

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 1026

(By Mr. Amvil)



PASSED March 11, 1967

In Effect Ninety days from Passage



FILED IN THE OFFICE

ROBERT D. BAILEY

SECRETARY OF STATE

THIS DATE 3-21-67

1026

ENROLLED
House Bill No. 1026
(By MR. AUVIL)

[Passed March 11, 1967; in effect ninety days from passage.]

AN ACT to amend chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twenty-three, empowering county boards of education, the teachers retirement board, the West Virginia board of education and the board of governors of West Virginia University and their agencies, to enter into salary reduction agreements with their teachers and other employees, and to apply the amount of such reduction toward the purchases of tax sheltered annuities for such teachers or other employees, and prescribing the conditions under which such reductions will be made.

Be it enacted by the Legislature of West Virginia:

That chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twenty-three, to read as follows:

ARTICLE 23. TAX SHELTERED ANNUITIES.

§18-23-1. Tax Sheltered Annuities.

1 A county board of education, the teachers retirement
2 board, the West Virginia board of education and the board
3 of governors of West Virginia University and their
4 agencies may provide by written agreement between any
5 such board or agency and any teacher or other employee,
6 to reduce the cash salary payable to such teacher or other
7 employee, and, in consideration thereof, to pay an amount
8 equal to the amount of such reduction to an insurance
9 company licensed to do business in this state as prem-
10 iums on an annuity contract owned by such teacher
11 or other employee, which annuity contract shall be in
12 such form and upon such terms as will qualify the pay-
13 ments thereon for tax deferment under the United States
14 internal revenue code, or to pay an amount equal to the

15 amount of such reduction as voluntary deposits to the
16 teachers retirement board as provided by section eighteen,
17 article seven-a, chapter eighteen of this code. The amount
18 of such reduction shall not exceed the amount excludible
19 from income under Section 403(b) of the United States
20 internal revenue code and amendments and successor
21 provisions thereto, and shall be considered a part of the
22 teacher's or employee's salary for all purposes other than
23 federal and state income tax.

24 The purchase of such tax sheltered annuity for a teacher
25 or other employee by a board of education, the teachers
26 retirement board, the West Virginia board of education
27 and the board of governors of West Virginia University
28 and their agencies shall impose no liability nor respon-
29 sibility whatsoever on said boards or members thereof
30 except to show that the payments have been remitted for
31 the purposes for which deducted.

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

William Tammes
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Neeyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Leban White
Speaker House of Delegates

The within *approved* this the *17*
day of *March*, 1967.

Huey C. Smith
Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/67

Time 4:00 P.M.