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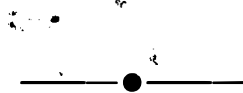
SECOND REGULAR SESSION, 2000



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

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(BY MR. SPEAKER, MR. KISS, AND DELEGATES STEMPLER,
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.

1 The membership of the retirement system consists 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
5 preceding the date it becomes a participating public employer
6 and who continue in the employ of the participating public
7 employer on and after that date shall become members of the
8 retirement system; and all persons who become employees of
9 a participating public employer on or after that date shall
10 thereupon become members of the system; except as provided
11 in subdivisions (b) and (c) of this section.

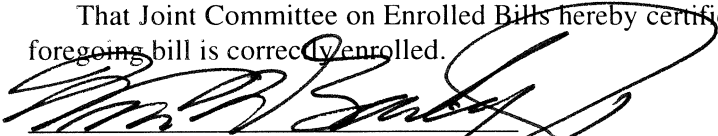
12 (b) The membership of the retirement system shall not
13 include any person who is a member of, or who has been retired
14 by, any of the state teachers retirement systems, the judges
15 retirement system, the retirement system of the division of
16 public safety, the deputy sheriff retirement system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

36 ship of the retirement system does not include any person who
37 becomes employed by the Prester center for mental health
38 services, valley comprehensive mental health center, Westbrook
39 health services or eastern panhandle mental health center on or
40 after the first day of July, one thousand nine hundred ninety-
41 seven: *Provided, further*, That membership of the retirement
42 system does not include any person who becomes a member of
43 the federal railroad retirement act on or after the first day of
44 July, two thousand.

45 (c) Any member of the state Legislature, the clerk of the
46 House of Delegates, the clerk of the state Senate and any
47 employee of the state Legislature whose employment is
48 otherwise classified as temporary and who is employed to
49 perform services required by the Legislature for its regular
50 sessions or during the interim between regular sessions and who
51 has been or is so employed during regular sessions or during the
52 interim between sessions in seven consecutive calendar years,
53 as certified by the clerk of the house in which the employee
54 served, or any member of the legislative body of any other
55 political subdivision shall become a member of the retirement
56 system provided he or she notifies the retirement system in
57 writing of his or her intention to be a member of the system and
58 files a membership enrollment form as prescribed by the board
59 of trustees, and each person, upon filing his or her written
60 notice to participate in the retirement system, shall by that act
61 authorize the clerk of the House of Delegates or the clerk of the
62 state Senate or such person or legislative agency as the legisla-
63 tive body of any other political subdivision shall designate to
64 deduct the member's contribution, as provided in subsection
65 (b), section twenty-nine of this article, and after the deductions
66 have been made from the member's compensation, the deduc-
67 tions shall be forwarded to the retirement system.

68 (d) If question arises regarding the membership status of
69 any employee, the board of trustees has the final power to
70 decide the question.

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



Chairman Senate Committee



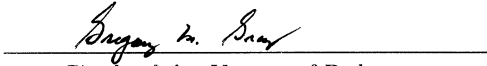
Chairman House Committee

Originating in the House.

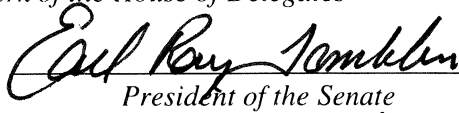
In effect July 1, 2000.



Clerk of the Senate



Clerk of the House of Delegates

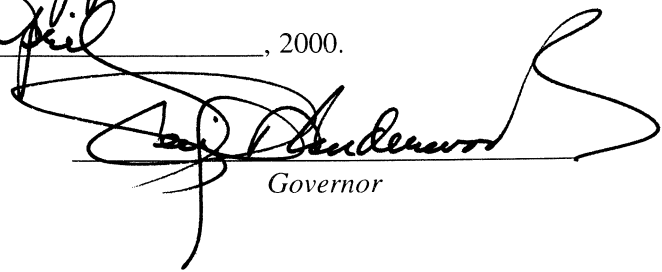


President of the Senate



Speaker of the House of Delegates

The within approved this the 4th
day of April, 2000.



Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/07

Time 4:28 pm