

**Senate Bill No. 257**

(By Senators Beach, Williams and Kessler (Acting President))

[Introduced January 25, 2011; referred to the Committee on the  
Judiciary; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §50-1-8 of the Code of West Virginia,  
1931, as amended, relating to adding an additional magistrate  
court clerk to Monongalia County.

*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, shall appoint a  
magistrate court clerk. In all other counties the judge may  
appoint a magistrate court clerk or may by rule require the duties  
of the magistrate court clerk to be performed by the clerk of the

1 circuit court, in which event the circuit court clerk is entitled  
2 to additional compensation in the amount of \$2,500 per year. The  
3 magistrate court clerk serves at the will and pleasure of the  
4 circuit judge.

5 (b) Magistrate court clerks shall be paid a monthly salary by  
6 the state. Magistrate court clerks serving magistrates who serve  
7 less than eight thousand four hundred in population shall be paid  
8 up to \$26,436 per year and magistrate court clerks serving  
9 magistrates who serve eight thousand four hundred or more in  
10 population shall be paid up to \$31,344 per year: *Provided*, That on  
11 and after July 1, 2006, magistrate court clerks serving magistrates  
12 who serve less than eight thousand four hundred in population shall  
13 be paid up to \$31,436 per year and magistrate court clerks serving  
14 magistrates who serve eight thousand four hundred or more in  
15 population shall be paid up to \$36,344 per year: *Provided*,  
16 *however*, That on and after July 1, 2007, magistrate court clerks  
17 serving magistrates who serve less than eight thousand four hundred  
18 in population shall be paid up to \$36,436 per year and magistrate  
19 court clerks serving magistrates who serve eight thousand four  
20 hundred or more in population shall be paid up to \$41,344 per year:  
21 *Provided further*, That after the effective date of this section,  
22 any general salary increase granted to all state employees, whose  
23 salaries are not set by statute, expressed as a percentage increase  
24 or an "across-the-board" increase, may also be granted to  
25 magistrate court clerks. For the purpose of determining the

1 population served by each magistrate, the number of magistrates  
2 authorized for each county shall be divided into the population of  
3 each county. The salary of the magistrate court clerk shall be  
4 established by the judge of the circuit court, or the chief judge  
5 of the circuit court if there is more than one judge of the circuit  
6 court, within the limits set forth in this section.

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

17 (d) The magistrate court clerk, or if there is no magistrate  
18 court clerk in the county, the clerk of the circuit court, may  
19 issue all manner of civil process and require the enforcement of  
20 subpoenas and subpoenas duces tecum in magistrate court.

21 (e) Notwithstanding the other provisions of this section, the  
22 allowable number of magistrate court clerks serving Monongalia  
23 County on April 1, 2011, shall be increased by one, effective July  
24 1, 2011. The initial appointment to the position shall be made in  
25 accordance with the provisions of subsection (a) of this section.

NOTE: The purpose of this bill is to add an additional magistrate court clerk to Monongalia County.

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