

# WEST VIRGINIA LEGISLATURE

## 2024 REGULAR SESSION

Introduced

### House Bill 5080

FISCAL  
NOTE

By Delegates Brooks, Barnhart, Kirby, Foggin, Vance,  
and E. Pritt

[Introduced January 25, 2024; Referred to the  
Committee on Pensions and Retirement then  
Finance]

1 A BILL to amend and reenact §5-10-22n and §18-7A-26y of the Code of West Virginia, 1931, as  
 2 amended, relating to the Public Employees Retirement System and the State Teachers  
 3 Retirement System; providing a one-time bonus of \$1,500 for certain annuitants; and  
 4 increasing the minimum monthly benefit for certain annuitants.

*Be it enacted by the Legislature of West Virginia:*

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE  
 GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;  
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,  
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

**ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.**

**§5-10-22n. Minimum benefit for certain annuitants.**

1 (a) For purposes of this section:

2 (1) "Elected public official" means any member of the Legislature or any member of the  
 3 legislative body of any political subdivision; and

4 (2) "Temporary legislative employee" means any employee of the Clerk of the House of  
 5 Delegates, the Clerk of the Senate, the Legislature or a committee thereof, including the Joint  
 6 Committee on Government and Finance, whose employment is classified as temporary and who  
 7 is employed to perform services required by the Clerk of the House of Delegates, the Clerk of the  
 8 Senate, the Legislature or a committee thereof, as the case may be, for regular sessions,  
 9 extraordinary sessions and/or interim meetings of the Legislature.

10 (b) If the retirement annuity of a retirant (or, if applicable, his or her beneficiary) at least 70  
 11 years of age as of July 1, 2024, with at least ~~25~~ 20 years of total service as of July 1, 2024, is less  
 12 than \$1,000 per month (including any supplemental benefits or incentives provided by this article),  
 13 then the monthly retirement benefit for the retirant (or if applicable, his or her beneficiary)

14 beginning on or before December 31, 2024, shall be increased to \$1,000 per month: *Provided*,  
 15 That any year of total service while an elected public official or a temporary legislative employee  
 16 may not be taken into account for purposes of this section.

17 (c) Notwithstanding any provision of subsection (b) of this section to the contrary, if the  
 18 retirement annuity of a beneficiary at least 70 years of age as of July 1, 2024, of a retirant who  
 19 chose option B – 50 percent joint and survivor annuity as provided in §5-10-24 of this code and  
 20 who had at least ~~25~~ 20 years of total service is less than \$500 per month (including any  
 21 supplemental benefits or incentives provided by this article), then the monthly retirement benefit  
 22 for the beneficiary shall be increased to \$500 per month beginning on or before December 31,  
 23 2024: *Provided*, That any year of total service while an elected public official or a temporary  
 24 legislative employee may not be taken into account for purposes of this section.

25 (d) The payment of any minimum benefit under this section is in lieu of, and not in addition  
 26 to, the payments of any retirement benefit or supplemental benefit or incentives otherwise  
 27 provided by law: *Provided*, That the minimum benefit provided in this section is subject to any  
 28 limitations thereon under Section 415 of the Internal Revenue Code of 1986, as amended, and §5-  
 29 10-27a of this code.

30 (e) Any minimum benefit conferred in this section is not retroactive to the time of retirement  
 31 and applies only to members who have retired prior to the effective date of this section, or, if  
 32 applicable, to beneficiaries receiving benefits under the retirement system prior to the effective  
 33 date.

## CHAPTER 18. EDUCATION

### ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM

#### §18-7A-26y. Minimum benefit for certain retired members.

1 (a) If the retirement annuity of a retirant (or applicable beneficiary thereof) at least 70 years  
 2 of age with at least ~~25~~ 20 years of total service as of July 1, 2024, is less than \$1,000 per month

3 (including any supplemental or additional benefits provided by this article), then the monthly  
4 retirement annuity for the retirant, beginning on or before December 31, 2024, shall be increased  
5 to \$1,000 per month: *Provided*, That any year of service while an employee of an institution of  
6 higher education may not be taken into account for purposes of this section if his or her salary was  
7 capped under the retirement system at \$4,800 per year pursuant to §18-7A-14a of this code.

8 (b) Notwithstanding any provision of subsection (a) of this section to the contrary, if the  
9 retirement annuity of a beneficiary at least 70 years of age as of July 1, 2024, of a retirant who  
10 chose option B – 50 percent joint and survivor annuity under the retirement system and who had at  
11 least ~~25~~ 20 years of total service is less than \$500 per month (including any supplemental benefits  
12 or incentives provided by this article), then the monthly retirement benefit for the beneficiary shall  
13 be increased to \$500 per month beginning on or before December 31, 2024: *Provided*, That any  
14 year of service while an employee of an institution of higher education may not be taken into  
15 account for purposes of this section if his or her salary was capped under the retirement system at  
16 \$4,800 per year pursuant to §18-7A-14a of this code.

17 (c) The payment of any minimum benefit under this section is in lieu of, and not in addition  
18 to, the payments of any retirement annuity or supplemental or additional benefits otherwise  
19 provided by this article: *Provided*, That the minimum benefit provided in this section is subject to  
20 any limitations thereon under Section 415 of the Internal Revenue Code of 1986, as the same may  
21 be amended, and §18-7A-28a of this code.

22 (d) Any minimum benefit conferred in this section is not retroactive to the time of retirement  
23 and applies only to members who have retired prior to the effective date of this section, or, if  
24 applicable, to beneficiaries receiving benefits under the retirement system prior to the effective  
25 date.

NOTE: The purpose of this bill is to change the eligibility age for certain retirement benefits within the Public Employees Retirement System and the State Teachers 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.