WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

SENATE BILL NO. 129

(By Senator Anderson, et al.)

PASSED March 11, 1994

In Effect 90 days from Passage
ENROLLED

Senate Bill No. 129

(By Senators Anderson, Wagner, Chernenko, Chafin, Dalton, Bailey, Sharpe, Ross, Schoonover, Withers and Wooton)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to retirement credit for former constables and justices of the peace who are currently public employees; and providing that anyone seeking this credit must do so by the thirtieth day of July, one thousand nine hundred ninety-five.

Be it enacted by the Legislature of West Virginia:

That section fourteen, 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.
§5-10-14. Service credit.

1 (a) The board of trustees shall credit each member with the prior service and contributing service to which
he or she is entitled based upon such rules and regulations as the board of trustees shall from time to time adopt: Provided, That in no case shall less than ten days of service rendered by a member in any calendar month be credited as a month of service; nor shall less than ten months of service rendered in any calendar year be credited as a year of service; nor shall more than one year of service be credited any member for all service rendered by him or her in any calendar year; nor shall any member who was not in the employ of a political subdivision within a period of thirty years immediately preceding the date the political subdivision became a participating public employer be credited with prior service: Provided, however, That said member is not required to have been employed by a participating public employer of this state within a period of fifteen years subsequent to the date that participating public employer elected to become a participating employer.

(b) The board of trustees shall grant service credit to employees of boards of health, the clerk of the House of Delegates and the clerk of the state Senate, or to any former and present member of the state teachers retirement system who have been contributing members for more than three years, for service previously credited by the state teachers retirement system and shall require the transfer of the member's contributions to the system and shall also require a deposit, with interest, of any withdrawals of contributions any time prior to said member's retirement. Repayment of withdrawals shall be as directed by the board of trustees.

(c) Court reporters who are acting in an official capacity, although paid by funds other than the county commission or state auditor, may receive prior service credit for such time as served in such capacity.

(d) Employees of the state Legislature whose term of employment is otherwise classified as temporary and who are employed to perform services required by the Legislature for its regular sessions or during the interim
between regular sessions and who have been or are so
employed during regular sessions or during the interim
between sessions for eight or more years, may receive
service credit for the time as served in that capacity.

(e) Former justices of the peace and constables who
continue to actively serve as employees or elected
officials of state or local governments that are partici-
pating public employers shall be entitled to credit for
retirement purposes for those years of service as a
justice of the peace or constable: Provided, That they
have a minimum of five years contributing service and
they compensate the retirement fund in an amount equal
to the amount which they would have contributed for a
like period of time, according to a formula determined
by the retirement board, plus an amount equal to the
determined employer's contribution for the same period.
For purposes of calculating the contributions, the salary
for constables shall be deemed to be five thousand
dollars per year and the salary for justices of the peace
shall be deemed to be seven thousand five hundred
dollars per year. In addition, they shall deposit the
compounded yearly interest on the aggregate of the
employee and employer contributions at a rate or rates
to be determined by the retirement board: Provided,
however, that those former justices of the peace and
constables who elect to seek credit under this subsection
shall be allowed until the thirtieth day of June, one
thousand nine hundred ninety-five, to compensate the
retirement fund as provided herein.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 30th day of ............................................. 1994.

Governor