

# WEST VIRGINIA LEGISLATURE

## 2023 REGULAR SESSION

Introduced

### House Bill 2893

FISCAL  
NOTE

By Delegates Hanshaw (Mr. Speaker) and Skaff

[By Request of the Executive]

[Introduced January 20, 2023; 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 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  
 4 establishing a one-time bonus payment for certain retirants who are 70 years of age or  
 5 older as of July 1, 2023, who have 20 or more years of credited service, and who receive a  
 6 monthly retirement benefit of less than \$1,000; and establishing a minimum monthly  
 7 retirement benefit for certain retirants who are 70 years of age or older as of July 1, 2023,  
 8 and who have 25 or more years of total 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.**

**§5-10-22m. One-time bonus payment for certain annuitants effective July 1, 2023.**

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 be effective July 1, 2023, shall  
 4 equal \$1,500, and shall be paid on July 28, 2023.

5 (b) The one-time bonus payment provided by this section applies to any retirant who is 70  
 6 years of age or older as of July 1, 2023, who has at least 20 years of total credited service as of  
 7 July 1, 2023, and who currently receives a monthly annuity of less than \$1,000. This bonus  
 8 payment is subject to any applicable limitations under section 415 of the Internal Revenue Code of  
 9 1986, as amended.

10           (c) The one-time bonus payment provided by this section shall be payable pro rata to any  
11 beneficiaries of a qualifying retirant who currently receive an annuity or other benefit payable by  
12 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 than  
12 \$1,000 per month (including any supplemental benefits or incentives provided by this article), then  
13 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% joint and survivor annuity as provided in §5-10-24 of this code and who had  
20 at least 25 years of total service is less than \$500 per month (including any supplemental benefits  
21 or incentives provided by this article), then the monthly retirement benefit for the beneficiary shall  
22 be increased to \$500 per month: *Provided*, That any year of total service while an elected public

23 official or a temporary legislative employee may not be taken into account for purposes of this  
24 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-26x. One-time bonus payment for certain annuitants effective July 1, 2023.**

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 be effective July 1,  
4 2023, shall equal \$1,500, and shall be paid on July 28, 2023.

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

10 (c) The one-time bonus payment provided by this section shall be payable pro rata to any  
11 beneficiaries of a qualifying retirant who currently receive an annuity or other benefit payable by

12 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 for  
6 purposes of this section if his or her salary was capped under the retirement system at \$4,800 per  
7 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% joint and survivor annuity under the retirement system and who had at least  
11 25 years of total service is less than \$500 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 \$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 of  
16 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 provide a one-time bonus payment for certain retirants in the Public Employees Retirement System and the Teachers Retirement System payable on July 28, 2023 and establish a minimum monthly annuity benefit.

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