WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 530

By Senators Woodrum and Nelson

[Originating in the Committee on Pensions; reported on February 16, 2023]

A BILL to amend and reenact §51-9-6a of the Code of West Virginia 1931, as amended, relating to expanding those who may be eligible for judicial retirement; and allowing judges first appointed or elected after July 1, 2005, with 12 years of service contributing to the Judges’ Retirement System to receive retirement benefits.

Be it enacted by the Legislature of West Virginia:

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

§51-9-6a. Eligibility benefits; service and retirement of judges over ~~sixty-five~~ 65 years of age.

(a) Any judge of a court of record of this state who shall have served for a period of not less than eight full years after attaining the age of ~~sixty-five~~ 65 years, and who shall have made payments into the Judges Retirement Fund as provided in this article for each month during which he or she served as such judge following the effective date of this section, shall be subject to all the applicable terms and provisions of this article, not inconsistent with the provisions hereof, and shall receive retirement benefits in an amount equal to ~~seventy-five~~ 75 percent of the annual salary of the office from which he or she has retired based upon such salary of such office as such salary may be changed from time to time during the period of his or her retirement, and the amount of his or her retirement benefits shall be based upon and be equal to ~~seventy-five~~ 75 percent of the highest annual salary of such office for any one calendar year during the period of his or her retirement and shall be payable in monthly installments. If such judge shall become incapacitated to perform his or her said duties before the expiration of his or her said term and after serving for six years thereof, and upon the acceptance of his or her resignation as in this article provided, he or she shall be paid the annual retirement benefits as herein provided so long as he or she shall live. The provisions of this section shall prevail over any language to the contrary in this article contained, except those provisions of ~~sections twelve-a and twelve-b of this article~~ §51-9-12a and §51-9-12bof this code: *Provided,* That no individual who is appointed or elected for the first time as judge of a court of record of this state after July 1, 2005, is eligible for retirement under this ~~section~~ subsection; and

(b) *Provided further*, That any individual who is appointed or elected for the first time as a family court judge, a judge of a court of record, judge of the Intermediate Court of Appeals, or as justice of Supreme Court of Appeals of West Virginia, of this state after July 1, 2005, who, having attained the age of 65 years, and who shall have served as a sitting judge of said court or courts for a period of not less than 12 full years, and who shall have made payments into the Judges' Retirement Fund as provided in this article for each month during which he or she served as judge or justice, shall be eligible to receive the pension to which he or she would otherwise have been entitled to receive as if at 16 years of credited service, but with an actuarial reduction of pension benefit to be established as a reduced annuity receivable throughout retirement, and shall be paid as an annual retirement benefit as herein provided so long as he or she shall live.

NOTE: The purpose of this bill is to expand the availability of those who qualify for judicial retirement.