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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973

ENROLLED

SENATE BILL NO. 119

(By Mr. Nelson)

PASSED April 13, 1973

In Effect 90 Day from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

Veto - 119

ENROLLED

Senate Bill No. 119

(By Mr. Nelson)

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section seventeen, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to membership in the West Virginia public employees retirement system and permitting retired members of the department of public safety or retired members of any municipal policemen or firemen retirement system to participate therein; limitations.

Be it enacted by the Legislature of West Virginia:

That section seventeen, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-17. Retirement system membership.

1 The membership of the retirement system shall consist of the following persons:

2
3 (a) All employees, as defined in section two of this
4 article, who are in the employ of a political subdivision
5 the day preceding the date it becomes a participating
6 public employer and who continue in the employ of the
7 said participating public employer on or after the said
8 date shall become members of the retirement system;
9 and all persons who become employees of a participating
10 ing public employer on or after the said date shall there-

11 upon become members of the system; except as pro-
12 vided in subdivisions (b) and (c) of this section.

13 (b) The membership of the retirement system shall
14 not include any person who is a member of, or who has
15 been retired by, the state teachers' retirement system,
16 the judges' retirement system, the retirement system of
17 the department of public safety, or any municipal retire-
18 ment system for either, or both, policemen or firemen;
19 and the West Virginia department of employment
20 security, by the commissioner of such department, may
21 elect whether its employees will accept coverage
22 under this article or be covered under the authoriza-
23 tion of a separate enactment: *Provided*, That such ex-
24 clusions of membership shall not apply to any member
25 of the state Legislature, the clerk of the House of Dele-
26 gates, the Clerk of the state Senate or to any member
27 of the legislative body of any political subdivision pro-
28 vided he once becomes a contributing member of the
29 retirement system: *Provided further*, That any retired
30 member of the department of public safety or of any
31 municipal retirement system for either, or both, police-
32 men or firemen may on and after the effective date of
33 this act become a member of the retirement system
34 as provided in this article; a retired member of any
35 municipal retirement system for either, or both,
36 policemen or firemen may receive credited ser-
37 vice for periods only on and after such effective date,
38 and upon regular payment of the member's contribu-
39 tion as provided in section twenty-nine (b), when em-
40 ployed by a participating public employer; however, a
41 retired member of the department of public safety may
42 acquire credited service for any period on or after
43 July one, one thousand nine hundred sixty-one, and prior to
44 the effective date of this act, upon payment within six
45 months after the effective date of this act of a sum
46 necessary to constitute a regular member's contribu-
47 tion, together with interest, for such period, when
48 employed by a participating public employer.

49 (c) Any member of the state Legislature, the clerk of
50 the House of Delegates, the clerk of the state Senate
51 or any member of the legislative body of any other
52 political subdivision shall become a member of the re-

53 tirement system provided he notifies the retirement
54 system in writing of his intention to be a member of
55 the system and files a membership enrollment form as
56 the board of trustees shall prescribe, and each person,
57 upon filing his written notice to participate in the re-
58 tirement system, shall by said act authorize the clerk
59 of the House of Delegates or the clerk of the state
60 Senate or such person as the legislative body of any
61 other political subdivision shall designate to deduct said
62 member's contribution, as provided in section twenty-
63 nine-b of this article, and after said deductions have
64 been made from said member's compensation, such
65 deductions shall be forwarded to the retirement sys-
66 tem.

67 (d) Should any question arise regarding the member-
68 ship status of any employee, the board of trustees has
69 the final power to decide the question.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Christian, Jr.
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Brotherton, Jr.
President of the Senate

Levin J. McManus
Speaker House of Delegates

The within disapproved this the 27th
day of April, 1973.

Arch A. Shaver, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/27/13

Time 10:39 a.m.