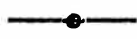


SB 0248

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



## ENROLLED

SENATE BILL NO. 248

(By Senators Bowman & Whitlow)



PASSED MARCH 9 1995

In Effect FROM Passage

**ENROLLED**

**Senate Bill No. 248**

(BY SENATORS BOWMAN AND WHITLOW)

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[Passed March 9, 1995; in effect from passage.]

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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 raising the cap on the number of deputy clerks from fifty-four to fifty-seven.

*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 workload and upon the recom-
- 2 mendation of the judge of the circuit court, or the chief
- 3 judge thereof if there is more than one judge of the
- 4 circuit court, the supreme court of appeals may by rule
- 5 provide for the appointment of magistrate court deputy

6 clerks, not to exceed fifty-seven in number. Such  
7 magistrate court deputy clerks shall be appointed by the  
8 judge of the circuit court, or the chief judge thereof if  
9 there is more than one judge of the circuit court, with  
10 such appointee to serve at his will and pleasure under  
11 the immediate supervision of the magistrate court clerk.  
12 Such magistrate court deputy clerk shall have such  
13 duties, clerical or otherwise, as may be assigned by the  
14 magistrate court clerk and as may be prescribed by the  
15 rules of the supreme court of appeals or the judge of the  
16 circuit court, or the chief judge thereof if there is more  
17 than one judge of the circuit court. Such magistrate  
18 court deputy clerks shall also have authority to exercise  
19 the power and perform the duties of the magistrate court  
20 clerk as may be delegated or assigned by such magistrate  
21 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 been  
26 convicted of a felony or any misdemeanor involving  
27 moral turpitude and shall reside in the state of West  
28 Virginia. For the purpose of this section, "immediate  
29 family" shall mean the relationships of mother, father,  
30 sister, brother, child or spouse.

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

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

*Randy Schorover*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect from passage.

*Darrell Edwards*  
.....  
Clerk of the Senate

*Donald J. Hoff*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*Paul C. Bauer*  
.....  
Speaker House of Delegates

The within approved..... this the *21<sup>st</sup>*.....  
day of *March*....., 1995.

*Gaston Caperton*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/17/95

Time 3:20 pm