WEST virginia legislature

2024 regular session

Committee Substitute

for

Senate Bill 742

By Senators Weld, Caputo, Stover, Martin, Queen, Deeds, Jeffries, Hunt, and Nelson

[Originating in the Committee on Pensions; reported February 22, 2024]

A BILL to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended, authorizing elected sheriffs who become members of the public retirement system by virtue of being elected sheriff of a county to retire upon attaining the age of 62 with eight or more years of service.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-20. Voluntary Retirement.

(a) Except as provided in ~~subsection (b)~~ §5-10-20(b) and (c) of this ~~section~~ code, any member who has attained or attains age ~~sixty~~ 60 years and has five or more years of credited service in force, at least one year of which he or she was a contributing member of the retirement system, may retire upon his or her written application filed with the board of trustees setting forth at what time, not less than ~~thirty~~ 30 days nor more than 90 ~~ninety~~ days subsequent to the execution and filing thereof the member desires to be retired: *Provided*, That on and after June 1, 1986, any person who becomes a new member of this retirement system shall, in qualifying for retirement hereunder, have five or more years of service, all of which years shall be actual, contributory ones. Upon retirement, the member shall receive an annuity provided for in ~~section twenty-two of this article~~ §5-10-22 of this code.

(b) Any person who first becomes a member of the retirement system on or after July 1, 2015, may retire upon written application as provided in ~~subsection (a)~~ §5-10-20(a) of this ~~section~~ code upon attaining the age of ~~sixty-two~~ 62 with ~~ten~~ 10 or more years of service, all of which must be actual, contributing years.

(c) A person who is elected as sheriff of a county, and who is not participating in another retirement system administered by the retirement board, may retire upon written application as provided in §5-10-20(a) of this code upon attaining the age of 62 with eight or more years of contributing service as an elected sheriff of a county, all of which must be actual, contributing years.