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2002 MAR 21 P 6:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 519

(By Senator PREZIOSO, ET AL)



PASSED MARCH 9, 2002

In Effect FROM Passage

FILED

2002 MAR 21 P 6: 44

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 519

(SENATORS PREZIOSO, UNGER, SNYDER, MCCABE, KESSLER,
ANDERSON, FANNING, HELMICK, MITCHELL, PLYMALE, HUNTER,
CHAFIN, SHARPE, ROSS, LOVE, ROWE, CALDWELL, REDD,
FACEMYER, SPROUSE, MINEAR, MINARD, BAILEY, BOWMAN,
WOOTON, JACKSON, CRAIGO, OLIVERIO, EDGELL AND TOMBLIN,
MR. PRESIDENT, *original sponsors*)

[Passed March 9, 2002; in effect 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 salaries of magistrates; and establishing effective date.

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 I. 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 held
3 that a salary system for magistrates which is based upon
4 the population that each magistrate serves does not violate
5 the equal protection clause of the constitution of the
6 United States;

7 (2) The West Virginia supreme court of appeals has held
8 that a salary system for magistrates which is based upon
9 the population that each magistrate serves does not violate
10 section thirty-nine, article VI 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 which
14 magistrates should be compensated for work performed;

15 (4) Organizing the two tiers of the salary schedule into
16 one tier for magistrates serving less than eight thousand
17 five hundred in population and the second tier for magis-
18 trates serving eight thousand five hundred or more in
19 population is rational and equitable given current statisti-
20 cal information relating to population and caseload; and

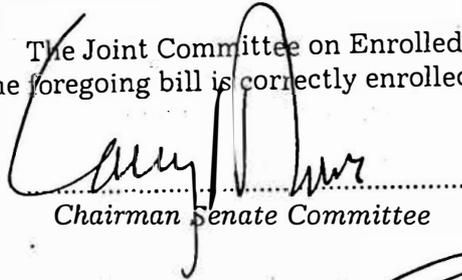
21 (5) That all magistrates who fall under the same tier
22 should be compensated equally.

23 (b) The salary of each magistrate shall be paid by the
24 state. Magistrates who serve fewer than eight thousand
25 five hundred in population shall be paid annual salaries of
26 thirty thousand six hundred twenty-five dollars and
27 magistrates who serve eight thousand five hundred or
28 more in population shall be paid annual salaries of thirty-
29 seven thousand dollars: *Provided*, That on and after the
30 first day of July, two thousand three, magistrates who
31 serve fewer than eight thousand five hundred in popula-
32 tion shall be paid annual salaries of thirty-three thousand

33 six hundred twenty-five dollars and magistrates who serve
34 eight thousand five hundred or more in population shall be
35 paid annual salaries of forty thousand dollars.

36 (c) For the purpose of determining the population served
37 by each magistrate, the number of magistrates authorized
38 for each county shall be divided into the population of
39 each county. For the purpose of this article, the popula-
40 tion of each county is the population as determined by the
41 last preceding decennial census taken under the authority
42 of the United States government.

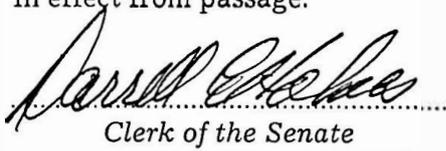
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 21st
Day of March, 2002.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/02

Time 5:30pm