WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. 4063

(By Delegates Rowland and Trump)

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Passed March 12, 1994

In Effect 90 Days From Passage
ENROLLED

H. B. 4063

(By Delegates Rowe and Trump)

[Passed March 12, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article six, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section four, article nine, chapter fifty-one of said code, all relating to the retirement of judicial officers; providing for the retirement of incapacitated justices, judges and magistrates, and the expulsion of members of the Legislature; and increasing required contributions to the retirement system for judges of courts of record.

Be it enacted by the Legislature of West Virginia:

That section two, article six, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section four, article nine, chapter fifty-one of said code by amended and reenacted, all to read as follows:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 6. REMOVAL OF OFFICERS.

§6-6-2. Retirement of incapacitated justices, judges and magistrates; expulsion of members of Legislature.

1 Any justice, judge, or magistrate may be retired from
2 office because of advancing years and attendant physical
3 or mental incapacity, in the manner prescribed in
section eight of article eight of the constitution of this
state, and by rules prescribed, adopted, promulgated
and amended pursuant thereto.

The Senate or House of Delegates may expel a
member of the body in the manner prescribed in section
twenty-five of article six of the constitution.

CHAPTER 51. COURTS AND THEIR OFFICERS.

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

§51-9-4. Required percentage contributions from salar-
ies; any termination of required contributions
prior to actual retirement disallowed; military
service credit and maximum allowable; qua-
lifiable prosecutorial service.

(a) Every person who is now serving or shall hereafter
serve as a judge of any court of record of this state shall
pay into the judges' retirement fund six percent of the
salary received by such person out of the state treasury:
Provided, That when a judge becomes eligible to receive
benefits from such trust fund by actual retirement, no
further payment by him or her shall be required, since
such employee contribution, in an equal treatment sense,
ceases to be required in the other retirement systems of
the state, also, only after actual retirement: Provided,
however, That on and after the first day of January, one
thousand nine hundred ninety-five, every person who is
then serving or shall thereafter serve as a judge of any
court of record in this state shall pay into the judges'
retirement fund nine percent of the salary received by
that person. Any prior occurrence or practice to the
contrary, in any way allowing discontinuance of re-
quired employee contributions prior to actual retire-
ment under this retirement system, is rejected as
equivocal of required equal treatment and is hereby
nullified and discontinued fully, with the state auditor
to require such contribution in every instance hereafter,
except where no contributions are required to be made
under any of the provisions of this article.

In drawing warrants for the salary checks of judges,
the state auditor shall deduct from the amount of each such salary check six percent thereof, which amount so deducted shall be credited by the consolidated public retirement board to the trust fund: Provided, That on or after the first day of January, one thousand nine hundred ninety-five, the amount so deducted and credited shall be nine percent of each such salary check.

Any judge seeking to qualify military service to be claimed as credited service, in allowable aggregate maximum amount up to five years, shall be entitled to be awarded the same without any required payment in respect thereof to the judges' retirement fund. Any judge holding office as such on the effective date of the amendments to this article adopted by the Legislature at its regular session in the year one thousand nine hundred eighty-seven, who seeks to qualify service as a prosecuting attorney as credited service, which service credit must have been earned prior to the year one thousand nine hundred eighty-seven, shall be required to pay into the judges' retirement fund nine percent of the annual salary which was actually received by such person as prosecuting attorney during the time such prosecutorial service was rendered prior to the year one thousand nine hundred eighty-seven, and for which credited service is being sought, together with applicable interest. No judge whose term of office shall commence after the effective date of such amendments to this article shall be eligible to claim any credit for service rendered as a prosecuting attorney as eligible service for retirement benefits under this article, nor shall any time served as a prosecutor after the year one thousand nine hundred eighty-eight, be considered as eligible service for any purposes of this article.

(b) The Legislature finds that any increase in salary for judges of courts of record directly affects the actuarial soundness of the retirement system for judges of courts of record and therefore, an increase in the required percentage contributions of members of that retirement system is the same subject for purposes of determining the single object of this bill.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

President of the Senate

Speaker of the House of Delegates

The within bill approved this the 30th day of March, 1994. 

Governor