

SB 645

FILED

2004 MAR 23 P 5:06

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2004

ENROLLED

SENATE BILL NO. 645

(By Senator Tomblin, Mr. President)

PASSED March 12, 2004

In Effect from Passage

FILED

2004 MAR 23 P 5: 06

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

Senate Bill No. 645

(BY SENATOR TOMBLIN, MR. PRESIDENT)

[Passed March 12, 2004; in effect from passage.]

AN ACT to amend the code of West Virginia, 1931, as amended, by adding thereto a new section, designated §14-2-4a, relating to providing a procedure for appointing an interim judge to the court of claims when a sitting judge is temporarily unable to serve.

Be it enacted by the Legislature of West Virginia:

That the code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §14-2-4a, to read as follows:

ARTICLE 2. CLAIMS AGAINST THE STATE.

§14-2-4a. Interim judges.

- 1 (a) If at any time two or more of the judges appointed
- 2 under section four of this article are temporarily unable,
- 3 due to illness or other incapacity, to perform their respon-
- 4 sibilities, the president of the Senate and the speaker of
- 5 the House of Delegates may appoint one or two interim
- 6 judges to serve under the conditions specified in this
- 7 section.

8 (b) Appointments made under this section are temporary.
9 An interim judge serves under this section until the judge
10 for whom the interim judge is temporarily replacing can
11 resume his or her duties. In no event may the interim
12 judge serve for more than three months unless reap-
13 pointed.

14 (c) Appointments made under this section shall be made
15 from a list furnished to the president of the Senate and the
16 speaker of the House of Delegates by the board of gover-
17 nors of the West Virginia state bar. The board of gover-
18 nors of the West Virginia state bar shall annually, on or
19 before the fifteenth day of January, submit a list of twenty
20 qualified nominees. In two thousand four, the list shall be
21 submitted before the first day of April.

22 (d) An interim judge:

23 (1) Is entitled to the same compensation and expense
24 reimbursement a judge is entitled to under the provisions
25 of section eight of this article;

26 (2) Shall take the oath of office as required in section
27 nine of this article;

28 (3) Has all the authority given to a judge under this
29 article; and

30 (4) Is required to possess the qualifications required of a
31 judge in section ten of this article.

32 (e) The president of the Senate and the speaker of the
33 House of Delegates may jointly terminate the appointment
34 of any interim judge appointed under this section at any
35 time.

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

Carly N. [Signature]
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll E. [Signature]
.....
Clerk of the Senate

Bryan D. [Signature]
.....
Clerk of the House of Delegates

Carl Ray [Signature]
.....
President of the Senate

Robert Stiss
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
Day of *March*, 2004.

Bob Wise
.....
Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04

TIME 9:55a