

**H. B. 2769**

(By Delegate Hamilton)  
[Introduced January 24, 2011; 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 calculating benefits and service  
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

1 retirement program and may receive credit in the retirement system  
2 from two or more public employments simultaneously and authorizing  
3 automatic increases in the annuities of retired legislators based  
4 upon increases in compensation paid to members of the Legislature  
5 ~~shall~~ is not ~~be~~ applicable to any member of the Legislature who  
6 first becomes a member of the retirement system as a member of the  
7 Legislature during the year 1971, or any year thereafter, nor ~~shall~~  
8 ~~such~~ are these provisions ~~be~~ applicable to the computation of  
9 service, credited service or benefits for any period of service as  
10 a member of the Legislature for the year 1971, or any year  
11 thereafter.

12 (b) Any member of the Legislature, or former member of the  
13 Legislature, who claims benefits under the retirement system based,  
14 in whole or in part, upon service as a member of the Legislature,  
15 shall have his or her benefits calculated by averaging the  
16 compensation received for all years of accumulated service and not  
17 merely for some portion thereof.

NOTE: The purpose of this bill is to amend §5-10-52 to address issues relating to the computation of legislative pensions.

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