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Date 3-27-79

19 MAR 27 P11:44

Time 9:10 A.M.

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979



ENROLLED

Committee Substitute for
SENATE BILL NO. 170

(By Mr. *Benson & Mr. Cator*)



PASSED March 10, 1979

In Effect July 1, 1979 ~~Passage~~



No. 170

9 MAR 27 P11: 44

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 170

(MR. BENSON and MR. OATES, *original sponsors*)

[Passed March 10, 1979; in effect July 1, 1979.]

AN ACT to amend and reenact section ten-a, article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section thirteen, article two of said chapter; to amend article nine of said chapter by adding thereto a new section, designated section six-c; and to amend and reenact section sixteen of said article nine; all relating to increasing the salaries of the justices of the supreme court and judges of the circuit court; providing that retirement benefits for retired judges and justices not be increased by virtue of certain salary increases; and specifying severability.

Be it enacted by the Legislature of West Virginia:

That section ten-a, article one, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section thirteen, article two of said chapter be amended and reenacted; that article nine of said chapter be amended by adding thereto a new section, designated section six-c; and that section sixteen of said article nine be amended and reenacted, all to read as follows:

ARTICLE 1. SUPREME COURT OF APPEALS.

§51-1-10a. Salary of justices.

- 1 The salary of each of the justices of the supreme court
- 2 of appeals shall be thirty-eight thousand dollars per year.

ARTICLE 2. CIRCUIT COURTS AND CIRCUIT JUDGES.

§51-2-13. Salaries of judges of circuit courts.

1 The salaries of the judges of the various circuit courts
2 shall be paid solely out of the state treasury. No county,
3 county commission, board of commissioners or other
4 political subdivisions shall supplement or add to such sal-
5 aries.

6 The annual salary of all circuit judges shall be thirty-
7 five thousand five hundred dollars per year.

**ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS
OF RECORD.**

**§51-9-6c. Benefits for retired judges and justices not to be in-
creased by virtue of certain salary increases.**

1 No judge or justice receiving retirement benefits under
2 the provisions of sections six and six-a of this article shall
3 be entitled to an increase in benefits by virtue of any
4 increase in the salaries of the offices of circuit court
5 judge or justice of the supreme court of appeals enacted
6 after the first day of January, one thousand nine hundred
7 seventy-nine: *Provided*, That this section shall not apply
8 to a retired judge or justice who is disabled.

§51-9-16. Severability of article.

1 If any section, subsection, clause, phrase, or require-
2 ment of this article is for any reason held to be unconsti-
3 tutional, such decision shall not affect the validity of the
4 remaining portions. The Legislature hereby declares that
5 it would have passed this article, and each section, sub-
6 section, sentence, clause or phrase and requirement there-
7 of, irrespective of the fact that any one or more sections,
8 subsections, clauses, phrases, or requirements be declared
9 unconstitutional.

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

James L. Davis
Chairman Senate Committee

Blair C. Chestnut
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1979.

J. P. Sheehan
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

H. B. ...
President of the Senate

Wade M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *27*
day of *March*, 1979.

John D. ...
Governor



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