

No: 211

# WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1986

— ● —

# ENROLLED

HOUSE BILL No. 211.....

(By ~~Mr.~~ Del. Smirl + Del. Hamilton )

— ● —

Passed ..... Sept. 9, ..... 1986

In Effect ..... From ..... Passage

**ENROLLED**  
**H. B. 211**

(By DELEGATE SMIRL AND DELEGATE HAMILTON)

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[Passed September 9, 1986; in effect from passage.]

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AN ACT to amend article nine, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section one-a; and to amend and reenact sections three, four, five, six, six-b, seven and eight of said article nine, all relating to the judges retirement system; providing a statement of legislative intent and policy, declaration of legislative determination of invalidity of expansions and revisions to judges retirement system by the supreme court of appeals, necessitating certain legislative amendments having retrospective application in such retirement system, statement of compelling state interest in legislative determination of benefits and amounts thereof for maintenance of fiscal responsibility, correct administration and lawful payments made in respect of judges retirement system, and in protection of trust fund moneys; authorizing receipt of pension benefit from other state retirement system, additionally; providing for specification by reference of eligible investments for fund moneys; clarifying the powers and duties of the state auditor as fiscal officer and trust fund fiduciary and requiring him to make independent review and final determination of qualifications and eligibility for payment or receipt of fund moneys prior to issuance of any state warrant therefor; directing the state auditor to refund certain sums with interest for payments made by certain judges; permitting judges to transfer pension credits from any or all other state retirement systems into the public employees retirement system and limiting to the single use of all retirement

credits so transferred; clarifying judge members requirement to continue to make six percent contribution from his salary for payment into judges retirement fund until eligible for full retirement benefits; deleting obsolete provisions with respect to certain payments into the fund from county commissions and as to certain other matters; specifying that military service credit to be awarded as credited service in the retirement system, with limitations thereon for such acquisitions of credit; authorizing state auditor to determine reasonable rate of interest in respect of members later joining the system and making contributions; permitting transfer to and from judges retirement system to any other retirement system at judge's choice and option; amending eligibility qualification factors; providing that after specified period of service as a judge, such judge may qualify for and be awarded as years of service time served as prosecuting attorney, upon payment therefor; terminating such service credits with respect to time served as prosecuting attorney after the year one thousand nine hundred eighty-eight; establishing criteria for eligibility of judges to receive annual retirement benefits from the fund; providing for actuarially reduced annual retirement benefits in certain cases; establishing certain criteria for retirement benefits for certain judges holding office as of the first day of September, one thousand nine hundred eighty-six; providing for payment of spouses' and dependent children's annuities and providing for the distribution thereof; right of retired judge to hold public office or trust for which salary or other compensation is receivable from the state of West Virginia with required suspension of pension to occur or disability retired judge suspension of pension upon entry into practice of law; revised qualifications and shorter period allowed in respect of certain disability retirement of judges; and revised disability retirement basis for benefit after specified date and applicable to new members of the retirement system retiring upon disability subsequent to such date.

*Be it enacted by the Legislature of West Virginia:*

That article nine, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section one-a; and that sections three, four, five, six, six-b, seven and eight of said article nine, be amended and reenacted, all to read as follows:

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

**§51-9-1a. Statement of legislative intent and policy, declaration of legislative determination of invalidity, necessity and purpose thereof; compelling state interest in fiscal requirements and responsibility relative to system trust fund; correct administration and payment of benefit.**

1 The decision of the Supreme Court of Appeals in the  
 2 case of *In Re Judge Dostert*, decision rendered November  
 3 7, 1984, hereinafter sometimes referred to in this article  
 4 as the "primary decision", relating to this optional  
 5 retirement system for justices and judges only, and the  
 6 subsequent decisions founded thereon, including the  
 7 recent case of *DePond v. Gainer, Auditor of West*  
 8 *Virginia* (1986), also relating to this retirement system  
 9 and qualifications for retirement benefits thereunder,  
 10 including the surviving spouse derivative rights and  
 11 benefits, have been so expanded, increased, and  
 12 changed, as to their fundamental nature, as to now  
 13 require this statement of legislative intent, policy and  
 14 finding, coupled with legislative amendments, so as to  
 15 provide for a clear appreciation of the original, contin-  
 16 uing and present true legislative intent in respect of this  
 17 judicial retirement system and to provide for the same  
 18 to be administered correctly, toward maintenance of  
 19 fiscal soundness and toward the making of only lawful  
 20 payments, ultimately, from the trust fund of such  
 21 system, by the state auditor as administrator of such  
 22 system and as fiduciary of the trust fund. The Dostert  
 23 decision and the subsequent decisions founded thereon,  
 24 including the DePond decision, most recently, were  
 25 founded and turned upon the interpretation and deter-

26 mination of the supreme court of appeals of true  
27 "legislative intent", as understood by the court.

