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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000

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ENROLLED

House Bill No. 4317

(By Mr. Speaker, Mr Kiss, and Delegate Trump)
[By Request of the Executive]

—●—
Passed March 11, 2000

In Effect July 1, 2000

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H. B. 4317

(BY MR. SPEAKER, MR. KISS, AND DELEGATE TRUMP)
[BY REQUEST OF THE EXECUTIVE]

[Passed March 11, 2000; in effect July 1, 2000.]

AN ACT to amend article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two-f; and to amend article seven-a, chapter eighteen of said code, by adding thereto a new section, designated section twenty-six-r, all relating to a minimum monthly retirement annuity for certain retired members of the public employees retirement system and the state teachers retirement system; qualifying years of service; and exclusion of certain service credit.

Be it enacted by the Legislature of West Virginia:

That article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two-f; and that article seven-a, chapter eighteen of said code be amended by adding thereto a new section, designated section twenty-six-r, 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.

**§5-10-22f. Minimum benefit for certain retirants; legislative
declaration; state interest and public purpose.**

1 The Legislature hereby finds and declares that an important
2 state interest exists in providing a minimum retirement annuity
3 for certain retirants (or their beneficiaries) who are credited
4 with twenty or more years of credited service; that such
5 program constitutes a public purpose; and that the exclusions of
6 credited service while an elected public official or while a
7 temporary legislative employee are reasonable and equitable
8 exclusions for purposes of determining eligibility for such
9 minimum benefits. For purposes of this section: (1) "Elected
10 public official" means any member of the Legislature or any
11 member of the legislative body of any political subdivision; and
12 (2) "temporary legislative employee" means any employee of
13 the clerk of the House of Delegates, the clerk of the Senate, the
14 Legislature or a committee thereof whose employment is
15 classified as temporary and who is employed to perform
16 services required by the clerk of the House of Delegates, the
17 clerk of the Senate, the Legislature or a committee thereof, as
18 the case may be, for regular sessions, extraordinary sessions
19 and/or interim meetings of the Legislature.

20 If the retirement annuity of a retirant (or, if applicable, his
21 or her beneficiary) with at least twenty years of credited service
22 as of the effective date of this section is less than five hundred
23 dollars per month (including any supplemental benefits or
24 incentives provided by this article), then the monthly retirement
25 benefit for any such retired member (or if applicable, his or her

26 beneficiary) shall be increased to five hundred dollars per
27 month: *Provided*, That any year of credited service while an
28 elected public official or a temporary legislative employee shall
29 not be taken into account for purposes of this section.

30 The payment of any minimum benefit under this section
31 shall be in lieu of, and not in addition to, the payments of any
32 retirement benefit or supplemental benefit or incentives
33 otherwise provided by law: *Provided*, That the minimum
34 benefit provided herein shall be subject to any limitations
35 thereon under §415 of the Internal Revenue Code of 1986, as
36 amended.

37 Any minimum benefit conferred herein shall not be
38 retroactive to the time of retirement and shall apply only to
39 members who have retired prior to the effective date of this
40 section, or, if applicable, to beneficiaries receiving benefits
41 under the retirement system prior to the effective date.

CHAPTER 18. EDUCATION.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-26r. Minimum benefit for certain retired members; legislative declaration; state interest and public purpose.

1 The Legislature hereby finds and declares that an important
2 state interest exists in providing a minimum retirement annuity
3 for certain retired members who are credited with twenty or
4 more years of total service; that such program constitutes a
5 public purpose; and that the exclusion of total service for
6 certain employees of institutions of higher education is a
7 reasonable and equitable exclusion for purposes of determining
8 eligibility for such minimum benefits.

9 If the retirement annuity of a retired member (or if applica-
10 ble, a spouse thereof) with at least twenty years of total service
11 is less than five hundred dollars per month (including any

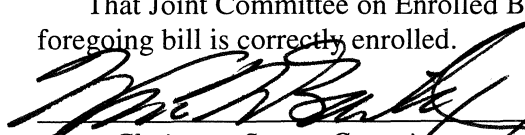
12 supplemental or additional benefits provided by this article),
13 then the monthly retirement annuity for any such retired
14 member shall be increased to five hundred dollars per month:
15 *Provided*, That any year of service while an employee of an
16 institution of higher education shall not be taken into account
17 for purposes of this section if his or her salary is capped under
18 the retirement system at four thousand eight hundred dollars per
19 year pursuant to section fourteen-a of this article.

20 The payment of any minimum benefit under this section
21 shall be in lieu of, and not in addition to, the payments of any
22 retirement annuity or supplemental or additional benefits
23 otherwise provided by this article: *Provided*, That the minimum
24 benefit provided herein shall be subject to any limitations
25 thereon under §415 of the Internal Revenue Code of 1986, as
26 the same may be amended.

27 Any minimum benefit conferred herein shall not be
28 retroactive to the time of retirement and shall apply only to
29 members who have retired prior to the effective date of this
30 section, or, if applicable, to beneficiaries receiving benefits
31 under the retirement system prior to the effective date.

32 The minimum benefit provided herein shall be subject to a
33 recommendation by the governor for such minimum benefit
34 through the delivery of an executive message to the Legislature
35 and an appropriation by the Legislature for such minimum
36 benefit, such appropriation to be made over a continuous six-
37 year period following the effective date of this section.

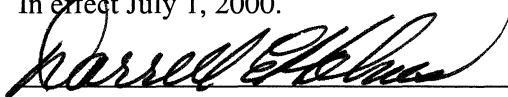
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

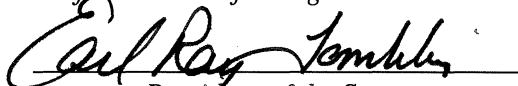

Chairman House Committee

Originating in the House.

In effect July 1, 2000.



Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 29th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/12

Time 12:45pm