrate court clerk serves at the will and pleasure
6 of the circuit judge.

7 (b) Magistrate court clerks shall be paid a monthly salary by
8 the state. ~~Magistrate court clerks serving magistrates who serve~~
9 ~~less than eight thousand four hundred in population shall be paid~~
10 ~~up to \$26,436 per year. and Magistrate court clerks serving~~
11 ~~magistrates who serve eight thousand four hundred or more in~~
12 ~~population shall be paid up to \$31,344 per year. Provided, That On~~
13 ~~and after July 1, 2006, magistrate court clerks serving magistrates~~
14 ~~who serve less than eight thousand four hundred in population shall~~
15 ~~be paid up to \$31,436 per year and magistrate court clerks serving~~
16 ~~magistrates who serve eight thousand four hundred or more in~~
17 ~~population shall be paid up to \$36,344 per year. Provided,~~
18 ~~however, That~~ On and after July 1, 2007, magistrate court clerks
19 serving magistrates who serve less than eight thousand four hundred
20 in population shall be paid up to \$36,436 per year and ~~magistrate~~
21 ~~court~~ clerks serving magistrates who serve eight thousand four
22 hundred or more in population shall be paid up to \$41,344 per year.
23 ~~Provided further, That~~ After the effective date of this section,
24 any general salary increase granted to all state employees whose

1 salaries are not set by statute, expressed as a percentage increase
2 or an "across-the-board" increase, may also be granted to
3 magistrate court clerks. For the purpose of determining the
4 population served by each magistrate, the number of magistrates
5 authorized for each county shall be divided into the population of
6 each county. The salary of the magistrate court clerk shall be
7 established by the judge ~~of the circuit court or the chief judge of~~
8 ~~the circuit court if there is more than one judge of the circuit~~
9 ~~court,~~ or the chief judge of the circuit court within the limits
10 set forth in this section.

11 (c) In addition to other duties that may be imposed by the
12 provisions of this chapter, ~~or~~ by the rules of the Supreme Court of
13 Appeals, ~~or~~ by the judge of the circuit court or by the chief judge
14 of the circuit court, ~~if there is more than one judge of the~~
15 ~~circuit court,~~ it is the duty of the magistrate court clerk to
16 establish and maintain appropriate dockets and records in a
17 centralized system for the magistrate court; to assist in the
18 preparation of the reports required of the court; and, to carry out
19 on behalf of the magistrates or chief magistrate if a chief
20 magistrate is appointed, the administrative duties of the court.

21 (d) The magistrate court clerk or ~~if there is no magistrate~~
22 ~~court clerk in the county,~~ the clerk of the circuit court if there
23 is no magistrate court clerk in the county, may issue all manner of
24 civil process and require the enforcement of subpoenas and

1 subpoenas duces tecum in magistrate court.

2 (e) Notwithstanding other provisions of this section, the
3 number of magistrate court clerks serving Marion County on April 1,
4 2010, shall be increased by one, effective July 1, 2011. The
5 initial appointment to the position shall be made in accordance
6 with the provisions of subsection (a) of this section.

NOTE: The purpose of this bill is to increase the number of
magistrate court clerks in Marion County by one.

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