28 The Legislature hereby states that the Dostert  
29 decision, the primary decision of the supreme court of  
30 appeals addressing its revision of this judicial retire-  
31 ment system, and the subsequent related decisions  
32 founded thereon, including the most recent DePond  
33 decision, incorrectly interpreted true legislative intent.  
34 Further, the subsequent actions of the court of revision,  
35 expansion, and changes in this judicial retirement  
36 system, together with the removal of the check and  
37 balance powers and duties given the state auditor and  
38 the chief executive in respect of determination and  
39 certification of eligibility for benefits, must be declined  
40 and rejected as invalid, from the very inception of the  
41 rendition of such primary Dostert decision and the  
42 related decisions, including DePond and that therefore  
43 no valid rights, new service credits, new qualifications  
44 or new elements of eligibility, nor the timing in respect  
45 of which the same might earlier vest, in any way truly  
46 vested in respect of judicial retirement benefits or  
47 derivative spousal benefits under this retirement  
48 system.

49 The Legislature hereby states and finds that its intent  
50 and policy recognizes a compelling state interest is  
51 present in carrying out its constitutional responsibilities  
52 of establishing, determining and setting reasonable  
53 compensation guidelines and amounts for judicial  
54 officers, by law, and of protecting the fiscal responsibil-  
55 ity and soundness of the moneys required for payment  
56 into the trust fund, as a part of the judicial branch  
57 budget request, which is determined by benefits payable  
58 from the judicial retirement system, and which judicial  
59 budget request may not be reduced by the Legislature,  
60 constitutionally.

61 The amendments now made to the provisions of this  
62 retirement system by the Legislature are made within  
63 the original and continuing framework of such system  
64 and with the benefits hereunder being directed toward  
65 those meeting the strict and fundamental requirements  
66 of career judicial service on the bench, of military

67 service as specifically allowed, and of prosecutorial  
68 service, deemed quasi-judicial service, in nature, as the  
69 latter may be granted. Qualified service credits of a  
70 judge or justice, not usable or qualified as service credits  
71 under this retirement system, are made usable in the  
72 public employees retirement system or in other state  
73 retirement system where the same may be qualified.

**§51-9-3. Custody, investment and administration of fund.**

1 The state treasurer shall be the custodian of the fund  
2 and of any investment securities of the retirement  
3 system and shall give a separate and additional bond for  
4 the faithful performance of his or her duties as such  
5 custodian. The governor shall fix the amount of said  
6 bond which shall be approved as to sufficiency and form  
7 by the attorney general and shall be filed in the office  
8 of the secretary of state. The premium on said bond shall  
9 be paid from the fund.

10 In a manner and to an extent consonant with sound  
11 administrative principles, the West Virginia state board  
12 of investments shall have authority to invest said fund  
13 in interest-bearing securities of the United States of  
14 America, of the state of West Virginia and of any  
15 political subdivision thereof or such other investments  
16 as may be authorized or permitted by the provision of  
17 article six, chapter twelve of this code.

18 The state auditor shall be the fiscal officer responsible  
19 for the records and administration of the fund, including  
20 budgetary matters incident to the authority vested in  
21 him or her with respect to judicial department appro-  
22 priations under article VI, section 51 of the constitution  
23 of West Virginia. The state auditor shall also, as trust  
24 fund fiduciary, independently determine anew, as a  
25 check and balance, any information concerning eligible  
26 service years, required money contributions, computa-  
27 tion of judges retirement benefit or spousal benefit or  
28 any other substantive element of qualification supplied  
29 or certified to the state auditor by any other public  
30 officer including the supreme court administrator or the  
31 chief executive toward proper final review before  
32 issuance of a state warrant in payment of any benefit

33 under the judges retirement system.

