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2007 APR -3 PM 4: 25

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

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**ENROLLED**

**Senate Bill No. 208**

(By SENATORS KESSLER, OLIVERIO, CHAFIN, FOSTER, GREEN,  
HUNTER, JENKINS, MINARD, STOLLINGS, WELLS, WHITE,  
BARNES, CARUTH, DEEM, HALL, MCKENZIE AND YODER)

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[Passed March ~~4~~<sup>5</sup>, 2007; in effect ninety days from passage.]

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## Senate Bill No. 208

(BY SENATORS KESSLER, OLIVERIO, CHAFIN, FOSTER, GREEN,  
HUNTER, JENKINS, MINARD, STOLLINGS, WELLS, WHITE,  
BARNES, CARUTH, DEEM, HALL, MCKENZIE AND YODER)

[Passed March 5, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §51-9-9 of the Code of West Virginia, 1931, as amended, relating to requiring certified copies of eligibility for judicial retirement be provided to the Supreme Court of Appeals and the Consolidated Public Retirement Board; and making stylistic changes throughout.

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

That §51-9-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§51-9-9. Determination of eligibility for benefits.**

1 Before any person is entitled to retirement benefits  
2 under the provisions of this article, he or she shall  
3 submit proof of his or her eligibility for retirement  
4 benefits to the Governor. If the judge is still sitting, he  
5 or she shall at the same time tender to the Governor his  
6 or her resignation as judge to the Governor upon  
7 condition that, if the resignation is accepted, he or she  
8 will be paid retirement benefits as provided in this  
9 article. Upon request for retirement by a sitting judge,  
10 the Governor shall investigate to the extent he or she  
11 deems advisable to determine the judge's eligibility. If  
12 the Governor determines that such person is entitled to  
13 retirement benefits under the provisions of this article,  
14 the Governor shall accept the resignation and certify  
15 the facts and the amount of retirement benefits to be  
16 paid to the judge upon retirement by a written order  
17 filed in the office of the Secretary of State. The  
18 Secretary of State shall, upon receipt of the order, file  
19 a certified copy of the order with the State Auditor, the  
20 Governor's office, the Supreme Court of Appeals'  
21 administrative office and the Consolidated Public  
22 Retirement Board. After accepting the judge's  
23 resignation, a vacancy is created in the office of the  
24 retiring judge which shall be filled by appointment or  
25 election as provided by law.

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

*C. White*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Parrell E. White*  
.....  
Clerk of the Senate

*Suzanne M. Sawyer*  
.....  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *3rd* Day of *April* ....., 2007.

*[Signature]*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 20 2007

Time 3:30 pm