

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 659**

By Senators Caputo, and Chapman

[Introduced February 5, 2024; referred  
to the Committee on Pensions; and then to the  
Committee on Finance]

1 A BILL to amend and reenact §5-10-22n of the Code of West Virginia, 1931, as amended, relating  
 2 to increasing the minimum benefit for certain annuitants with at least 20 years of total  
 3 service.

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

**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, 2023, with at least ~~25~~ 20 years of total service as of July 1, 2023, 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, ~~2023~~ 2024, shall be increased to \$1,000 per month:  
 15 *Provided*, That any year of total service while an elected public official or a temporary legislative  
 16 employee 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, 2023, 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 ~~2023~~ 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.

NOTE: The purpose of this bill is to increase the minimum benefit for certain annuitants with at least 20 years of total service.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.