

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2156

**FISCAL
NOTE**

BY DELEGATES HAMILTON, FRICH AND FOLK

[Introduced February 8, 2017; Referred
to the Committee on Pensions and Retirement then
Finance.]

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

Be it enacted by the Legislature of West Virginia:

1 That §5-10-52 of the Code of West Virginia, 1931, as amended, be amended and
2 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.**

1 (a) The provisions of this article specifying that a legislator may be a member of the
2 retirement system and at the same time also a member of another state or political subdivision
3 retirement program and may receive credit in the retirement system from two or more public
4 employments simultaneously and authorizing automatic increases in the annuities of retired
5 legislators based upon increases in compensation paid to members of the Legislature ~~shall~~ is not
6 ~~be~~ applicable to any member of the Legislature who first becomes a member of the retirement
7 system as a member of the Legislature during the year 1971, or any year ~~thereafter~~ after that, nor
8 ~~shall such~~ are these provisions ~~be~~ applicable to the computation of service, credited service or
9 benefits for any period of service as a member of the Legislature for the year 1971, or any year
10 ~~thereafter~~ after that.

11 (b) Any member of the Legislature, or former member of the Legislature, who claims
12 benefits under the retirement system based, in whole or in part, on service as a member of the
13 Legislature, shall have his or her benefits calculated by averaging the compensation received for
14 all years of 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 a heading or the present law and underscoring indicates new language that would be added.