WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED
Committee Substitute for
HOUSE BILL No. 1238

(By Mr. Tucker & Mr. Farley)

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PASSED March 11, 1978

In Effect ninety days from Passage

C 641
AN ACT to amend chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nine, relating to the creation of a legislative commission on pensions and retirement; providing for terms and methods of appointment of members to commission; enumerating powers and duties of commission; providing for funding of commission and reimbursement of members for expenses.

Be it enacted by the Legislature of West Virginia:

That chapter four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine, to read as follows:

ARTICLE 9. LEGISLATIVE COMMISSION ON PENSIONS AND RETIREMENT.

§4-9-1. Definition.

1 “Commission” as used in this article means the legislative commission on pensions and retirement.
§4-9-2. Creation of commission.

There is hereby created a permanent commission to continually study and investigate public retirement systems. The name of the commission shall be the legislative commission on pensions and retirement.

§4-9-3. Powers and duties of commission.

The commission shall make a continuing study and investigation of retirement benefit plans applicable to nonfederal government employees in this state. The powers and duties of the commission shall include, but not be limited to, the following:

(a) Study of retirement benefit plans applicable to nonfederal government employees in the state of West Virginia, including, without limitation, federal plans available to such employees;

(b) Making of recommendations within the scope of the study with particular attention to financing of the various pension funds and financing of accrued liabilities;

(c) Consideration of all aspects of pension planning and operation, and making of recommendations designed to establish and maintain sound pension policy as to all funds;

(d) Filing of a report to each regular session of the Legislature;

(e) Analyzing of each item of proposed pension and retirement legislation, including amendments thereto, with particular reference to analysis as to cost, actuarial soundness, and adherence to sound pension policy, and reporting of its findings in regard thereto to the Legislature; and

(f) Maintenance of reference materials concerning pension and retirement matters, including, without limitation, information as to laws and systems in other states.

§4-9-4. Appointment of members; terms.

The commission shall consist of three members of the Senate to be appointed by the president of the Senate and three members of the House of Delegates to be appointed by
the Speaker of the House, and the governor shall appoint three members, one from labor, one from the business community and one from the general public. No more than two of the three members appointed by the President of the Senate and the Speaker of the House, respectively, may be members of the same political party. The first appointed members of the commission shall serve for a term expiring on the thirtieth day of June in the year of the next succeeding regular session of the Legislature. At the commencement of such next succeeding regular session and at the commencement of regular sessions every two years thereafter, members of the commission shall be appointed for two year terms beginning the first day of July in the year of each such regular session. Vacancies on the commission shall be filled for unexpired terms in the same manner as appointments to the commission.

§4-9-5. Time and place of meetings; officers.

1 The commission shall hold meetings at such times and places as it may designate. It shall select a chairman, a vice chairman and such other officers from its membership as it may deem necessary.

§4-9-6. Staff.

1 The commission may employ such professional, clerical, and technical assistants as it deems necessary in order to perform the duties herein prescribed.

§4-9-7. Assistance of other agencies.

1 The commission may request information from any state officer or agency in order to assist in carrying out the terms of this article, and such officer or agency is authorized and directed to promptly furnish any data requested.

§4-9-8. Members expenses; reimbursement.

1 The members of the commission and its assistants shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties hereunder from the fund of the joint committee on government and finance. Compensation and other expenses of the commission may be paid from the fund of the joint committee on government and finance.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence C. Christian  
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

J.C. Wilson, Jr.  
Clerk of the Senate

W.A. Blankenship  
Clerk of the House of Delegates

M.F. Beall  
President of the Senate

Donald L. Hopp  
Speaker House of Delegates

The within is approved this the 24th day of March, 1978.

John W. Boling  
Governor