

FILED

2001 APR 23 P 4: 14

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2001

ENROLLED

SENATE BILL NO. 700

(By Senator Tomblin, Mr. President **)**

PASSED April 14, 2001

In Effect from **Passage**

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Senate Bill No. 700

(BY SENATOR TOMBLIN, MR. PRESIDENT)

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

AN ACT to amend and reenact section two, article seven, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the Social Security Act as it relates to members of the Legislature and part-time employees of the Legislature.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, 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 7. SOCIAL SECURITY AGENCY.

§5-7-2. Definitions.

- 1 For the purposes of this article:
- 2 (a) The term “wages” means all remuneration for
- 3 employment as defined herein, including the cash value of
- 4 all remuneration paid in any medium other than cash,

5 except that the term may not include that part of the
6 remuneration which, even if it were paid for "employ-
7 ment" within the meaning of the Federal Insurance
8 Contributions Act, would not constitute "wages" within
9 the meaning of that act.

10 (b) The term "employment" means any service per-
11 formed by an employee in the employ of the state, or any
12 political subdivision thereof, or any instrumentality of
13 either, for the employer, except service which in the
14 absence of an agreement entered into under this article
15 would constitute "employment" as defined in section two
16 hundred nine of the Social Security Act.

17 (c) The term "employee" includes an officer of the state,
18 or one of its political subdivisions or instrumentalities, or
19 members of the state Legislature and part-time employees
20 of the state Legislature.

21 (d) The term "state agency" means the state auditor.

22 (e) The term "federal agency" means in each case a
23 federal officer, department or agency as is charged on
24 behalf of the federal government, by or under the applica-
25 ble federal law, with the particular federal functions
26 referred to in this article in connection with that term.

27 (f) The term "political subdivision" includes any county,
28 municipal corporation or school district.

29 (g) The term "instrumentality", when referring to an
30 instrumentality of a state or political subdivision, includes
31 only a legal entity which is separate and distinct from the
32 state or the subdivision and whose employees are not by
33 virtue of their relation to the entity employees of the state
34 or such subdivisions.

35 (h) The term "applicable federal law" refers to provi-
36 sions of federal law, including federal regulations and
37 requirements issued pursuant thereto, if and when en-
38 acted, as provided for extending the benefits of Title II of

39 the Social Security Act to employees of states, political
40 subdivisions and their instrumentalities.

41 (i) The term "Social Security Act" means the act of
42 Congress approved the fourteenth day of August, one
43 thousand nine hundred thirty-five, chapter five hundred
44 thirty-one, forty-nine statutes six hundred twenty, offi-
45 cially cited as the "Social Security Act", as the act has
46 been and may, from time to time, be amended.

47 (j) The term "Federal Insurance Contributions Act"
48 means subchapter A, chapter nine of the Federal Internal
49 Revenue Code as the code has been and may, from time to
50 time, be amended.

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

Carly Murr
.....
Chairman, Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell Gibbs
.....
Clerk of the Senate

Bryan R. By
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

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

The within *is approved* this the *23rd*
Day of *April*, 2001.

[Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/01

Time 4:00 pm