

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

ENROLLED

House Bill 212

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; in effect ninety days from passage.]

1 AN ACT to amend and reenact §51-9-1a of the Code of West Virginia, 1931, as amended, as
2 contained in Chapter 256, Acts of the Legislature, Regular Session, 2022, relating to
3 including 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) Notwithstanding any other provision of this code to the contrary, as used in this article,
2 the term "judge", "judge of any court of record", or "judge of any court of record of this state"
3 means, refers to, and includes judges of the several family courts, circuit courts, judges of the
4 Intermediate Court of Appeals, and justices of the Supreme Court of Appeals.

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

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

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

15 (e) "Employer error" means an omission, misrepresentation or deliberate act in violation
16 of relevant provisions of the West Virginia Code or of the West Virginia Code of State Rules or
17 the relevant provisions of both the West Virginia Code and of the West Virginia Code of State
18 Rules by the participating public employer that has resulted in an underpayment or overpayment
19 of contributions required.

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

22 (g) "Internal Revenue Code" means the Internal Revenue Code of 1986, as it has been
23 amended.

24 (h) "Member" means a judge participating in this system.

25 (i) "Plan year" means the 12-month period commencing on July 1 of any designated year
26 and ending the following June 30.

27 (j) "Required beginning date" means April 1 of the calendar year following the later of: (1)
28 The calendar year in which the member attains age 70.5 (if born before July 1, 1949) or age 72
29 (if born after June 30, 1949); or (2) the calendar year in which the member retires or otherwise
30 separates from covered employment under this retirement system.

31 (k) "Retirement system" or "system" means the Judges' Retirement System created and
32 established by this article. Notwithstanding any other provision of law to the contrary, the
33 provisions of this article are applicable only to family court judges, circuit judges, judges of the
34 Intermediate Court of Appeals, and justices of the Supreme Court of Appeals in the manner
35 specified in this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2022.

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Governor