WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 144

(By Mr.嘉宾和 Mr.杰克逊)

PASSED March 13, 1965

In Effect Ninety days from Passage

# 144

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


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

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

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

Sec. 4. Elected Officials and Their Employees.—The provisions of this article imposing a mandatory retirement age shall not apply to elected officials as defined in section two of this article but shall apply in all respects to all
Sec. 5. Enforcement.—After July one, one thousand nine hundred sixty-six, each payroll submitted to the state auditor shall contain a certification by the individual submitting same that to the best of his knowledge and belief no person whose name is listed thereon is seventy years of age or older. If it is brought to the attention of the state auditor after said date that an employee as defined in section two of this article is employed by an employer as therein defined in violation of the provisions of this article, the state auditor shall not issue a warrant for payment of said employee’s services.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker  
Chairman, Senate Committee

James W. Loop  
Chairman, House Committee

Originated in the Senate.

Takes effect Ninety days from Passage.

J. Harwood Rippe  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Harris  
President of the Senate

H. Robert White  
Speaker House of Delegates

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

Hulet C. Smith  
Governor
Presented to the Governor's Office
March 16, 1965
4:30 P.M.