

H. B. 2222

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(By Delegates Hamilton, Ferro, Frich, Guthrie, Moye, Longstreth,
Lynch, A. Evans, Kurcaba and Sobonya)

[Introduced January 22, 2015; referred to the
Committee on Pensions and Retirement then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §5-10-52 of the Code of West Virginia, 1931, as amended, relating
to the West Virginia Public Employees Retirement Act; and the manner of calculating
benefits for certain members of the Legislature.

Be it enacted by the Legislature of West Virginia:

That §5-10-52 of the Code of West Virginia, 1931, as amended, be amended and reenacted
to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

**§5-10-52. Specific provisions relating to certain members of the Legislature and certain
service by members of the Legislature.**

(a) The provisions of this article specifying that a legislator may be a member of the
retirement system and at the same time also a member of another state or political subdivision
retirement program and may receive credit in the retirement system from two or more public
employments simultaneously and authorizing automatic increases in the annuities of retired
legislators based upon increases in compensation paid to members of the Legislature ~~shall~~ is not be

1 applicable to any member of the Legislature who first becomes a member of the retirement system
2 as a member of the Legislature during the year 1971, or any year ~~thereafter~~ after that, nor ~~shall such~~
3 are these provisions ~~be~~ applicable to the computation of service, credited service or benefits for any
4 period of service as a member of the Legislature for the year 1971, or any year ~~thereafter~~ after that.

5 (b) Any member of the Legislature, or former member of the Legislature, who claims benefits
6 under the retirement system based, in whole or in part, on service as a member of the Legislature,
7 shall have his or her benefits calculated by averaging the compensation received for all years of
8 accumulated service and not merely for some portion of the service.

NOTE: The purpose of this bill is to address issues relating to the computation of legislative pensions. It provides for the calculation of benefits by averaging compensation received for all years of accumulated service.

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