WEST VIRGINIA LEGISLATURE
Regular Session, 2001

ENROLLED

SENATE BILL NO. 700

(By Senator Tomblin, Mr. President)

PASSED April 14, 2001

In Effect from Passage
ENROLLED

Senate Bill No. 700

(BY SENATOR TOMBLIN, MR. PRESIDENT)

[Passed April 14, 2001; in effect from passage.]

AN ACT to amend and reenact section two, article seven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Social Security Act as it relates to members of the Legislature and part-time employees of the Legislature.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, 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 7. SOCIAL SECURITY AGENCY.

§5-7-2. Definitions.

1 For the purposes of this article:

2 (a) The term "wages" means all remuneration for employment as defined herein, including the cash value of all remuneration paid in any medium other than cash,
except that the term may not include that part of the remuneration which, even if it were paid for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act.

(b) The term "employment" means any service performed by an employee in the employ of the state, or any political subdivision thereof, or any instrumentality of either, for the employer, except service which in the absence of an agreement entered into under this article would constitute "employment" as defined in section two hundred nine of the Social Security Act.

(c) The term "employee" includes an officer of the state, or one of its political subdivisions or instrumentalities, or members of the state Legislature and part-time employees of the state Legislature.

(d) The term "state agency" means the state auditor.

(e) The term "federal agency" means in each case a federal officer, department or agency as is charged on behalf of the federal government, by or under the applicable federal law, with the particular federal functions referred to in this article in connection with that term.

(f) The term "political subdivision" includes any county, municipal corporation or school district.

(g) The term "instrumentality", when referring to an instrumentality of a state or political subdivision, includes only a legal entity which is separate and distinct from the state or the subdivision and whose employees are not by virtue of their relation to the entity employees of the state or such subdivisions.

(h) The term "applicable federal law" refers to provisions of federal law, including federal regulations and requirements issued pursuant thereto, if and when enacted, as provided for extending the benefits of Title II of
the Social Security Act to employees of states, political subdivisions and their instrumentalities.

(i) The term “Social Security Act” means the act of Congress approved the fourteenth day of August, one thousand nine hundred thirty-five, chapter five hundred thirty-one, forty-nine statutes six hundred twenty, officially cited as the “Social Security Act”, as the act has been and may, from time to time, be amended.

(j) The term “Federal Insurance Contributions Act” means subchapter A, chapter nine of the Federal Internal Revenue Code as the code has been and may, from time to time, be amended.
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 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 23rd Day of April, 2001.

Governor