

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

— ● —

# ENROLLED

Com. Sub. for

HOUSE BILL No. 2255

(By ~~Delegate~~ MR. Speaker MR. Chambers  
+ Delegate Swann)

[ By Request of the Executive ]

— ● —

Passed MARCH 14, 1987

In Effect From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2255**

(By MR. SPEAKER, MR. CHAMBERS and DELEGATE SWANN)  
[By request of the Executive]

[Passed March 14, 1987; in effect from passage.]

AN ACT to repeal section six-c, article nine, chapter fifty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact sections three, four, five, six, six-b, eight and sixteen of said article nine; and to further amend said article nine by adding thereto two new sections, designated sections one-a and one-b, all relating to the judges' retirement system; providing for the definition of certain terms relating thereto; providing a statement of legislative intent, policy and findings with respect to certain decisions of the West Virginia supreme court of appeals with respect to the expansion of eligibility for and payments of benefits under such system; declaring the necessity of certain legislative amendments having retrospective and prospective application in such retirement system and a statement of compelling state interest in the preservation of legislative constitutional powers and responsibilities to legislate and to establish judicial compensation and preserving the financial integrity of the system; enlarging permissible investments for fund moneys; reaffirming that state auditor be primary fiscal officer and administrator of judges' retirement system with required independent review and final determination by the state auditor with

respect to eligibility for and amount of benefit payments; directing the state auditor to refund certain moneys, with interest, in respect of payments made to acquire service pursuant to certain decisions of the West Virginia supreme court of appeals; requiring contributions be made so long as members of the system sit as judges, irrespective of whether or not such persons would otherwise qualify for benefits under said article; providing for credits toward eligibility; granting certain credits for military service without requiring payment therefor; granting certain credits for services as prosecuting attorney in certain cases, requiring payment therefor and establishing the rate of such payment; providing for the transfer of credits between the judges retirement system and the public employees retirement system; limiting the use of the same retirement credits in both systems; deleting obsolete provisions, including any required payments by county commissions into judges' retirement system trust fund; specifying military service credits allowable up to five years maximum; allowing retirement at earlier age through use of actuarially reduced percentage for pension benefit determination, receivable throughout retirement; providing for increase in retirement benefits due to increases in judicial salaries occurring during retirement; authorizing state auditor to determine reasonable rate of interest for judicial members acquiring service credit periods and payments therefor; providing for spousal annuities to be payable from all trust fund moneys, including appropriations made thereto; establishing certain benefits for surviving orphans of judges in certain cases; establishing certain new criteria for eligibility for receipt of retirement benefits by judges; requiring of minimum of twelve years actual service as a judge as a condition of eligibility of benefits; providing for shorter service period for entitlement to disability retirement for judges; revising disability retirement benefit applicable to new judge members retiring upon disability subsequent to specified date; specifying certain effective dates; and providing for severability of the provisions of said article and of the amendments thereto.

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

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

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

**§51-9-1a. Definitions.**

1 As used in this article the term “judge” or “judge of  
2 any court of record” or “judge of any court of record of  
3 this state” shall mean, refer to and include judges of the  
4 several circuit courts and justices of the supreme court  
5 of appeals.

**§51-9-1b. Statement of legislative intent, policy and finding.**

1 The decision and opinion of the state supreme court  
2 of appeals in the case of *In re Judge Dostert*, which was  
3 rendered on the seventh day of November, in the year  
4 one thousand nine hundred eighty-four and other  
5 decisions and opinions of that court based upon the  
6 *Dostert* decision have served to make substantial and  
7 fundamental changes in the retirement system for  
8 judges as established by the Legislature under the  
9 provisions of this article. These substantial and funda-  
10 mental changes have served to or resulted in (i)  
11 expanding and greatly easing the requirements neces-  
12 sary to qualify to receive retirement annuity benefits  
13 from the system, (ii) making many persons eligible for  
14 retirement annuity benefits from the system at an  
15 earlier date than would have been the case under the  
16 provisions of the article, (iii) unjustly increasing the  
17 amount of retirement annuity benefits to be received by  
18 certain judges or justices would or will receive and (iv)  
19 altering or reducing the authority of the state auditor  
20 as the primary administrator of the judges retirement  
21 fund and of the Governor to determine the eligibility of  
22 persons seeking to claim retirement annuity benefits

23 from the fund and placed these functions within the  
24 provence of the court administrator; thus removing the  
25 statutory authority of public officers outside the judicial  
26 branch of state government to determine the eligibility  
27 of judges and justices to receive such benefits or to see  
28 to the financial stability and soundness of the fund or  
29 to insure fiscal accountability with respect thereto.

