

SB 0262

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 262

(By Senator RYNIALE, ET AL.)



PASSED MARCH 7 1995

In Effect 90 DAYS FROM Passage

ENROLLED
Senate Bill No. 262

(BY SENATORS PLYMALE, HELMICK, JACKSON, MANCHIN,
WALKER, BOLEY AND KIMBLE)

[Passed March 7, 1995; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article ten-c, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the tax-deferral of federal and state income tax of all employee contributions into the West Virginia public employees' retirement system.

Be it enacted by the Legislature of West Virginia:

That section four, article ten-c, 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 10C. GOVERNMENT EMPLOYEES RETIREMENT PLANS.**§5-10C-4. Pick-up of members' contributions by participating public employers.**

1 (a) The state of West Virginia for its public employees
2 and county board of education for its teachers shall
3 pick-up and pay the contributions which such employees
4 are required by law to make to the retirement system in
5 which they are a member for all compensation earned by
6 its member employees after the thirtieth day of June, one
7 thousand nine hundred eighty-six. Any political subdi-
8 vision that is a participating public employer in the West
9 Virginia public employees retirement system shall pick-
10 up and pay the contributions which such employees are
11 required by law to make to the retirement system in
12 which they are members for all compensation earned by
13 its member employees after the first day of January, one
14 thousand nine hundred ninety-five. Any election made
15 by a political subdivision to pick-up and pay employee
16 contributions prior to the first day of January, one
17 thousand nine hundred ninety-five, shall remain in effect
18 and not be altered or amended by the amendments made
19 to this section during the regular legislative session, one
20 thousand nine hundred ninety-five.

21 (b) When the participating public employer picks up
22 and pays the contributions of its member employees, the
23 contributions shall be treated as employer contributions
24 in determining the tax treatment thereof under article
25 twenty-one, chapter eleven of this code, and the federal
26 Internal Revenue Code of 1986, as amended, and the

27 contributions shall not be included in the gross income
28 of the employee in determining his or her tax treatment
29 under said article, and the federal Internal Revenue Code
30 of 1986, as amended, until they are distributed or made
31 available to the employee or his or her beneficiary. The
32 participating public employer shall pay these employee
33 contributions from the same source of funds used in
34 paying compensation to the employee, by effecting an
35 equal cash reduction in the gross salary of the employee,
36 or by an off-set against future salary increases, or by a
37 combination of reduction in gross salary and off-set
38 against future salary increases.

39 (c) When employee contributions are picked up and
40 paid by the participating public employer, they shall be
41 treated by the board of trustees in the same manner and
42 to the same extent as employee contributions made prior
43 to the date on which employee contributions are picked
44 up by the participating public employer.

45 (d) The amount of employee contributions picked up by
46 the participating public employer shall be paid to the
47 retirement system in such manner and form, and in such
48 frequency, as the board of trustees may require and shall
49 be accompanied by such supporting data as the board of
50 trustees shall from time to time prescribe. When paid to
51 the retirement system, each of said amounts shall be
52 credited to the deposit fund account of the member for
53 whom the contribution was picked up and paid by the
54 participating public employer.

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

Randy Schorover
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Donald L. Kepp
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Bob Calder
.....
Speaker House of Delegates

The within *is approved* this the *16th*
day of *May*, 199*9*.

Garston Capriote
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/95

Time 12:06 p