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FILED

2006 MAR 31 P 2:44

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 2016

(By Delegates Stalnaker, Williams, Varner,
Beane, Ennis, Campbell and Michael)



Passed March 10, 2006

In Effect Ninety Days from Passage

FILED

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E N R O L L E D

H. B. 2016

(BY DELEGATES STALNAKER, WILLIAMS, VARNER,
BEANE, ENNIS, CAMPBELL AND MICHAEL)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §50-1-9a of the code of West Virginia, 1931, as amended, relating to the administration of magistrate courts generally; increasing the maximum number of magistrate court deputy clerks that may be appointed from sixty-two to seventy-two; and providing that magistrate court deputy clerks be paid on an annual basis.

Be it enacted by the Legislature of West Virginia:

That §50-1-9a of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COURTS AND OFFICERS.

§50-1-9a. Magistrate court deputy clerks; duties; salary.

- 1 (a) Whenever required by workload and upon the recom-
- 2 mendation of the judge of the circuit court, or the chief judge of
- 3 the circuit court if there is more than one judge of the circuit

4 court, the Supreme Court of Appeals may, by rule, provide for
5 the appointment of magistrate court deputy clerks, not to exceed
6 seventy-two in number. The magistrate court deputy clerks
7 shall be appointed by the judge of the circuit court, or the chief
8 judge if there is more than one judge of the circuit court, to
9 serve at his or her will and pleasure under the immediate
10 supervision of the magistrate court clerk.

11 (b) Magistrate court deputy clerks shall have the duties,
12 clerical or otherwise, as may be assigned by the magistrate
13 court clerk and as may be prescribed by the rules of the
14 Supreme Court of Appeals or the judge of the circuit court or
15 the chief judge if there is more than one judge of the circuit
16 court. Magistrate court deputy clerks may also exercise the
17 power and perform the duties of the magistrate court clerk as
18 may be delegated or assigned by the magistrate court clerk.

19 (c) A magistrate court deputy clerk may not be an immedi-
20 ate family member of any magistrate, magistrate court clerk,
21 magistrate assistant or judge of the circuit court within the same
22 county, may not have been convicted of a felony or any
23 misdemeanor involving moral turpitude and must reside in this
24 State. For purposes of this subsection, "immediate family
25 member" means a mother, father, sister, brother, child or
26 spouse.

27 (d) Magistrate court deputy clerks shall be paid an annual
28 salary by the State on the same basis and in the same amounts
29 established for magistrate assistants in each county, as provided
30 in section nine of this article.

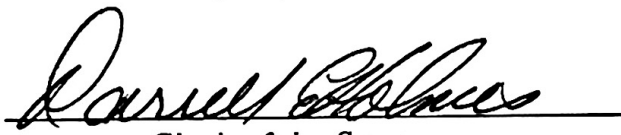
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

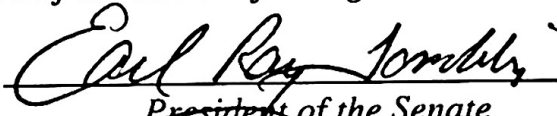

Chairman House Committee

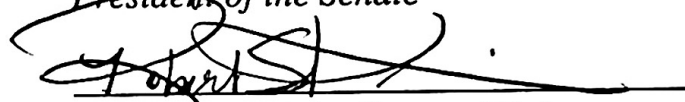
Originating in the House.

In effect ninety days from passage.



Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is appended this the 31st
day of March, 2006.


Governor

PRESENTED TO THE
GOVERNOR

MAR 22 2006

Time

3:50 pm