30 The Legislature hereby declares that the *Dostert*  
31 decision and the subsequent decisions of the supreme  
32 court of appeals which were based upon the *Dostert*  
33 decision were not and do not constitute sound legal  
34 principles, in that they have served to rewrite contrac-  
35 tual arrangements found to exist by the supreme court  
36 of appeals in the case of *Wagoner v. Gainer* decided on  
37 the fifteenth day of June, one thousand nine hundred  
38 eighty-one and, further, usurped the authority of the  
39 Legislature to determine or formulate the public policy  
40 of this state as required by article V, section 1 and  
41 article VI, section 1 of the Constitution of West Virginia  
42 and further usurped the authority of the Legislature to  
43 set judicial compensation.

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

56 The amendments now made to the provisions of this  
57 retirement system by the Legislature are made within  
58 the original and continuing framework of such system  
59 and with the benefits hereunder being directed toward  
60 those meeting the strict and fundamental requirements  
61 of career judicial service on the bench, of military  
62 service and service as a prosecuting attorney as granted  
63 by this article.

**§51-9-3. Custody, permissible investment and administration of retirement system trust fund; state auditor's authority as administrator and trust fund fiduciary; refunds required, including interest.**

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 such  
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 such bond  
9 shall be paid from the fund.

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

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

35 In respect of any credited service heretofore acquired

36 under the *Dostert* decision and subsequent related  
37 decisions, the state auditor shall make refund to any  
38 person heretofore making payment to acquire such  
39 service credit, primary or derivative, in the amount so  
40 earlier paid, together with interest at the same rate such  
41 sum actually earned because of its investment by the  
42 auditor or treasurer, as the case may be, 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. Required percentage contributions from salaries; any termination of required contributions prior to actual retirement disallowed; military service credit and maximum allowable; qualifiable prosecutorial service.**

1 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 to receive  
6 benefits from such trust fund by actual retirement, no  
7 further payment by him or her shall be required, since  
8 such employee contribution, in an equal treatment sense,  
9 ceases to be required in the other retirement systems of  
10 the state, also, only after actual retirement. Any prior  
11 occurrence or practice to the contrary, in any way  
12 allowing discontinuance of required employee contribu-  
13 tions prior to actual retirement under this retirement  
14 system, is rejected, as erroneous and contrary to  
15 legislative intent, and as violative of required equal  
16 treatment and is hereby nullified and discontinued fully,  
17 with the state auditor to require such contribution in  
18 every instance hereafter, except where no contributions  
19 are required to be made any of the provisions of this  
20 article.

21 In drawing warrants for the salary checks of judges,  
22 the state auditor shall deduct from the amount of each  
23 such salary check six percent thereof, which amount so  
24 deducted shall be credited by the state treasurer to the  
25 trust fund.

26 Any judge seeking to qualify military service to be  
27 claimed as credited service, in allowable aggregate  
28 maximum amount up to five years, shall be entitled to  
29 be awarded the same without any required payment in  
30 respect thereof to the judges' retirement fund. Any  
31 judge holding office as such on the effective date of the  
32 amendments to this article adopted by the Legislature  
33 at its regular session in the year one thousand nine  
34 hundred eighty-seven, who seeks to qualify service as a  
35 prosecuting attorney as credited service, which service  
36 credit must have been earned prior to the year one  
37 thousand nine hundred eighty-seven, shall be required  
38 to pay into the judges' retirement fund six percent of  
39 the annual salary which was actually received by such  
40 person as prosecuting attorney during the time such  
41 prosecutorial service was rendered prior to the year one  
42 thousand nine hundred eighty-seven, and for which  
43 credited service is being sought, together with applica-  
44 ble interest. No judge whose term of office shall  
45 commence after the effective date of such amendments  
46 to this article, shall be eligible to claim any credit for  
47 service rendered as a prosecuting attorney as eligible  
48 service for retirement benefits under this article, nor  
49 shall any time served as a prosecutor after the year one  
50 thousand nine hundred eighty-eight, be considered as  
51 eligible service for any purposes of this article.

