

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

ENROLLED

*Com. Sub. pm*

SENATE BILL NO. 144

(By Mr. Gavin and Mr. Jackson  
original sponsors)

PASSED March 13, 1965

In Effect Ninety days pm 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)

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

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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 employed  
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 *thirty days from* Passage.

*J. Howard Meyer*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*Howard H. Hanson*  
President of the Senate

*H. Lehan White*  
Speaker House of Delegates

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

*Street C. Smith*  
Governor



Presented to the Governor's Office

March 18, 1965

4:30 P.M.