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**H. B. 3023**

(By Delegates Boggs, T. Campbell, Caputo,  
Guthrie, Manchin, Perdue, Pethtel, Pino,  
Sumner, White and Williams)

[Introduced February 7, 2011; referred to the  
Committee on Pensions and Retirement then Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by  
adding thereto a new section, designated §5-10-22k; and to  
amend said code by adding thereto a new section, designated  
§18-7A-26v, all relating to providing a one-time supplement to  
retired public employees and teachers seventy years of age or  
older equal to three percent of their retirement benefits;  
setting forth conditions; and providing for exceptions.

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

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §5-10-22k; and to amend  
said code by adding thereto a new section, designated §18-7A-26v,  
all to read as follows:

**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.**

**§5-10-22k. One-time supplement for certain annuitants effective**

1                   July 1, 2011.

2           (a) A one-time supplement to retirement benefits of three  
3 percent shall be provided to all retirees that are age seventy or  
4 older and have been annuitants for at least five consecutive years  
5 as of July 1, 2011, and beneficiaries of deceased members who would  
6 have been at least seventy years of age or older and have been  
7 annuitants for at least five consecutive years as of July 1, 2011.

8           (b) The one-time supplement provided in this section applies  
9 only to members who have retired at least five years prior to July  
10 1, 2011, or, if applicable, to beneficiaries of deceased members who  
11 have been receiving benefits under the retirement system at least  
12 five years prior to July 1, 2011. The supplement provided by this  
13 section is subject to any applicable limitations thereon under  
14 Section 415 of the Internal Revenue Code of 1986, as amended.

15           (c) However, the supplement provided by this section is not  
16 available to those retirees who received the one-time three percent  
17 to four and one-half percent supplement pursuant to section  
18 twenty-two-i of this article.

19           **CHAPTER 18. EDUCATION.**

20           **ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.**

21           **§18-7A-26v. One-time supplement for certain annuitants effective**

22                   July 1, 2011.

23           (a) A one-time supplement to retirement benefits of three  
24 percent shall be provided to all retirees that are age seventy or

1 older and have been annuitants for at least five consecutive years  
2 as of July 1, 2011, and beneficiaries of deceased members who would  
3 have been at least seventy years of age or older and have been  
4 annuitants for at least five consecutive years as of July 1, 2011.

5       (b) The one-time supplement provided in this section applies  
6 only to members who have retired at least five years prior to July  
7 1, 2011, or, if applicable, to beneficiaries of deceased members who  
8 have been receiving benefits under the retirement system at least  
9 five years prior to July 1, 2011. The supplement provided by this  
10 section is subject to any applicable limitations thereon under  
11 Section 415 of the Internal Revenue Code of 1986, as amended.

12       (c) However, the supplement provided by this section is not  
13 available to those retirees who received the one-time three percent  
14 supplement pursuant to section twenty-six-t of this article.

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NOTE: The purpose of this bill is to provide a one-time supplement to retired teachers and public employees seventy years of age or older equal to three percent of their retirement benefits. The bill sets forth conditions to receive the supplement. The bill also provides that those retired public employees and teachers who received a similar one-time supplement in 2006 are not eligible to receive this supplement.

These sections are new; therefore they have been completely underscored.