

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 237

BY SENATORS NELSON, QUEEN, SWOPE, GRADY, BOLEY,

AZINGER, HAMILTON, PLYMALE, ROBERTS, DEEDS,

BARRETT, HUNT, TRUMP, AND JEFFRIES

[Introduced January 16, 2023; referred

to the Committee on Pensions; and then to the

Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
2 sections, designated §5-10-22m and §5-10-22n; and to amend said code by adding
3 thereto two new sections, designated §18-7A-26x and §18-7A-26y, all relating to the
4 Public Employees Retirement System and the State Teachers Retirement System;
5 providing a one-time bonus of \$1,500 for certain annuitants; and increasing the minimum
6 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.

§5-10-22m. One-time bonus payment for certain annuitants.

1 (a) As an additional bonus payment to other retirement allowances provided, a one-time
2 bonus payment to retirement benefits shall be paid to retirants of the system as provided in
3 subsection (b) of this section. The one-time bonus payment shall equal \$1,500 and shall be paid
4 on or before December 31, 2023.

5 (b) The one-time bonus payment provided by this section applies to any retiree age 70
6 as of July 1, 2023, who has at least 20 years of total service as of July 1, 2023, and whose monthly
7 annuity is less than \$1,000. This bonus payment is subject to any applicable limitations under
8 Section 415 of the Internal Revenue Code of 1986, as amended.

9 (c) The one-time bonus payment provided by this section shall be payable pro rata to any
10 beneficiary of a qualifying retiree who currently receives an annuity or other benefit payable by
11 the system.

§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 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) shall be
14 increased to \$1,000 per month: *Provided*, That any year of total service while an elected public
15 official or a temporary legislative employee may not be taken into account for purposes of this
16 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 years of total service is less than \$500 per month (including any supplemental
21 benefits or incentives provided by this article), then the monthly retirement benefit for the
22 beneficiary shall be increased to \$500 per month: *Provided*, That any year of total service while
23 an elected public official or a temporary legislative employee may not be taken into account for
24 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
29 §5-10-27a 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-26x. One-time bonus payment for certain annuitants.

1 (a) As an additional bonus payment to other retirement allowances provided, a one-time
2 bonus payment to retirement benefits shall be paid to retirants of the retirement system as
3 provided in subsection (b) of this section. The one-time bonus payment shall equal \$1,500 and
4 shall be paid on or before December 31, 2023.

5 (b) The one-time bonus payment provided in this section applies to any retirant age 70 as
6 of July 1, 2023, who has at least 20 years of service as of July 1, 2023, and whose monthly annuity
7 is less than \$1,000. This one-time bonus payment is subject to any applicable limitations under
8 Section 415 of the Internal Revenue Code of 1986, as amended.

9 (c) The one-time bonus payment provided by this section shall be payable pro rata to any
10 beneficiary of a qualifying retirant who currently receives an annuity or other benefit payable by
11 the 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 years of total service as of July 1, 2023, 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 shall be increased to \$1,000 per month: *Provided*, That any year
5 of service while an employee of an institution of higher education may not be taken into account
6 for purposes of this section if his or her salary was capped under the retirement system at \$4,800
7 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, 2023, of a retirant who
10 chose option B – 50 percent joint and survivor annuity under the retirement system and who had
11 at least 25 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: *Provided*, That any year of service while an employee of an
14 institution of higher education may not be taken into account for purposes of this section if his or
15 her salary was capped under the retirement system at \$4,800 per year pursuant to §18-7A-14a
16 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
21 may 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.