

H. B. 2369

(By Delegates Caputo, Longstreth, Manchin and Miley)

[Introduced January 26, 2015; referred to the

Committee on Political Subdivisions then the Judiciary.]

**FISCAL
NOTE**

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

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.

(a) Whenever required by workload and upon the recommendation of the judge of the circuit court, or the chief judge of the circuit court if there is more than one judge of the circuit court, the Supreme Court of Appeals may, by rule, provide for the appointment of magistrate court deputy clerks, not to exceed seventy-two in number. The magistrate court deputy clerks shall be appointed by the judge of the circuit court, or the chief judge if there is more than one judge of the circuit court, to serve at his or her will and pleasure under the immediate supervision of the magistrate court clerk.

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

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

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

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

18 (f) Beginning January 1, 2017, the annual salary of all magistrate court deputy clerks is
19 \$39,348. After the effective date of this section, a general salary increase granted to state employees,
20 whose salaries are not set by statute, expressed as a percentage increase or an across-the-board
21 increase, may also be granted to magistrate court deputy clerks.

22 (g) Notwithstanding the limit in subsection (a) of this section, there is created, effective July

1 1, 2015, an additional magistrate court deputy clerk position for Marion County.

NOTE: The purpose of this bill is to create a new magistrate court deputy clerk position for Marion County.

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