

No. 55

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
REGULAR SESSION, 1989




**ENROLLED**

SENATE BILL NO. 55

(By Senator TUCKER, MR. PRESIDENT)



PASSED APRIL 7, 1989

In Effect July 1, 1989 

**ENROLLED**  
**Senate Bill No. 55**

(BY SENATOR TUCKER, MR. PRESIDENT (BY REQUEST))

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[Passed April 7, 1989; to take effect July 1, 1989.]

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AN ACT to amend and reenact section nine-a, article one, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the number of magistrate court deputy clerks.

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

That section nine-a, 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.**

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

1 Whenever required by work load and upon the  
2 recommendation of the judge of the circuit court, or  
3 the chief judge thereof if there is more than one judge  
4 of the circuit court, the supreme court of appeals may  
5 by rule provide for the appointment of magistrate  
6 court deputy clerks, not to exceed fifty-two in number.  
7 Such magistrate court deputy clerks shall be appointed  
8 by the judge of the circuit court, or the chief judge  
9 thereof if there is more than one judge of the circuit

10 court, with such appointee to serve at his will and  
11 pleasure under the immediate supervision of the  
12 magistrate court clerk. Such magistrate court deputy  
13 clerk shall have such duties, clerical or otherwise, as  
14 may be assigned by the magistrate court clerk and as  
15 may be prescribed by the rules of the supreme court  
16 of appeals or the judge of the circuit court, or the chief  
17 judge thereof if there is more than one judge of the  
18 circuit court. Such magistrate court deputy clerks shall  
19 also have authority to exercise the power and perform  
20 the duties of the magistrate court clerk as may be  
21 delegated or assigned by such magistrate court clerk.

22 Such magistrate court deputy clerk shall not be a  
23 member of the immediate family of any magistrate,  
24 magistrate court clerk, magistrate assistant or circuit  
25 court judge within the same county, shall not have  
26 been convicted of a felony or any misdemeanor  
27 involving moral turpitude and shall reside in the  
28 county where appointed. For the purpose of this  
29 section, immediate family shall mean the relationships  
30 of mother, father, sister, brother, child or spouse.

31 Magistrate court deputy clerks shall be paid a  
32 monthly salary by the state. Such salary shall be paid  
33 on the same basis and in the same applicable amounts  
34 as for magistrate assistants in each county as provided  
35 in section nine of this article.

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

*Frederick L. Parker.*  
.....  
Chairman Senate Committee

*Bernard V. Kelly*  
.....  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1989.

*Irish C. Kelso*  
.....  
Clerk of the Senate

*Donald L. Hogg*  
.....  
Clerk of the House of Delegates

*Paul T. ...*  
.....  
President of the Senate

*Bob ...*  
.....  
Speaker House of Delegates

The within *is approved* ..... this the *24<sup>th</sup>* .....  
day of *April* ..... 198*9*.

*Yoston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/89

Time 4:31 pm