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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 712

(By Senator Plymate, et al **)**

PASSED April 14, 2001

In Effect from **Passage**

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Senate Bill No. 712

(BY SENATORS PLYMALE, FANNING, PREZIOSO,
EDGELL, MCCABE AND SPROUSE)

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

AN ACT to amend and reenact section forty-eight, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to West Virginia public employees retirement system; members' reemployment after retirement; and retirement options for holders of elected public office.

Be it enacted by the Legislature of West Virginia:

That section forty-eight, 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.

§5-10-48. Reemployment after retirement; options for holder of elected public office.

- 1 The Legislature finds that a compelling state interest
- 2 exists in maintaining an actuarially sound retirement

40 she does not receive annual compensation in excess of ten
41 thousand dollars.

42 (c) In the event a member retires and is then subse-
43 quently elected to a public office or is subsequently
44 appointed to hold an elected public office, he or she has
45 the option, notwithstanding subsection (b) of this section,
46 to either:

47 (1) Continue to receive payment of his or her annuity
48 while holding such public office, in addition to the salary
49 he or she may be entitled to as such office holder; or

50 (2) Suspend the payment of his or her annuity and
51 become a contributing member of the retirement system as
52 provided in subsection (b) of this section. Notwithstand-
53 ing the provisions of this subsection, a member who is
54 participating in the system as an elected public official
55 may not retire from his or her elected position and com-
56 mence to receive an annuity from the system and then be
57 reappointed to the same position unless and until a
58 continuous six-month period has passed since his or her
59 retirement from the position.

60 (d) A member who is participating in the system simul-
61 taneously as both a regular, full-time employee of a
62 participating public employer and as an elected or ap-
63 pointed member of the legislative body of the state or any
64 political subdivision may, upon meeting the age and
65 service requirements of this article, elect to retire from his
66 or her regular full-time state employment and may
67 commence to receive an annuity from the system without
68 terminating his or her position as a member of the legisla-
69 tive body of the state or political subdivision: *Provided*,
70 That the retired member shall not, during the term of his
71 or her retirement and continued service as a member of the
72 legislative body of a political subdivision, be eligible to
73 continue his or her participation as a contributing member
74 of the system and shall not continue to accrue any addi-

75 tional service credit or benefits in the system related to the
76 continued service.

77 (e) Notwithstanding the provisions of section twenty-
78 seven-b of this article, any publicly elected member of the
79 legislative body of any political subdivision or of the state
80 Legislature, the clerk of the House of Delegates and the
81 clerk of the Senate may elect to commence receiving in-
82 service retirement distributions from this system upon
83 attaining the age of seventy and one-half years: *Provided,*
84 That the member is eligible to retire under the provisions
85 of section twenty or section twenty-one of this article:
86 *Provided, however,* That the member elects to stop ac-
87 tively contributing to the system while receiving such in-
88 service distributions.

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

Lucy P. King
.....
Chairman Senate Committee

Robert A. Bly
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Dorrell Holmes
.....
Clerk of the Senate

Bryan W. Boy
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *30th*
Day of *April*, 2001.

Rob Allee
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 7/20/01

Time 4:00 pm