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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

HOUSE BILL No. 4063

(By Delegates Rowe and Trump)



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 be 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

4 section eight of article eight of the constitution of this
5 state, and by rules prescribed, adopted, promulgated
6 and amended pursuant thereto.

7 The Senate or House of Delegates may expel a
8 member of the body in the manner prescribed in section
9 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 salaries; any termination of required contributions prior to actual retirement disallowed; military service credit and maximum allowable; qualified prosecutorial service.

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 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: *Provided*,
11 *however*, That on and after the first day of January, one
12 thousand nine hundred ninety-five, every person who is
13 then serving or shall thereafter serve as a judge of any
14 court of record in this state shall pay into the judges'
15 retirement fund nine percent of the salary received by
16 that person. Any prior occurrence or practice to the
17 contrary, in any way allowing discontinuance of re-
18 quired employee contributions prior to actual retire-
19 ment under this retirement system, is rejected as
20 erroneous and contrary to legislative intent and as
21 violative of required equal treatment and is hereby
22 nullified and discontinued fully, with the state auditor
23 to require such contribution in every instance hereafter,
24 except where no contributions are required to be made
25 under any of the provisions of this article.

26 In drawing warrants for the salary checks of judges,

27 the state auditor shall deduct from the amount of each
28 such salary check six percent thereof, which amount so
29 deducted shall be credited by the consolidated public
30 retirement board to the trust fund: *Provided*, That on
31 or after the first day of January, one thousand nine
32 hundred ninety-five, the amount so deducted and
33 credited shall be nine percent of each such salary check.

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

60 (b) The Legislature finds that any increase in salary
61 for judges of courts of record directly affects the
62 actuarial soundness of the retirement system for judges
63 of courts of record and therefore, an increase in the
64 required percentage contributions of members of that
65 retirement system is the same subject for purposes of
66 determining the single object of this bill.

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



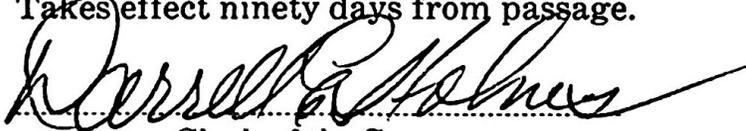
Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.



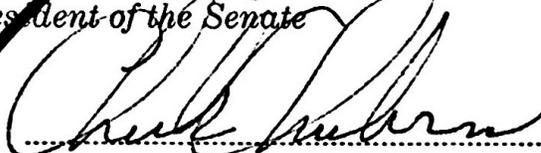
Clerk of the Senate



Clerk of the House of Delegates

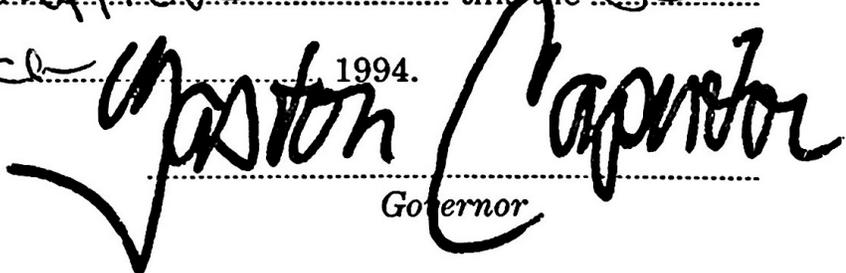


President of the Senate



Speaker of the House of Delegates

The within is approved _____ this the 30th day of March 1994.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 4:10 pm