34 In respect of credited service heretofore acquired  
35 under the primary decision and subsequent related  
36 decisions specifically invalidated by the Legislature  
37 pursuant to the provisions of section one-a of this article,  
38 the state auditor shall make refund to any person  
39 heretofore making payment to acquire such service  
40 credit, in the amount so earlier paid, together with  
41 interest at the same rate such sum actually earned  
42 because of its investment, by the auditor, in the  
43 consolidated pension pool or with the interest such sum  
44 would have earned if timely invested in such pool,  
45 whichever amount of interest be greater.

**§51-9-4. Percentage contributions from salaries.**

1 (a) Every person who is now serving or shall hereafter  
2 serve as a judge of any court of record of this state shall  
3 pay into the judges' retirement fund six percent of the  
4 salary received by such person out of the state treasury:  
5 *Provided*, That when a judge becomes eligible by reason  
6 of age and years of service to receive benefits from said  
7 fund without actuarial reduction no further payment by  
8 him shall be required.

9 In drawing warrants for the salary checks of said  
10 judges, the state auditor shall deduct from the amount  
11 of each such salary check six percent thereof, which  
12 amount so deducted shall be credited by the state  
13 treasurer to said fund.

14 (b) Any judge seeking to qualify military service to be  
15 claimed as credited service, in aggregate maximum  
16 amount not to exceed five years, shall not be required  
17 to pay into the judges' retirement fund for such military  
18 time to be credited. However, any judge seeking to  
19 qualify prosecutorial service as authorized by this  
20 article to be claimed as credited service, shall be  
21 required to pay into the judges' retirement fund six  
22 percent of the annual salary which was received by such  
23 person as prosecuting attorney during the time such  
24 service was rendered and for which credit is being  
25 sought.

**§51-9-5. Election not to participate; transfers of service credit to public employees retirement system, by a judge, authorized, with required transfer of funds; duplicate use of service credit prohibited; retirement under more than one system, if qualifications met, authorized.**

1       (a) Notwithstanding any provisions of this article, any  
2 judge may in writing notify the auditor within thirty  
3 days after he takes office, or if he is in office, on the  
4 date this article becomes effective, then within thirty  
5 days from such latter date, that he elects not to make  
6 payments or contributions to the fund, in which event  
7 every judge, so electing, shall not thereafter at anytime  
8 be entitled to receive any retirement pay or benefits  
9 under provisions of this article: *Provided*, That any  
10 judge who has so elected not to contribute shall  
11 thereafter be permitted to become eligible for retire-  
12 ment benefits by paying into the judges' retirement fund  
13 all contributions he would have been required to pay  
14 into the fund, together with interest thereon at a rate  
15 to be determined by the state auditor as reasonable for  
16 such prior periods, as if he had not previously elected  
17 not to contribute. If such notice in writing be given, any  
18 deduction theretofore made from the salary of such  
19 judge and paid into the fund shall be refunded without  
20 interest, to him by the auditor by warrant drawn on the  
21 fund.

22       (b) Notwithstanding any other provisions of the code,  
23 periods of service qualifying as service credit under the  
24 statutes of any state retirement system shall be eligible  
25 for transfer by a judge to the public employees retire-  
26 ment system, together with any applicable moneys  
27 relating thereto, for use in such public employees  
28 retirement system to meet retirement qualifications  
29 therein and for receipt of retirement benefit therefrom.  
30 All such transferred service credit of a judge shall be  
31 usable only once for any retirement benefit purpose.  
32 Further, notwithstanding any other provisions of the  
33 code, there may be retirement under such public  
34 employees retirement system and receipt of pension



35 benefits therefrom, by a judge, in addition to his or her  
36 retirement from any other retirement system and  
37 without any suspension, discontinuance, or interruption  
38 of receipt of such other pension benefit payment.

