

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

Com. Sub. in
SENATE BILL NO. 144

(By Mr. *Gavin and Mr. Jackson*
original sponsor)

PASSED March 13, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-19-65

144

ENROLLED

JUDICIARY

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 144

(By Mr. GAINER and Mr. JACKSON original sponsors)

[Passed March 13, 1965; in effect ninety days from passage.]

AN ACT to amend chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelve, relating to a compulsory retirement age for employees of the state of West Virginia, any board, commission, department, institution or spending unit; prohibiting the hiring of persons who have attained such age or are older; and providing for enforcement of the provisions of the article.

Be it enacted by the Legislature of West Virginia:

That chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding

thereto a new article, designated article twelve, to read as follows:

Article 12. Compulsory Retirement Age Act.

Section 1. Short Title.—This article may be cited and referred to as the “Compulsory Retirement Age Act”.

Sec. 2. Definitions.—The following words and phrases when used in this article, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) “Employer” means the state of West Virginia, any board, commission, department, institution or spending unit, but shall not include the Legislature.

(b) “Employee” means any person who receives compensation in the amount of one hundred dollars or more in a calendar month from an employer as herein defined, but shall not include any person appointed by the governor with the advice and consent of the senate, nor the director of the department of health, nor the state superintendent of free schools, nor attaches or employees of the Legislature nor any medical doctor employed by the department of mental health or the commissioner of public institutions.

18 (c) "Elected official" means any elected official of the
19 state of West Virginia, and includes judges of courts of
20 record of the state of West Virginia.

Sec. 3. Compulsory Retirement Age.—As of July one,
2 one thousand nine hundred sixty-six, all employees, as
3 defined in section two of this article, who have attained
4 age seventy or who thereafter attain such age shall have
5 their work for any employer, as defined in section two
6 of this article, terminated: *Provided, however,* That the
7 governor or the supreme court of appeals may permit a
8 person appointed by him or it to any office or position
9 who has reached the mandatory retirement age to con-
10 tinue in such office or position at his or its will and
11 pleasure.

12 On and after the effective date of this article, no person
13 seventy years of age or older shall be hired by any em-
14 ployer as defined in said section two.

Sec. 4. Elected Officials and Their Employees.—The pro-
2 visions of this article imposing a mandatory retirement
3 age shall not apply to elected officials as defined in section
4 two of this article but shall apply in all respects to all

5 employees of such elected officials.

Sec. 5. Enforcement.—After July one, one thousand nine
2 hundred sixty-six, each payroll submitted to the state
3 auditor shall contain a certification by the individual sub-
4 mitting same that to the best of his knowledge and
5 belief no person whose name is listed thereon is
6 seventy years of age or older. If it is brought to the
7 attention of the state auditor after said date that an em-
8 ployee as defined in section two of this article is empolyed
9 by an employer as therein defined in violation of the pro-
10 visions of this article, the state auditor shall not issue
11 a warrant for payment of said employee's services.

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

C. Ray Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* Passage.

J. Bruce Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Harvard E. Carson
President of the Senate

H. Leban White
Speaker House of Delegates

The within *approved* this the *19*
day of *March*, 1965.

Hubert C. Smith
Governor



Presented to the Governor's Office

March 18, 1965

4:30 P. M.