

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]

1 A BILL to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended,
2 authorizing elected sheriffs who become members of the public retirement system by
3 virtue of being elected sheriff of a county to retire upon attaining the age of 62 with eight or
4 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.

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

11 (b) Any person who first becomes a member of the retirement system on or after July 1,
12 2015, may retire upon written application as provided in ~~subsection (a) §5-10-20(a)~~ of this ~~section~~
13 code upon attaining the age of ~~sixty-two~~ 62 with ~~ten~~ 10 or more years of service, all of which must
14 be actual, contributing years.

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