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SECRETARY OF STATE  
STATE OF WEST VIRGINIA

## WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

— ● —

# ENROLLED

*Committee Substitute for*

HOUSE BILL No. 1228

(By Mr. Altmeyer & Mr. Kopp)

— ● —

PASSED March 13, 1976

In Effect ninety days from Passage



C 641

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/30/76

**ENROLLED**

**COMMITTEE SUBSTITUTE**

**FOR**

**H. B. 1228**

**(By MR. ALTMAYER and MR. KOPP)**

**(Originating in the House Committee on Finance)**

[Passed March 13, 1976; 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 retirement system and 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
- 2 following persons:
- 3 (a) All employees, as defined in section two of this article,
- 4 who are in the employ of a political subdivision the day pre-

5 ceding the date it becomes a participating public employer and  
6 who continue in the employ of the said participating public em-  
7 ployer on and after the said date shall become members of the  
8 retirement system; and all persons who become employees of a  
9 participating public employer on or after the said date shall  
10 thereupon become members of the system; except as pro-  
11 vided in subdivisions (b) and (c) of this section.

12 (b) The membership of the retirement system shall not  
13 include any person who is a member of, or who has been re-  
14 tired by, the state teachers' retirement system, the judges' re-  
15 tirement system, the retirement system of the department of  
16 public safety, or any municipal retirement system for either, or  
17 both, policemen or firemen; and the West Virginia department  
18 of employment security, by the commissioner of such depart-  
19 ment, may elect whether its employees will accept coverage  
20 under this article or be covered under the authorization of a  
21 separate enactment: *Provided*, That such exclusions of mem-  
22 bership shall not apply to any member of the state Legislature,  
23 the clerk of the House of Delegates, the clerk of the state  
24 Senate or to any member of the legislative body of any  
25 political subdivision provided he once becomes a contributing  
26 member of the retirement system: *Provided, however*, That  
27 any retired member of the retirement system of the department  
28 of public safety, and any retired member of any municipal  
29 retirement system for either, or both, policemen or firemen  
30 may on and after the effective date of this act become a mem-  
31 ber of the retirement system as provided in this article, without  
32 receiving credit for prior service as a municipal policeman or  
33 fireman or as a member of the department of public safety.

34 (c) Any member of the state Legislature, the clerk of the  
35 House of Delegates, the clerk of the state Senate or any mem-  
36 ber of the legislative body of any other political subdivision  
37 shall become a member of the retirement system provided  
38 he notifies the retirement system in writing of his intention to  
39 be a member of the system and files a membership enrollment  
40 form as the board of trustees shall prescribe, and each person,  
41 upon filing his written notice to participate in the retirement  
42 system, shall by said act authorize the clerk of the House of  
43 Delegates or the clerk of the state Senate or such person as

44 the legislative body of any other political subdivision shall  
45 designate to deduct such member's contribution, as provided in  
46 subsection (b), section twenty-nine of this article, and after  
47 said deductions have been made from said member's compen-  
48 sation, such deductions shall be forwarded to the retirement  
49 system.

50 (d) Should any question arise regarding the membership  
51 status of any employee, the board of trustees has the final  
52 power to decide the question.

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

*James L. Davis*

Chairman Senate Committee

*Clarence C. Thurston*

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. C. Willard, Jr.*

Clerk of the Senate

*C. A. Blankenship*

Clerk of the House of Delegates

*H. B. Bostwick*

President of the Senate

*Lewis F. F. Mearns*

Speaker House of Delegates

The within *approved* this the *27th*  
*March*, 1976.

*Arch A. Moore*

Governor



PRESENTED TO THE  
GOVERNOR

Date 3/23/76

Time 3:10 p.m.