**§51-9-6. Eligibility for and payment of benefits.**

1 (a) Except as otherwise provided in sections five,  
2 twelve and thirteen of this article, any person who is  
3 now serving, or who shall hereafter serve, as a judge of  
4 any court of record of this state and shall have served  
5 as such judge for a period of not less than sixteen full  
6 years and shall have reached the age of sixty-two years,  
7 or who has served as judge of such court or of that court  
8 and other courts of record of the state for a period of  
9 sixteen full years or more (whether continuously or not  
10 and whether said service be entirely before or after this  
11 article became effective, or partly before and partly  
12 after said date, and whether or not said judge shall be  
13 in office on the date he or she shall become eligible to  
14 benefits hereunder) and shall have reached the age of  
15 sixty-two years, or who is now serving, or who shall  
16 hereafter serve, as a judge of any court of record of this  
17 state and shall have served as such judge for a period  
18 of not less than twenty-four full years, regardless of age,  
19 or who shall have actually served as a sitting judge for  
20 a period of not less than twenty full years, regardless  
21 of age, shall, upon a determination and certification of  
22 his or her eligibility as provided in section nine hereof,  
23 be paid from the fund annual retirement benefits, so  
24 long as he or she shall live, in an amount equal to  
25 seventy-five percent of the annual salary of the office  
26 from which he or she has retired based upon such salary  
27 of such office and as such salary may be changed from  
28 time to time during the period of his or her retirement  
29 and the amount of his or her retirement benefits shall  
30 be based upon and be equal to seventy-five percent of  
31 the highest annual salary of such office for any one  
32 calendar year during the period of his or her retirement,  
33 and shall be payable in monthly installments: *Provided,*  
34 That such retirement benefits shall be paid only after  
35 said judge has resigned as such or, for any reason other  
36 than his or her impeachment, his or her service as such

37 has ended: *Provided, however,* That such retirement  
38 benefits shall not be paid if barred under the provisions  
39 of article ten-a, chapter five of this code.

40 (b) Notwithstanding any other provisions of this  
41 article, any person who is now serving or who shall  
42 hereafter serve as a judge of any court of record of this  
43 state and who shall have accumulated sixteen years or  
44 more of credited service, and who has attained the age  
45 of sixty years, may, if such person has actually served  
46 at least ten years as a sitting judge of a court of record,  
47 elect to retire from his or her office and to receive the  
48 pension to which he or she would otherwise be entitled  
49 to receive under the provisions of this article at age  
50 sixty-two, as such benefits are actuarially reduced to  
51 reflect the additional one or two years during which  
52 annuity benefits will be received, as a reduced annuity  
53 commencing on the first day of the month following his  
54 or her election.

55 (c) Notwithstanding any other provision of this  
56 article, any person who is now serving or who shall  
57 hereafter serve as a judge of any court of record of this  
58 state and who shall have accumulated twenty years or  
59 more of credited service, but less than twenty-four years  
60 of such service, may, irrespective of that person's age,  
61 elect to retire from his or her office and to receive the  
62 pension he would otherwise be entitled to receive under  
63 the provisions of this article with twenty-four years  
64 credited service, regardless of age, as such benefits are  
65 actuarially reduced to reflect the one to four additional  
66 years during which annuity benefits will be received, as  
67 a reduced annuity commencing on the first day of the  
68 month following his or her election.

69 (d) In determining eligibility for the benefits provided  
70 by this section, active full time duty (including leaves  
71 and furloughs) in the armed forces of the United States  
72 shall be eligible for qualification as credited military  
73 service for the purposes of this article by any judge with  
74 ten or more years actual service as a sitting judge of a  
75 court of record. The credited military service claimed  
76 for purposes of this article for time served in active full  
77 time duty in the armed forces of the United States shall

78 be limited in the aggregate to no more than five years.

79 (e) If a judge of a court of record has served for a  
80 period of not less than ten full years and has made  
81 payments into the judges' retirement fund as provided  
82 in this article for each month during which he served  
83 as judge, following the effective date of this section, any  
84 portion of time which he or she had served as prosecut-  
85 ing attorney in any county in this state shall qualify as  
86 years of service, if such judge shall pay those sums  
87 required to be paid pursuant to the provisions of  
88 subsection (b), section four of this article: *Provided*, That  
89 any term of office as prosecuting attorney, or part  
90 thereof, commencing after the thirty-first day of  
91 December, one thousand nine hundred eighty-eight,  
92 shall not qualify as years of service under this retire-  
93 ment system thereafter.

