

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3178

By Delegate Burkhammer

[Introduced January 31, 2023; Referred to the
Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §5-10-20 of the Code of West Virginia, 1931, as amended,
 2 authorizing sheriffs who are members of the public retirement system to retire upon
 3 attaining the age of sixty-two 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.

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 years and has five or more years of credited service
 3 in force, at least one year of which he or she was a contributing member of the retirement system,
 4 may retire upon his or her written application filed with the board of trustees setting forth at what
 5 time, not less than thirty days nor more than ninety days subsequent to the execution and filing
 6 thereof the member desires to be retired: *Provided*, That on and after June 1, 1986, any person
 7 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.

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 with ten or more years of service, all of which must be
 14 actual, contributing years.

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

NOTE: The purpose of this bill is to authorize sheriffs who are members of the public retirement system to retire upon attaining the age of sixty-two with eight or more years of service.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.