

SB # 129

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 129

(By Senator Anderson, et al)



PASSED March 11, 1994

In Effect 90 days from Passage

E N R O L L E D
Senate Bill No. 129

(BY SENATORS ANDERSON, WAGNER, CHERNENKO,
CHAFIN, DALTON, BAILEY, SHARPE, ROSS, SCHOONOVER,
WITHERS AND WOOTON)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to retirement credit for former constables and justices of the peace who are currently public employees; and providing that anyone seeking this credit must do so by the thirtieth day of July, one thousand nine hundred ninety-five.

Be it enacted by the Legislature of West Virginia:

That section fourteen, 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.

§5-10-14. Service credit.

- 1 (a) The board of trustees shall credit each member
- 2 with the prior service and contributing service to which

3 he or she is entitled based upon such rules and regula-
4 tions as the board of trustees shall from time to time
5 adopt: *Provided*, That in no case shall less than ten days
6 of service rendered by a member in any calendar month
7 be credited as a month of service; nor shall less than ten
8 months of service rendered in any calendar year be
9 credited as a year of service; nor shall more than one
10 year of service be credited any member for all service
11 rendered by him or her in any calendar year; nor shall
12 any member who was not in the employ of a political
13 subdivision within a period of thirty years immediately
14 preceding the date the political subdivision became a
15 participating public employer be credited with prior
16 service: *Provided, however*, That said member is not
17 required to have been employed by a participating
18 public employer of this state within a period of fifteen
19 years subsequent to the date that participating public
20 employer elected to become a participating employer.

21 (b) The board of trustees shall grant service credit to
22 employees of boards of health, the clerk of the House of
23 Delegates and the clerk of the state Senate, or to any
24 former and present member of the state teachers
25 retirement system who have been contributing members
26 for more than three years, for service previously credited
27 by the state teachers retirement system and shall require
28 the transfer of the member's contributions to the system
29 and shall also require a deposit, with interest, of any
30 withdrawals of contributions any time prior to said
31 member's retirement. Repayment of withdrawals shall
32 be as directed by the board of trustees.

33 (c) Court reporters who are acting in an official
34 capacity, although paid by funds other than the county
35 commission or state auditor, may receive prior service
36 credit for such time as served in such capacity.

37 (d) Employees of the state Legislature whose term of
38 employment is otherwise classified as temporary and
39 who are employed to perform services required by the
40 Legislature for its regular sessions or during the interim

41 between regular sessions and who have been or are so
42 employed during regular sessions or during the interim
43 between sessions for eight or more years, may receive
44 service credit for the time as served in that capacity.

45 (e) Former justices of the peace and constables who
46 continue to actively serve as employees or elected
47 officials of state or local governments that are partici-
48 pating public employers shall be entitled to credit for
49 retirement purposes for those years of service as a
50 justice of the peace or constable: *Provided*, That they
51 have a minimum of five years contributing service and
52 they compensate the retirement fund in an amount equal
53 to the amount which they would have contributed for a
54 like period of time, according to a formula determined
55 by the retirement board, plus an amount equal to the
56 determined employer's contribution for the same period.
57 For purposes of calculating the contributions, the salary
58 for constables shall be deemed to be five thousand
59 dollars per year and the salary for justices of the peace
60 shall be deemed to be seven thousand five hundred
61 dollars per year. In addition, they shall deposit the
62 compounded yearly interest on the aggregate of the
63 employee and employer contributions at a rate or rates
64 to be determined by the retirement board: *Provided*,
65 ~~however~~, That those former justices of the peace and
66 constables who elect to seek credit under this subsection
67 shall be allowed until the thirtieth day of June, one
68 thousand nine hundred ninety-five, to compensate the
69 retirement fund as provided herein.

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

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature]
.....
Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten signature]
.....
Clerk of the Senate

[Handwritten signature]
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within *is approved* this the *30th*
day of *March*, 1994.

[Handwritten signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 11:36am