94 (f) Notwithstanding any other provision of this article,  
95 any person actually serving as a full time judge of a  
96 court of record of this state as of the first day of  
97 September, one thousand nine hundred eighty-six, and  
98 only any such person, who shall have or shall thereafter  
99 accumulate not less than eight full years as such judge  
100 and who shall have accumulated not less than twenty-  
101 four full years of total credited service shall be eligible  
102 at his or her election to retire, regardless of age, and  
103 to receive an amount equal to seventy-five percent of the  
104 annual salary of the office from which he or she has  
105 retired based upon such salary of such office and as such  
106 salary may be changed from time to time during the  
107 period of his or her retirement.

**§51-9-6b. Annuities for surviving spouses and surviving  
dependent children of judges; automatic  
escalation and increase of annuity benefit;  
proration designation by judge permitted.**

1 (a) There shall be paid, from the fund created or  
2 continued by section two of this article, or from such  
3 funds as may be appropriated by the Legislature for  
4 such purpose, an annuity to the surviving spouse of a  
5 judge, if such judge at the time of his or her death is  
6 eligible for the retirement benefits provided by any of

7 the provisions of this article, or who has, at death,  
8 actually served five years or more as a sitting judge of  
9 any court of record of this state, exclusive of any service  
10 credit to which such judge may otherwise be entitled,  
11 and who dies either while in office or after resignation  
12 or retirement from office pursuant to the provisions of  
13 this article. Said annuity shall amount to forty percent  
14 of the annual salary of the office which said judge held  
15 at his or her death or from which he or she resigned  
16 or retired. In the event said salary is increased or  
17 decreased while an annuitant is receiving the benefits  
18 hereunder, his or her annuity shall amount to forty  
19 percent of the new salary. The annuity granted here-  
20 under shall accrue monthly and shall be due and  
21 payable in monthly installments on the first business  
22 day of the month following the month for which the  
23 annuity shall have accrued. Such annuity shall com-  
24 mence on the first day of the month in which said judge  
25 dies and shall terminate upon the death or remarriage  
26 of the annuitant.

27 (b) If there be no surviving spouse of a judge and such  
28 judge at the time of his or her death leaves surviving  
29 him or her any dependent child or children, then such  
30 child or children shall succeed to the annuity to which  
31 a surviving spouse would otherwise be entitled pursuant  
32 to the provisions of subsection (a) of this section. Such  
33 annuity shall continue until such child or the youngest  
34 of such surviving children, if there be more than one  
35 such child, shall attain the age of eighteen years. If there  
36 be more than one such child surviving such judge the  
37 annuity to be received by such surviving children shall  
38 be in the total aggregate amount provided for surviving  
39 spouses under the provisions of subsection (a) of this  
40 section and shall be distributed pro rata among such  
41 children. As each of such surviving dependent children  
42 shall attain the age of eighteen years, such annuity shall  
43 not be diminished but shall continue to be distributed  
44 among such surviving children pro rata or to the sole  
45 surviving child until the youngest of such children shall  
46 attain the age of eighteen years at which time such  
47 annuity shall terminate. If any judge at the time of his  
48 or her death shall leave a surviving spouse and one or

49 more dependent children under the age of eighteen  
50 surviving such deceased judge, then such surviving  
51 spouse shall receive the annuity to which he or she  
52 would otherwise be entitled under the provisions of  
53 subsection (a) of this section and in the event such  
54 surviving spouse shall die survived by any such child or  
55 children who have not attained the age of eighteen, then  
56 such surviving children shall succeed to the annuity to  
57 which the surviving spouse was entitled under the same  
58 conditions and limitations as otherwise provided for in  
59 this subsection.

60 (c) Notwithstanding the provisions of subsections (a)  
61 and (b) of this section, a judge who has a spouse and who  
62 also has one or more dependent children who shall not  
63 have attained the age of eighteen years, may provide by  
64 designation in writing to the auditor, for the distribution  
65 of the annuity provided for in this section among such  
66 spouse and/or a child or children and in the amounts or  
67 proportions set forth in such writing, which designation  
68 shall control the distribution of the annuity authorized  
69 by this section in the event of the death of such judge.  
70 In the absence of any designated proration of the  
71 annuity as provided in this subsection, then the annuity  
72 provided by this section shall be paid in the manner  
73 provided in subsection (a) or (b) of this section.

