

HB# 4584

RECEIVED  
1994 MAR 30 PM 3:03  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



# ENROLLED

HOUSE BILL No. 4584

(By Delegate Parlton, Linch, Hourvouras,  
Pantasia, Preziosa, Love and Talbott)



Passed March 9, 1994

In Effect 90 Days From Passage

**ENROLLED**  
**H. B. 4584**

(By DELEGATES PAXTON, LINCH, HOUVOURAS, FANTASIA,  
PREZIOSO, LOVE AND TALBOTT)

---

[Passed March 9, 1994; in effect ninety days from passage.]

---

AN ACT to amend and reenact section one, article ten-d, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appointing the state treasurer to the consolidated public retirement board.

*Be it enacted by the Legislature of West Virginia:*

That section one, article ten-d, 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 10D. CONSOLIDATED PUBLIC RETIREMENT BOARD.**

**§5-10D-1. Consolidated public retirement board created; transition; members; vacancies.**

1       (a) There is hereby created a consolidated public  
2 retirement board to administer all public retirement  
3 plans in this state. It shall administer the public  
4 employees retirement system established in article ten,  
5 chapter five of this code; the teachers retirement system  
6 established in article seven-a, chapter eighteen of this  
7 code; the teachers' defined contribution retirement  
8 system created by article seven-b, chapter eighteen of  
9 this code; the death, disability and retirement fund of  
10 the department of public safety created by article two,  
11 chapter fifteen of this code; and the judges' retirement  
12 system created under article nine, chapter fifty-one of

13 this code;

14 (b) The consolidated public retirement board shall  
15 begin administration of the systems listed in subsection  
16 (a) of this section on the first day of July, one thousand  
17 nine hundred ninety-one: *Provided*, That the board shall  
18 begin administration of the teachers' defined contribu-  
19 tion retirement system established in article seven-b,  
20 chapter eighteen of this code on the first day of January,  
21 one thousand nine hundred ninety-one. Prior to that date  
22 the existing entities which administer the system shall  
23 cooperate with the board in the orderly transition of all  
24 duties, responsibilities, records and other materials in  
25 their possession;

26 (c) The membership of the consolidated public  
27 retirement board consists of:

28 (1) The governor or his or her designee;

29 (2) The state treasurer or his or her designee;

30 (3) The state auditor or his or her designee;

31 (4) The secretary of the department of administration  
32 or his or her designee;

33 (5) Four residents of the state, who are not members,  
34 retirants or beneficiaries of any of the public retirement  
35 systems, to be appointed by the governor, with the  
36 advice and consent of the Senate;

37 (6) A member, annuitant or retirant of the public  
38 employees retirement system who is or was a state  
39 employee; a member, annuitant or retirant of the public  
40 employees retirement system who is not or was not a  
41 state employee; a member, annuitant or retirant of the  
42 teachers retirement system; a member, annuitant or  
43 retirant of the department of public safety death,  
44 disability and retirement fund; and a member, annui-  
45 tant or retirant of the teachers' defined contribution  
46 retirement system, all to be appointed by the governor,  
47 with the advice and consent of the Senate.

48 (d) The appointed members of the board shall serve  
49 five-year terms. Of the members initially appointed,  
50 three shall be appointed for two-year terms; three shall

51 be appointed for three-year terms; and three shall be  
52 appointed for five-year terms. Thereafter, all members  
53 shall serve full five-year terms. A member appointed  
54 pursuant to subdivision (5), subsection (c) of this section  
55 ceases to be a member of the board if he or she ceases  
56 to be a member of the represented system. If a vacancy  
57 occurs in the appointed membership, the governor,  
58 within sixty days, shall fill the vacancy by appointment  
59 for the unexpired term. No more than five appointees  
60 shall be of the same political party.

61 (e) The consolidated public retirement board shall  
62 have all the powers, duties, responsibilities and liabil-  
63 ities of the public employees retirement system estab-  
64 lished pursuant to article ten, chapter five of this code;  
65 the teachers retirement system established pursuant to  
66 article seven-a, chapter eighteen of this code; the  
67 teachers' defined contribution system established  
68 pursuant to article seven-b, chapter eighteen of this  
69 code; the death, disability and retirement fund of the  
70 department of public safety created pursuant to article  
71 two, chapter fifteen of this code, and the judges'  
72 retirement system created pursuant to article nine,  
73 chapter ~~fifty-one~~ of this code and their appropriate  
74 governing boards. The consolidated public retirement  
75 board may promulgate all rules necessary to effectuate  
76 its powers, duties and responsibilities: *Provided*, That  
77 the board may adopt any or all of the rules, previously  
78 promulgated, of a retirement system which it adminis-  
79 ters.

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

*[Handwritten signature]*  
-----  
*Chairman Senate Committee*

*Ernest E Moore*  
-----  
*Chairman House Committee*

Originating in the House.

Takes effect ninety days from passage.

*Carroll E. Robins*  
-----  
*Clerk of the Senate*

*Donald L. Hoop*  
-----  
*Clerk of the House of Delegates*

*John F. Boudette*  
-----  
*President of the Senate*

*Carl Albert*  
-----  
*Speaker of the House of Delegates*

The within *is approved* this the *30th*  
day of *March* 1964

*Gaston Caperton*  
-----  
*Governor*

PRESENTED TO THE

GOVERNOR

Date 3/25/94

Time 10:00 am