

SB 261

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

96 MAR 25 PM 4: 09

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SENATE BILL NO. 261

(By Senator TOMBLIN, MR. PRESIDENT, ET AL)

PASSED MARCH 8, 1996

In Effect NINETY DAYS FROM Passage

OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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Senate Bill No. 261

(BY SENATORS TOMBLIN, MR. PRESIDENT, SCHOONOVER,
CHAFIN, JACKSON, WOOTON, WALKER, WAGNER, WHITLOW,
BAILEY, ANDERSON, DITTMAR, BOWMAN, PLYMALE,
MACNAUGHTAN, MANCHIN, SHARPE, MINEAR, LOVE, OLIVERIO,
ROSS, GRUBB, KIMBLE, YODER, DUGAN, BOLEY, HELMICK,
CRAIGO, SCOTT, BUCKALEW, WIEDEBUSCH AND BLATNIK)

[Passed March 8, 1996; in effect ninety days 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 the salaries of magistrates.

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 1. COURTS AND OFFICERS.

§50-1-3. Salaries of magistrates.

- 1 (a) The Legislature finds and declares that:

2 (1) The West Virginia supreme court of appeals has
3 held that a salary system for magistrates which is based
4 upon the population that each magistrate serves does not
5 violate the equal protection clause of the Constitution of
6 the United States;

7 (2) The West Virginia supreme court of appeals has
8 held that a salary system for magistrates which is based
9 upon the population that each magistrate serves does not
10 violate article VI, section 39 of the Constitution of West
11 Virginia;

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


16 (4) Organizing the two tiers of the salary schedule into
17 one tier for magistrates serving less than eight thousand
18 five hundred in population and the second tier for
19 magistrates serving eight thousand five hundred or more
20 in population is rational and equitable given current
21 statistical information relating to population and case-
22 load; and

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

25 (b) The salary of each magistrate shall be paid by the
26 state. Magistrates who serve less than ten thousand in
27 population shall be paid annual salaries of twenty
28 thousand six hundred twenty-five dollars and magis-
29 trates who serve ten thousand or more in population
30 shall be paid annual salaries of twenty-seven thousand
31 dollars: *Provided*, That on and after the first day of
32 January, one thousand nine hundred ninety-two, magis-
33 trates who serve less than ten thousand in population
34 shall be paid annual salaries of twenty-one thousand six
35 hundred twenty-five dollars and magistrates who serve
36 ten thousand or more in population shall be paid annual
37 salaries of twenty-eight thousand dollars: *Provided*,
38 *however*, That on and after the first day of January, one

39 thousand nine hundred ninety-three, magistrates who
40 serve less than eight thousand five hundred in popula-
41 tion shall be paid annual salaries of twenty-three
42 thousand six hundred twenty-five dollars and magis-
43 trates who serve eight thousand five hundred or more in
44 population shall be paid annual salaries of thirty thou-
45 sand dollars: *Provided further*, That on and after the
46 first day of January, one thousand nine hundred ninety-
47 seven, magistrates who serve less than eight thousand
48 five hundred in population shall be paid annual salaries
49 of twenty-six thousand six hundred twenty-five dollars
50 and magistrates who serve eight thousand five hundred
51 or more in population shall be paid annual salaries of
52 thirty-three thousand dollars.

53 (c) For the purpose of determining the population
54 served by each magistrate, the number of magistrates
55 authorized for each county shall be divided into the
56 population of each county. For the purpose of this
57 article, the population of each county is the population
58 as determined by the last preceding decennial census
59 taken under the authority of the United States govern-
60 ment.



That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Kendy Schoonack
.....
Chairman Senate Committee

Rudy Seavint
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll Edelman
.....
Clerk of the Senate

Bryony D. King
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Paul C. Canine
.....
Speaker House of Delegates

The within *is approved* this the *20th*
March
day of, 1996.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/46

Time 9:20 AM