

# WEST VIRGINIA LEGISLATURE

## 2016 REGULAR SESSION

Introduced

### House Bill 2683

FISCAL  
NOTE

2015 Carryover

(BY DELEGATE P. SMITH)

[Introduced January 13, 2016; referred to the  
Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §50-1-9a of the Code of West Virginia, 1931, as amended, relating  
2 to adding an additional magistrate court deputy clerk position for Lewis County.

*Be it enacted by the Legislature of West Virginia:*

1 That §50-1-9a of the Code of West Virginia, 1931, as amended, be amended and  
2 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 recommendation of the judge of the  
2 circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit  
3 court, the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court  
4 deputy clerks, not to exceed seventy-two in number. The magistrate court deputy clerks shall  
5 be appointed by the judge of the circuit court, or the chief judge if there is more than one judge of  
6 the circuit court, to serve at his or her will and pleasure under the immediate supervision of the  
7 magistrate court clerk.

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

13 (c) A magistrate court deputy clerk may not be an immediate family member of any  
14 magistrate, magistrate court clerk, magistrate assistant or judge of the circuit court within the  
15 same county, may not have been convicted of a felony or any misdemeanor involving moral  
16 turpitude and must reside in this state. For purposes of this subsection, "immediate family  
17 member" means a mother, father, sister, brother, child or spouse.

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

21 (e) Notwithstanding any provision of this code to the contrary, the amendments made to  
22 section nine of this article during the 2013 First Extraordinary Session, and the effects of those  
23 amendments on subsection (d) of this section, are effective upon passage and are retroactive to  
24 January 1, 2013.

25 (f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is  
26 \$39,348. After the effective date of this section, a general salary increase granted to state  
27 employees, whose salaries are not set by statute, expressed as a percentage increase or an  
28 across-the-board increase, may also be granted to magistrate court deputy clerks.

29 (g) Notwithstanding the limit in subsection (a) of this section, effective July 1, 2015, there  
30 is created an additional magistrate court deputy clerk position for Lewis County.

NOTE: The purpose of this bill is to create an additional magistrate court deputy clerk position for Lewis County.

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