

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 11**

BY SENATORS LINDSAY, JEFFRIES, CAPUTO, ROMANO,  
STOLLINGS, WOELFEL, TRUMP, TAKUBO, AND HAMILTON

[Introduced January 12, 2022; referred  
to the Committee on the Judiciary; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, relating  
 2 to inclusion of family court judges in the Judges' Retirement System.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. RETIREMENT SYSTEM FOR JUDGES OF COURTS OF RECORD.**

**§51-9-1a. Definitions.**

1 (a) As used in this article, the term "judge", "judge of any court of record", or "judge of any  
 2 court of record of this state" means, refers to, and includes judges of the several family courts,  
 3 circuit courts, judges of the Intermediate Court of Appeals, and justices of the Supreme Court of  
 4 Appeals. ~~For purposes of this article, the terms do not mean, refer to, or include family court~~  
 5 ~~judges~~

6 (b) "Actuarially equivalent" or "of equal actuarial value" means a benefit of equal value  
 7 computed upon the basis of the mortality table and interest rates as set and adopted by the  
 8 retirement board in accordance with the provisions of this article: *Provided*, That when used in  
 9 the context of compliance with the federal maximum benefit requirements of Section 415 of the  
 10 Internal Revenue Code, "actuarially equivalent" shall be computed using the mortality tables and  
 11 interest rates required to comply with those requirements.

12 (c) "Beneficiary" means any person, except a member, who is entitled to an annuity or  
 13 other benefit payable by the retirement system.

14 (d) "Board" means the Consolidated Public Retirement Board created pursuant to §5-10D-  
 15 1 *et seq.* of this code.

16 (e) "Final average salary" means the average of the highest 36 consecutive months'  
 17 compensation received by the member as a judge of any court of record of this state.

18 (f) "Internal Revenue Code" means the Internal Revenue Code of 1986, as it has been  
 19 amended.

20 (g) "Member" means a judge participating in this system.

21 (h) "Plan year" means the 12-month period commencing on July 1 of any designated year

22 and ending the following June 30.

23 (i) "Required beginning date" means April 1 of the calendar year following the later of: (1)  
24 The calendar year in which the member attains age 70 and one-half; or (2) the calendar year in  
25 which the member retires or otherwise separates from covered employment.

26 (j) "Retirement system" or "system" means the Judges' Retirement System created and  
27 established by this article. Notwithstanding any other provision of law to the contrary, the  
28 provisions of this article are applicable only to family court judges, circuit judges, judges of the  
29 Intermediate Court of Appeals, and justices of the Supreme Court of Appeals in the manner  
30 specified in this article. ~~No service as a family court judge may be construed to qualify a person~~  
31 ~~to participate in the Judges' Retirement System or used in any manner as credit toward eligibility~~  
32 ~~for retirement benefits under the Judges' Retirement System~~

NOTE: The purpose of this bill is to include family court judges in the Judges' Retirement System.

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