**§51-9-5. Election not to participate, contribute, or be a member; authorized transfers of service credit by a judge; duplicate use of service credit prohibited.**

1 (a) Notwithstanding any provisions of this article, any  
2 judge may in writing notify the auditor within thirty  
3 days after he or she takes office, or, if he or she is in  
4 office, on the date this article becomes effective, then  
5 within thirty days from such latter date, that such judge  
6 elects not to become a member or make any payments  
7 or contributions to the trust fund, in which event every  
8 judge, so electing, shall not thereafter at any time be  
9 entitled to receive any retirement pay or benefits under  
10 provisions of this article, and any deduction that may  
11 have theretofore been made from the salary of such

12 judge and paid into the fund shall be refunded without  
13 interest, to him or her by the auditor by warrant drawn  
14 on the trust fund. Any judge who has so elected not to  
15 become a member or not to contribute, shall neverthe-  
16 less thereafter be permitted to become such member,  
17 contribute and become eligible for retirement benefits  
18 by paying into the judges' retirement fund all contribu-  
19 tions such judge would have been required to pay into  
20 the fund, together with interest thereon at a rate to be  
21 determined by the state auditor as reasonable for such  
22 prior periods, as if such judge had not previously elected  
23 not to be a member and not to contribute.

24 (b) There may be transfers of service credit on proper  
25 basis between the judges' retirement system and the  
26 public employees retirement system, where such service  
27 credit constitutes qualified and eligible credit under the  
28 recipient system's statutes, in order to allow full  
29 flexibility of choice of option by a judge or judicial  
30 member; but in no case shall benefits be receivable from  
31 more than one of such state retirement systems, nor  
32 shall any service credit be usable more than once and  
33 then only in the finally chosen state retirement system.

**§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, and subject to the  
3 provisions of subsection (e) of this section, any person  
4 who is now serving, or who shall hereafter serve, as a  
5 judge of any court of record of this State and shall have  
6 served as such judge for a period of not less than sixteen  
7 full years and shall have reached the age of sixty-five  
8 years, or who has served as judge of such court or of  
9 that court and other courts of record of the State for a  
10 period of sixteen full years or more (whether continu-  
11 ously or not and whether said service be entirely before  
12 or after this article became effective, or partly before  
13 and partly after said date, and whether or not said judge  
14 shall be in office on the date he or she shall become  
15 eligible to benefits hereunder) and shall have reached  
16 the age of sixty-five years, or who is now serving, or who  
17 shall hereafter serve, as a judge of any court of record  
18 of this State and shall have served as such judge for a

19 period of not less than twenty-four full years, regardless  
20 of age, shall, upon a determination and certification of  
21 his or her eligibility as provided in section nine hereof,  
22 be paid from the fund annual retirement benefits, so  
23 long as he or she shall live, in an amount equal to  
24 seventy-five percent of the annual salary of the office  
25 from which he or she has retired based upon such salary  
26 of such office and as such salary may be changed from  
27 time to time during the period of his or her retirement  
28 and the amount of his or her retirement benefits shall  
29 be based upon and be equal to seventy-five percent of  
30 the highest annual salary of such office for any one  
31 calendar year during the period of his or her retirement,  
32 and shall be payable in monthly installments: *Provided,*  
33 That such retirement benefits shall be paid only after  
34 such judge has resigned as such or, for any reason other  
35 than his or her impeachment, his or her service as such  
36 has ended: *Provided, however,* That every such person  
37 seeking to retire and to receive the annual retirement  
38 benefits provided by this subsection must have served  
39 a minimum of twelve years as a sitting judge of any such  
40 court of record.

41 (b) Notwithstanding any other provisions of this  
42 article, any person who is now serving or who shall  
43 hereafter serve as a judge of any court of record of this  
44 state and who shall have accumulated sixteen years or  
45 more of credited service, at least twelve years of which  
46 is as a sitting judge of a court of record, and who has  
47 attained the age of sixty-two years or more but less than  
48 the age of sixty-five years, may elect to retire from his  
49 or her office and to receive the pension to which he or  
50 she would otherwise be entitled to receive at age sixty-  
51 five, but with an actuarial reduction of pension benefit  
52 to be established as a reduced annuity receivable  
53 throughout retirement. The reduced percentage (less  
54 than seventy-five percent) actuarially computed, deter-  
55 mined and established at time of retirement in respect  
56 of this reduced pension benefit shall also continue and  
57 be applicable to any subsequent new annual salary set  
58 for the office from which such judge has retired and as  
59 such salary may be changed from time to time during  
60 the period of his or her retirement.

