

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 662

SENATOR SYPOLT, *original sponsor*

[Originating in the Committee on the Judiciary;

reported on February 7, 2020]

1 A BILL to amend and reenact §44-3-1 of the Code of West Virginia, 1931, as amended, relating
2 to removing language restricting more than two fiduciary commissioners being from the
3 same political party.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. FIDUCIARY COMMISSIONERS; POWERS AND DUTIES.

§44-3-1. Fiduciary commissioners.

1 The office previously known as commissioner of accounts is hereby abolished. The office
2 of fiduciary commissioner is hereby created and any reference in this code to a commissioner of
3 accounts shall, after the effective date of this section, mean fiduciary commissioner. Fiduciary
4 commissioners shall be attorneys admitted to the practice of law in this state or shall meet the
5 qualifications of fiduciary supervisors as set forth in §44-3A-1 *et seq.* of this code. ~~Provided, That~~
6 ~~persons who are serving as commissioners of accounts upon the effective date of this article shall~~
7 ~~be continued in office as fiduciary commissioners for not more than one year from the effective~~
8 ~~date of this article for the purpose of settling estates not settled on the effective date of this article.~~

9 The county commission of each county shall appoint not more than four fiduciary
10 commissioners. In counties in which there exists a separate tribunal for police and fiscal purposes,
11 that tribunal shall appoint the fiduciary commissioners. ~~In either case, not more than two of the~~
12 ~~fiduciary commissioners may be from the same political party~~

13 The fiduciary commissioner shall report to and settle accounts with the county clerk. On
14 or before the last day of March, June, September, and December, the fiduciary commissioner
15 shall file with the county clerk a report on the status and disposition of every active case referred
16 to the fiduciary commissioner. In the next succeeding term of the county commission, the county
17 clerk shall provide a copy of the report to the county commission, and shall inform the county
18 commission of any cases referred to a fiduciary commissioner in which the fiduciary commissioner
19 has not fulfilled duties relating to the case in accordance with deadlines established by law. The
20 county commission shall take appropriate action to ensure that all deadlines established by law

- 21 ~~will be~~ are observed including, if necessary, the removal of fiduciary commissioners who
- 22 consistently fail to meet ~~such~~ the deadlines.