

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 997

BY SENATORS SMITH (MR. PRESIDENT), AND QUEEN

[Reported February 23, 2026, from the Committee on
Pensions]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §5-10-52a, relating to the Public Employees Retirement Act; allowing certain
3 staff members at certain formerly state-run hospitals to begin drawing their retirement
4 benefit annuity before age 60 in certain circumstances; and clarifying that such certain
5 staff members will be regarded as having retired directly from a participating employer in
6 the Public Employees Insurance Agency for health insurance coverage in retirement.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

**§5-10-52a. Specific provisions relating to certain staff members participating in the Public
Employees Retirement System employed by Hopemont Hospital, Jackie Withrow
Hospital, John Manchin Sr. Health Care Center, and Lakin State Hospital.**

1 Notwithstanding any provision of this code to the contrary, any staff member participating
2 in the Public Employees Retirement System employed by Hopemont Hospital, Jackie Withrow
3 Hospital, John Manchin Sr. Health Care Center, or Lakin State Hospital on October 31, 2025, who
4 will be 55 years within one calendar year of that date and who, but for not having yet attained the
5 age of 60 if participating in Tier 1 of the Public Employees Retirement System, or the age of 62 if
6 participating in Tier 2 of the Public Employees Retirement System, would be eligible for retirement
7 under the provisions of this article, shall be permitted to begin drawing his or retirement benefit
8 as though he or she had attained that age: *Provided*, That Tier 1 employees with unused sick
9 leave standing to their credit on October 31, 2025, who begin receiving a retirement benefit
10 annuity pursuant to this section, shall be permitted to use unused sick leave toward additional
11 retirement service: *Provided, further*, That nothing in this section may be construed to otherwise
12 alter any other provision of this article relating to the members described in this section: *Provided*,
13 *further*, That employees described in this section shall begin commencement of retirement annuity
14 benefits the first day of the month following the effective date of this section or upon attaining the
15 age of 55, whichever occurs last: *Provided, however*, That for purposes of coverage in retirement

16 by the Public Employees Insurance Agency, the individuals described in this section shall be
17 considered to have retired directly from a participating public employer upon receiving their
18 retirement benefit annuity.