61 (c) In determining eligibility for the benefits provided  
62 by this section, active full time duty (including leaves  
63 and furloughs) in the armed forces of the United States  
64 shall be eligible for qualification as credited military  
65 service for the purposes of this article by any judge with  
66 twelve or more years actual service as a sitting judge  
67 of a court of record, such awardable military service to  
68 not exceed five years.

69 (d) If a judge of a court of record has who is presently  
70 sitting as such on the effective date of the amendments  
71 to this section enacted by the Legislature at its regular  
72 session held in the year one thousand nine hundred  
73 eighty-seven, and who has served for a period of not less  
74 than twelve full years and has made payments into the  
75 judges' retirement fund as provided in this article for  
76 each month during which he served as judge, following  
77 the effective date of this section, any portion of time  
78 which he or she had served as prosecuting attorney in  
79 any county in this state shall qualify as years of service,  
80 if such judge shall pay those sums required to be paid  
81 pursuant to the provisions of section four of this article:  
82 *Provided*, That any term of office as prosecuting  
83 attorney, or part thereof, commencing after the thirty-  
84 first day of December, one thousand nine hundred  
85 eighty-eight, shall not hereafter in any way qualify as  
86 eligible years of service under this retirement system.

87 (e) Any retirement benefit accruing under the provi-  
88 sions of this section shall not be paid if otherwise barred  
89 under the provisions of article ten-a, chapter five of this  
90 code.

**§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 other  
10 service credit to which such judge may otherwise be  
11 entitled, and who dies either while in office or after  
12 resignation or retirement from office pursuant to the  
13 provisions of this article. Said annuity shall amount to  
14 forty percent of the annual salary of the office which  
15 said judge held at his or her death or from which he  
16 or she resigned or retired. In the event said salary is  
17 increased or decreased while an annuitant is receiving  
18 the benefits hereunder, his or her annuity shall amount  
19 to forty percent of the new salary. The annuity granted  
20 hereunder 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, subject to the provisions of subsection (b)  
26 of this section, terminate upon the death of the annuitant  
27 or shall terminate upon the remarriage of the annuitant.

28 (b) If there be no surviving spouse at the time of death  
29 of a judge who dies after serving five years or more as  
30 a sitting judge of any court of record and such judge  
31 leaves surviving him any dependent child or children  
32 such dependent child or children shall receive an  
33 amount equal to twenty percent of the annual salary of  
34 the office which said judge held at the time of his or  
35 her death: *Provided*, That the total of all such annuities  
36 payable to each such child shall not exceed in the  
37 aggregate an amount equal to forty percent of such  
38 salary. Such annuity shall continue as to each such child  
39 until (i) he or she attains the age of eighteen years or  
40 (ii) attains the age of twenty-three years so long as such  
41 child remains a full-time student. The auditor shall by  
42 legislative rule establish the criteria for determining a  
43 person's status as a full-time student within the meaning  
44 and intent of this subsection. In the event there are  
45 surviving any such judge three or more dependent  
46 children, then each such child's annuity shall be  
47 proratably reduced in order that the aggregate annuity  
48 received by all such dependent children does not exceed

49 forty percent of such salary and the amount to be so  
50 received by any such child shall continue throughout the  
51 entire period during which each such child is eligible  
52 to receive such annuity. The provisions of this subsection  
53 shall also apply to those circumstances and situations  
54 wherein a surviving spouse of a deceased judge shall die  
55 while receiving benefits pursuant to subsection (a) of  
56 this section and who shall leave surviving dependant  
57 children of such deceased judge who would be entitled  
58 to benefits under this subsection as if they had suc-  
59 ceeded to such annuity benefits upon the death of such  
60 judge in the first instance. In the event the salary of  
61 judges is increased or decreased while an annuitant is  
62 receiving benefits pursuant to this subsection, the  
63 annuities payable shall be likewise increased or de-  
64 creased proportionately to reflect such change in salary.  
65 The annuities granted hereunder shall accrue monthly  
66 and shall be due and payable in monthly installments  
67 on the same day as surviving spouses benefits are  
68 required to be paid. Such annuities shall commence on  
69 the first day of the month in which any such dependent  
70 child becomes eligible for benefits hereunder and shall  
71 terminate on the last day of the month during which  
72 such eligibility ceases.

