

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4562

**FISCAL
NOTE**

By Delegates Brooks, Roop, and Pritt

[Introduced January 20, 2026; referred to the

Committee on Finance]

1 A BILL to amend and reenact §5-10-22n and §18-7A-26y of the Code of West Virginia, 1931, as
2 amended, relating to lowering the eligibility age for certain retirement benefits under the
3 Public Employees Retirement System and the State Teachers Retirement System.

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.

§5-10-22n. 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 retitant (or, if applicable, his or her beneficiary) at least 70
11 years of age as of July 1, 2023 2026, with at least 25 20 years of total service as of July 1, 2023
12 2026, is less than \$1,000 per month (including any supplemental benefits or incentives provided
13 by this article), then the monthly retirement benefit for the retitant (or if applicable, his or her
14 beneficiary) beginning on or before December 31, 2023 2026, shall be increased to \$1,000 per

15 month: *Provided*, That any year of total service while an elected public official or a temporary
16 legislative 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 2026, of a retitant
19 who chose option B – 50 percent joint and survivor annuity as provided in §5-10-24 of this code
20 and 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 2026: *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.

CHAPTER 18. EDUCATION

ARTICLE	7A.	STATE	TEACHERS	RETIREMENT	SYSTEM.
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§18-7A-26y.	Minimum	benefit	for	certain	retired	members.
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1 (a) If the retirement annuity of a retitant (or applicable beneficiary thereof) at least 70 years
2 of age with at least 25 20 years of total service as of July 1, 2023 2026, is less than \$1,000 per
3 month (including any supplemental or additional benefits provided by this article), then the monthly

4 retirement annuity for the retireant, beginning on or before December 31, 2023 2026, shall be
5 increased to \$1,000 per month: *Provided*, That any year of service while an employee of an
6 institution of higher education may not be taken into account for purposes of this section if his or
7 her salary was capped under the retirement system at \$4,800 per year pursuant to §18-7A-14a of
8 this code.

9 (b) Notwithstanding any provision of subsection (a) of this section to the contrary, if the
10 retirement annuity of a beneficiary at least 70 years of age as of July 1, 2023 2026, of a retireant
11 who chose option B – 50 percent joint and survivor annuity under the retirement system and who
12 had at least 25 20 years of total service is less than \$500 per month (including any supplemental
13 benefits or incentives provided by this article), then the monthly retirement benefit for the
14 beneficiary shall be increased to \$500 per month beginning on or before December 31, 2023
15 2026: *Provided*, That any year of service while an employee of an institution of higher education
16 may not be taken into account for purposes of this section if his or her salary was capped under the
17 retirement system at \$4,800 per year pursuant to §18-7A-14a of this code.

18 (c) The payment of any minimum benefit under this section is in lieu of, and not in addition
19 to, the payments of any retirement annuity or supplemental or additional benefits otherwise
20 provided by this article: *Provided*, That the minimum benefit provided in this section is subject to
21 any limitations thereon under Section 415 of the Internal Revenue Code of 1986, as the same may
22 be amended, and §18-7A-28a of this code.

23 (d) Any minimum benefit conferred in this section is not retroactive to the time of retirement
24 and applies only to members who have retired prior to the effective date of this section, or, if
25 applicable, to beneficiaries receiving benefits under the retirement system prior to the effective
26 date.

NOTE: The purpose of this bill is to change the eligibility age for certain retirement benefits within the Public Employees Retirement System and the State Teachers Retirement System.

Strike-throughs indicate language that would be stricken from a heading or the present law

and underscoring indicates new language that would be added.