**§51-9-7. Ineligibility to receive pay or benefits.**

1 Except as may be specifically provided in Article VIII  
2 of the Constitution of this state; a judge who retires  
3 under the provisions of any section of this article and  
4 accepts the pay or benefits payable under this article  
5 shall not while receiving said pay or benefits, be  
6 permitted to hold any public office or trust for which  
7 he or she receives compensation from the state of West  
8 Virginia. If, after retirement under the provisions of  
9 this article, he or she shall be elected or appointed to  
10 any public office or trust for which he or she receives  
11 any salary or other compensation from the state of West  
12 Virginia, his or her pay or benefits under this article  
13 shall be suspended for such time only as he or she shall  
14 occupy such office or trust.

15 A judge who retires because of disability and accepts  
16 the pay or benefits payable under this article because  
17 of his or her disability shall not, while receiving said pay  
18 or benefits because of his or her disability be permitted  
19 to practice law. If, after disability retirement under the  
20 provisions of this article and while receiving pay or  
21 benefits payable because of his or her disability, he or  
22 she shall enter the practice of law, his or her pay or  
23 benefits under this article because of his or her  
24 disability shall be suspended for such time only as he  
25 or she shall be engaged in the practice of law.

**§51-9-8. Retirement upon disability.**

1 Whenever a judge of a court of record of this state,  
2 who is not disqualified from participation herein as  
3 provided in section five of this article, who shall have  
4 served for ten full years, or if over the age of sixty-five  
5 years, who shall have served at least six years as a judge  
6 of a court of record, shall become physically or mentally  
7 incapacitated to perform the duties of his or her office  
8 as judge during the remainder of his or her term and  
9 shall make a written application to the governor for his  
10 or her retirement, setting forth the nature and extent  
11 of his or her disability and tendering his or her  
12 resignation as such judge upon condition that upon its  
13 acceptance he or she be retired with pay under the  
14 provisions of this article, the governor shall make such  
15 investigation as he or she shall deem advisable and, if  
16 he or she shall determine that such disability exists and  
17 that the public service is suffering and will continue to  
18 suffer by reason of such disability, he or she shall  
19 thereupon accept the resignation and, by written order  
20 filed in the office of the secretary of state, direct the  
21 retirement of the judge for the unexpired portion of the  
22 term for which such judge was elected or appointed. The  
23 secretary of state shall thereupon file a certified copy  
24 of said order with the state auditor. When so accepted,  
25 said resignation shall create a vacancy in said office of  
26 judge, which shall be filled by appointment or election  
27 as provided by law. The retired judge shall thereupon  
28 be paid annual retirement pay during the remainder of  
29 his or her unexpired term in an amount equal to the

30 annual salary he or she was receiving at the time of his  
31 or her retirement, which annual retirement pay, so long  
32 as it shall be paid to him or her, shall be in lieu of any  
33 and all retirement benefits such judge may otherwise  
34 have received under the provisions of this article:  
35 *Provided*, That when the payment of said retirement pay  
36 shall have terminated, such judge, even though he or she  
37 shall not have arrived at the age of sixty-five years,  
38 shall, so long as the disability determined by the  
39 governor continues to exist, be paid the retirement  
40 benefits for which provision is made in section six of this  
41 article: *Provided, however*, That in the event any such  
42 judge shall die during the continuation of his or her  
43 disability, then such judges' surviving spouse shall  
44 receive the benefits to which he or she would have been  
45 entitled pursuant to the provisions of section seven of  
46 this article and subject to the limitations thereof:  
47 *Provided further*, That any judge becoming a new  
48 member of this retirement system on or after the first  
49 day of August, one thousand nine hundred eighty-six,  
50 and retiring upon disability retirement subsequent to  
51 such date shall be paid upon the basis of seventy-five  
52 percent of highest annual salary as provided in section  
53 six of this article.

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

*Bruce O. Atkinson*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Todd C. Waich*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Dan Tonkovich*  
President of the Senate

*Joseph P. Allright*  
Speaker of the House of Delegates

The within *disappeared* this the *25th*  
day of *September*, 1986.  
*Arch A. Moore Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 9/12/86

Time 3:04 p.m.

RECEIVED

1966 SEP 20 PM 6 20

OFFICE OF THE ATTORNEY  
GENERAL OF STATE