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

1 (a) 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 the governor shall deem advisable and,  
16 if the governor shall determine that such disability

17 exists and that the public service is suffering and will  
18 continue to suffer by reason of such disability, the  
19 governor shall thereupon accept the resignation and, by  
20 written order filed in the office of the secretary of state,  
21 direct the retirement of the judge for the unexpired  
22 portion of the term for which such judge was elected or  
23 appointed. The secretary of state shall thereupon file a  
24 certified copy of such order with the state auditor. When  
25 so accepted, said resignation shall create a vacancy in  
26 such office of judge, which shall be filled by appoint-  
27 ment or election as provided by law. The retired judge  
28 shall thereupon be paid annual retirement pay during  
29 the remainder of his or her unexpired term in an  
30 amount equal to the annual salary he or she was  
31 receiving at the time of his or her disability retirement,  
32 which annual retirement pay, so long as it shall be paid  
33 to him or her, shall be in lieu of any and all retirement  
34 benefits such judge may otherwise have received under  
35 provisions of this article: *Provided*, That when the  
36 payment of such full salary as disability retirement pay  
37 shall have terminated with the close of his or her term  
38 of office, such judge, even though he or she shall not  
39 have arrived at the age of sixty-five years, shall, so long  
40 as the disability determined by the governor continues  
41 to exist, be paid the retirement benefits for which  
42 provision is made in section six of this article: *Provided*,  
43 *however*, That in the event any such judge shall die  
44 during the continuation of his or her disability, then  
45 such judge's surviving spouse shall receive the benefits  
46 to which he or she would have been entitled pursuant  
47 to the provisions of section six-b of this article and  
48 subject to the limitations thereon: *Provided further*, That  
49 any judge becoming a new member of this retirement  
50 system on or after the first day of April, one thousand  
51 nine hundred eighty-seven, and retiring upon disability  
52 retirement subsequent to such date shall be paid upon  
53 the basis of seventy-five percent of highest annual  
54 salary, with allowable salary increase, as provided in  
55 section six of this article during all disability retirement  
56 receipt periods.

57 (b) Any other provision of this section to the contrary  
58 notwithstanding, no judge shall be eligible pursuant to

59 this section unless such judge is also disabled to such an  
60 extent so as to preclude such judge from engaging in  
61 the practice of law during all of the period of such  
62 disability.

**§51-9-16. Severability of article and amendments thereto.**

1 If any section, subsection, clause, phrase or require-  
2 ment of this article or if any section, subsection clause,  
3 phrase or requirement of this article as amended by the  
4 Legislature at its regular session held in the year one  
5 thousand nine hundred eighty-seven, if for any reason  
6 held to be unconstitutional, such decision shall not affect  
7 the validity of the remaining portions. The Legislature  
8 hereby declares that it would have passed this article,  
9 and each section, subsection, sentence, clause or phrase  
10 and requirement thereof, including any amendments  
11 thereto adopted by the Legislature at its regular session  
12 held in the year one thousand nine hundred eighty-  
13 seven, irrespective of the fact that any one or more  
14 sections, subsections, clauses, phrases or requirements  
15 be declared unconstitutional.

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

*Bruce O. Abitton*  
.....  
Chairman Senate Committee

*Lyle Settes*  
.....  
Chairman House Committee  
Member

Originating in the House.

Takes effect from passage.

*Todd A. Killis*  
.....  
Clerk of the Senate

*Donald J. Hopp*  
.....  
Clerk of the House of Delegates

*Sam Tankin*  
.....  
President of the Senate

*John O. Chittenden*  
.....  
Speaker of the House of Delegates

The within *approved* this the *31<sup>st</sup>*  
*March* day of ....., 1987.

*Arch A. Hancock*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 4:36 p.m.

RECEIVED

1971 APR -1 PM 3:10

OFFICE OF THE  
DIRECTOR OF THE  
BUREAU OF REVENUE