WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED
SENATE BILL NO. 286
(By Mr.)

PASSED March 8, 1969

In Effect July 1, 1969

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
T.R. OPE 3-17-69
ENROLLED
Senate Bill No. 286
(By MR. McKown)

[Passed March 8, 1969; in effect July 1, 1969.]

AN ACT to amend and reenact sections fourteen and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to contributions taken from members and computation of retirement allowance for certain annuitants.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-14. Contributions by members.

1 At the end of each month every member of the retirement system shall contribute four and one-half percent
of his monthly earnable compensation to the retirement
board: *Provided,* That in no case shall the contribution of
any member employed by the board of governors of West
Virginia University, or by the West Virginia board of
education at an institution of higher education under its
control, exceed two hundred sixteen dollars in any fiscal
year.

Such contributions shall be deemed to include the an-
nual supplementary fee of the contributor, determined as
hereinafter provided, which fee shall be used to help
finance the additional retirement benefit provided for
in subdivision (e) of Plan A of section twenty-six of this
article. Annually, the contributions of each member,
minus his supplementary fee, shall be credited to his ac-
count in the teachers accumulation fund. The contribu-
tions shall be deducted from the salaries of the members
as herein prescribed, and every member shall be deemed
have given his consent to such deductions. No deductions,
however, shall be made from the earnable compensation
of any teacher who retired because of age or service, and
then resumed service as a teacher.
The retirement board shall each year determine to the nearest dollar the amount of the supplementary fee to be paid by each member, so that the sum of such fees paid by all members shall be sufficient to defray one half of the cost of the retirement benefit provided for in subdivision (e) of Plan A of section twenty-six of this article. The amount so fixed shall not exceed twenty dollars, nor shall it in any case exceed one sixth of the annual contribution of the member. All supplementary fees shall be deposited in the benefit fund.

The aggregate of employer contributions, due and payable under this article, shall equal annually the total deductions from the earnable compensation of members required by this section. All employer contributions shall be credited to the employers accumulation fund, from which fund an amount equalling annually the supplementary fees of members shall be transferred to the benefit fund.

Payment by an employer to a member of the sum specified in the employment contract minus the amount of the employee's deductions shall be deemed to be a full
discharge of the employer's contractual obligation as to earnable compensation.

Each contributor shall file with the retirement board or with the employer to be forwarded to the retirement board an enrollment form showing his date of birth and other data needed by the retirement board. Upon notice from the retirement board to the employer that a contributor has failed to file such forms as prescribed, the employer shall withhold the salary of the contributor until the needed form is filed with the retirement board.


Annuitants whose annuities were approved by the retirement board prior to the effective date of this article (July 1, 1963) shall be paid the annuities which were approved by the retirement board. Annuities approved by the board after the effective date of this article shall be computed as provided herein.

Upon establishment of eligibility for a retirement allowance, a member shall be granted an annuity which shall be the sum of either Plan A or Plan B, whichever provides the larger annuity.
Plan A shall be computed as follows:

(a) The actuarial equivalent of the contributions and deposits of the member in his individual account up to the time of his retirement, with regular interest.

(b) The actuarial equivalent of the contributions of the employer up to the time of the member's retirement, which shall equal the sum in subdivision (a) of Plan A minus deposits with regular interest on such deposits.

(c) Where prior service credit has been granted, an allowance of one and one-half percent of the member's average final salary multiplied by the number of years of prior service credited to him.

(d) The actuarial equivalent of the amounts that would have accumulated under subdivisions (a) and (b) of Plan A, if the member had contributed to his individual account until he was fifty years old, at the annual rate of his past actual contributions, but this subdivision shall apply only as additional income to members who qualify for disability retirement before they are fifty years old.
(e) Twelve dollars multiplied by his total service credit as a teacher.

(f) The member shall receive in addition to the allowances under subdivisions (c) and (d) an amount equal to six dollars multiplied by his total service credit:

Provided, That the maximum allowance under this subdivision shall be one hundred and ninety-two dollars:

Provided, however, That this subdivision shall be effective on and after July first, one thousand nine hundred fifty-seven.

(g) Twelve dollars multiplied by the member’s total service credit as a teacher.

For the purpose of subdivision (c) in Plan A:

(1) An allowance for prior service shall in no case exceed three fifths of the member’s average final salary.

(2) Average final salary for this purpose shall in no case exceed two thousand five hundred dollars, nor shall it be less than twelve hundred dollars.

Plan B shall be computed as follows:

(a) One percent of the member’s average salary multiplied by his total service credit as a teacher. In this para-
graph "average salary" shall mean the average of the highest annual salaries received by the member during any five years contained within his last fifteen years of total service credit: Provided, That the highest annual salary used in this calculation for members employed by the board of governors of West Virginia University, or by the West Virginia board of education at institutions of higher education under its control, shall be four thousand eight hundred dollars.

(b) The actuarial equivalent of the deposits of the member in his individual account up to the time of his retirement, with regular interest.

The disability annuities of all teachers retired for disability shall be based upon a disability table prepared by a competent actuary approved by the retirement board.

Upon the death of an annuitant who qualified for an annuity as a surviving spouse or because of permanent disability, the estate of the deceased or beneficiary designated for such purpose, shall be paid the difference, if any, between the member's contributions with regular
interest thereon, and the sum of the annuity payments. All annuities shall be paid in twelve monthly payments. In computing such monthly payments, fractions of a cent shall be deemed a cent. Such monthly payments shall cease with the payment for the month within which the beneficiary dies, and shall begin with the payment for the month succeeding the month within which the annuitant became eligible under this article for the annuity granted; in no case, however, shall an annuitant receive more than four monthly payments which are retroactive after the board receives his application for annuity.

In case the retirement board receives data affecting the approved annuity of a retired teacher, the annuity shall be changed in accordance with such data, the change being effective with the payment for the month within which the board received the new data.

An annuity application shall be cancelled immediately if the applicant dies before the retirement board approves such application.
Any person who has attained the age of sixty-five and who has served at least twenty-five years as a teacher prior to July one, one thousand nine hundred forty-one, shall be eligible for prior service credit and for prior service pensions as prescribed in this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1969

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 17th day of March, 1969.

[Signature]
Governor