

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 662

SENATOR SYPOLT, *original sponsor*

[Passed March 4, 2020; to take effect July 1, 2020]

1 AN ACT 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.

6 The county commission of each county shall appoint not more than four fiduciary
7 commissioners. In counties in which there exists a separate tribunal for police and fiscal purposes,
8 that tribunal shall appoint the fiduciary commissioners.

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

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

To take effect July 1, 2020.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the.....
Day of, 2020.

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Governor