

**WEST VIRGINIA LEGISLATURE**  
**2022 SECOND EXTRAORDINARY SESSION**

**Introduced**

**House Bill 212**

**FISCAL  
NOTE**

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Introduced April 25, 2022]

1 A BILL 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) As Notwithstanding any other provision of this code to the contrary, as used in this  
 2 article, the term "judge", "judge of any court of record", or "judge of any court of record of this  
 3 state" means, refers to, and includes judges of the several family courts, circuit courts, judges of  
 4 the Intermediate Court of Appeals, and justices of the Supreme Court of Appeals. ~~For purposes~~  
 5 ~~of this article, the terms do not mean, refer to, or include family court 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) "Employer error" means an omission, misrepresentation or deliberate act in violation  
 17 of relevant provisions of the West Virginia Code or of the West Virginia Code of State ~~Regulations~~  
 18 Rules or the relevant provisions of both the West Virginia Code and of the West Virginia Code of  
 19 State ~~Regulations~~ Rules by the participating public employer that has resulted in an  
 20 underpayment or overpayment of contributions required.

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

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

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

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

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

32 (k) "Retirement system" or "system" means the Judges' Retirement System created and  
33 established by this article. Notwithstanding any other provision of law to the contrary, the  
34 provisions of this article are applicable only to family court judges, circuit judges, judges of the  
35 Intermediate Court of Appeals, and justices of the Supreme Court of Appeals in the manner  
36 specified in this article. ~~No service as a family court judge may be construed to qualify a person~~  
37 ~~to participate in the Judges' Retirement System or used in any manner as credit toward eligibility~~  
38 ~~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.