

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on February 1, 2019, the following order was made and entered:

RE: ADOPTION OF AMENDMENTS TO RULE 8 OF THE ADMINISTRATIVE RULES FOR THE MAGISTRATE COURTS OF WEST VIRGINIA (ADDRESSING REIMBURSEMENT FOR TELEPHONE SERVICES) 18-RULES-05

On a former day, June 7, 2018, the Court published for comment proposed amendments to Rule 8 of the Administrative Rules for Magistrate Courts. One comment was filed by The Honorable Duke Bloom.

Thereafter, on October 4, 2018, and January 10, 2019, the Court on its own motion proceeded to consider the proposed amendments, together with the comment filed. The rate of cellular telephone reimbursement for qualified court employees is \$29.99. Therefore, upon consideration of the proposed amendments, the Court is of the opinion to and does hereby adopt the proposed rule amendments, but not as originally proposed. The rule is amended and adopted as follows. Deletions are indicated by strikethrough and the additions to the rule are indicated by underscoring to read as follows:

Administrative Rules for the Magistrate Courts of West Virginia

* * *

Rule 8 Expenditures from magistrate court fund

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(d) Telephone service ~~in magistrates' homes~~ for magistrates. – A magistrate may choose to be reimbursed for either a landline telephone in their home or a cellular telephone, but not both. The base monthly telephone bill for telephones in the homes of magistrates is a reimbursable expense to the magistrate, paid by the county and chargeable to the magistrate court fund. The base monthly rate shall include only the cost to lease a basic service telephone on a single private line.

Reimbursement may be made for the base monthly charge only, and magistrates may not be reimbursed for long-distance charges, extension telephones, or other ancillary services. Magistrates may be reimbursed only upon completion of a “Certification of Entitlement”

stating the telephone number of such personal telephone and affirming that it is a listed number available to the general public. Such "Certification of Entitlement" shall be filed with the Administrative Director of the Supreme Court of Appeals, who shall provide the certification with the signed approval of the Administrative Director to the county commission of each magistrate's county.

The cellular telephone reimbursable expense shall be no more than \$29.99 per month for basic cost of cellular telephone. The county shall not be required to reimburse magistrates for a minute plan or other ancillary services.

* * *

The amendments are effective immediately.

A True Copy

Attest: /s/Edythe Nash Gaiser
Clerk of Court

