

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 3095**

BY DELEGATES SUMMERS, HOLLEN, GRAVES, ANDERSON,

MALCOLM, PACK, PETHTEL AND EVANS

[Introduced February 12, 2019; Referred to the

Committee on Pensions and Retirement then

Finance.]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §5-10-22l; and to amend said code by adding thereto a new section,  
3 designated §18-7A-26w, all relating to establishing a minimum monthly retirement annuity  
4 for certain retirants with 25 or more years of credited service.

*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.**

**§5-10-22l. Minimum benefit for certain retirants.**

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) with at  
11 least 25 years of credited service as of the effective date of this section is less than \$750 per  
12 month (including any supplemental benefits or incentives provided by this article), then the  
13 monthly retirement benefit for the retirant (or if applicable, his or her beneficiary) shall be  
14 increased to \$750 per month: *Provided*, That any year of credited 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 the provisions of subsection (b) of this section to the contrary, if the  
18 retirement annuity of a beneficiary of a retirant who chose option B – modified joint and survivor  
19 annuity as provided in §5-10-24 of this code, and who had at least 25 years of credited service  
20 as of the effective date of this section is less than \$375 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 \$375 per month: *Provided*, That any year of credited service  
23 while an elected public official or a temporary legislative employee may not be taken into account  
24 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  
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-26w. Minimum benefit for certain retired members.**

1 (a) If the retirement annuity of a retirant (or applicable beneficiary thereof) with at least 25  
2 years of total service is less than \$750 per month (including any supplemental or additional  
3 benefits provided by this article), then the monthly retirement annuity for the retirant shall be  
4 increased to \$750 per month: *Provided*, That any year of service while an employee of an

5 institution of higher education may not be taken into account for purposes of this section if his or  
6 her salary was capped under the retirement system at \$4,800 per year pursuant to §18-7A-14a  
7 of this code.

8 (b) Notwithstanding the provisions of subsection (a) of this section to the contrary, if the  
9 retirement annuity of a beneficiary of a retirant who chose option B – 50% joint and survivor  
10 annuity as provided in §162-4-5.1.3 and who had at least 25 years of credited service as of the  
11 effective date of this section is less than \$375 per month (including any supplemental benefits or  
12 incentives provided by this article), then the monthly retirement benefit for the beneficiary shall be  
13 increased to \$375 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 §415 of the Internal Revenue Code of 1986, as the same may be  
21 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 establish a minimum monthly retirement annuity for certain retirants of the West Virginia Public Employees Retirement and State Teachers Retirement systems, with 25 or more years of credited 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.