WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4441

(By Mr. Speaker, Mr. Kiss, and Delegates Stemple, Warner, Jenkins, Williams and J. Smith)

Passed March 10, 2000

In Effect July 1, 2000
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 public employees retirement system; allowing persons who retired under the deputy sheriff retirement system to become a member of the public employees retirement system without receiving credit for prior service in the deputy sheriff retirement system; clarifying that an active or retired member of any state teacher retirement system is excluded from membership in the public employees retirement system; and eliminating dual retirement system participation by employees of the state rail authority.

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.
The membership of the retirement system consists of the following persons:

(a) All employees, as defined in section two of this article, who are in the employ of a political subdivision the day preceding the date it becomes a participating public employer and who continue in the employ of the participating public employer on and after that date shall become members of the retirement system; and all persons who become employees of a participating public employer on or after that date shall thereupon become members of the system; except as provided in subdivisions (b) and (c) of this section.

(b) The membership of the retirement system shall not include any person who is a member of, or who has been retired by, any of the state teachers retirement systems, the judges retirement system, the retirement system of the division of public safety, the deputy sheriff retirement system or any municipal retirement system for either, or both, policemen or firemen; and the bureau of employment programs, by the commissioner of the bureau, may elect whether its employees will accept coverage under this article or be covered under the authorization of a separate enactment: Provided, That the exclusions of membership shall not apply to any member of the state Legislature, the clerk of the House of Delegates, the clerk of the state Senate or to any member of the legislative body of any political subdivision provided he or she once becomes a contributing member of the retirement system: Provided, however, That any retired member of the retirement system of the division of public safety, the deputy sheriff retirement system and any retired member of any municipal retirement system for either, or both, policemen or firemen may on and after the effective date of this section become a member of the retirement system as provided in this article, without receiving credit for prior service as a municipal policeman or fireman or as a member of the division of public safety or of the deputy sheriff retirement system: Provided further, That the member-
ship of the retirement system does not include any person who becomes employed by the Prestera center for mental health services, Valley Comprehensive Mental Health Center, Westbrook health services or Eastern Panhandle Mental Health Center on or after the first day of July, one thousand nine hundred ninety-seven: \textit{Provided, further}, That membership of the retirement system does not include any person who becomes a member of the federal railroad retirement act on or after the first day of July, two thousand.

(c) Any member of the state Legislature, the clerk of the House of Delegates, the clerk of the state Senate and any employee of the state Legislature whose employment is otherwise classified as temporary and who is employed to perform services required by the Legislature for its regular sessions or during the interim between regular sessions and who has been or is so employed during regular sessions or during the interim between sessions in seven consecutive calendar years, as certified by the clerk of the house in which the employee served, or any member of the legislative body of any other political subdivision shall become a member of the retirement system provided he or she notifies the retirement system in writing of his or her intention to be a member of the system and files a membership enrollment form as prescribed by the board of trustees, and each person, upon filing his or her written notice to participate in the retirement system, shall by that act authorize the clerk of the House of Delegates or the clerk of the state Senate or such person or legislative agency as the legislative body of any other political subdivision shall designate to deduct the member’s contribution, as provided in subsection (b), section twenty-nine of this article, and after the deductions have been made from the member’s compensation, the deductions shall be forwarded to the retirement system.

(d) If question arises regarding the membership status of any employee, the board of trustees has the final power to decide the question.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect July 1, 2000.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 45th day of April, 2000.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/31/02
Time 4:28 pm