WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 649

(By Mr. SPEAKER, MR. BOJARSKY and)

PASSED MARCH 6, 1971

In Effect FROM Passage

FILED BY THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 3-17-71
ENROLLED

House Bill No. 649
(By Mr. Speaker, Mr. Boiarsky, and Mr. Lohr)

[Passed March 6, 1971; in effect from passage.]

AN ACT to repeal section thirteen-f, article two, and section five-c, article eleven; to amend article seven-a by adding thereto a new section, designated section fourteen-a; and to amend article twenty-three by adding thereto a new section, designated section four-a, all of chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to options of certain members of the state teachers retirement system to elect between paying into the state teachers retirement system, a combination of that system and a supplemental retirement system, and a retirement plan other than the state teachers retirement system, and the consequences of such elections, and also, relating to supplemental and additional
retirement plans for employees of the West Virginia board of regents.

Be it enacted by the Legislature of West Virginia:

That section thirteen-f, article two, and section five-c, article eleven be repealed; that article seven-a be amended by adding thereto a new section, designated section fourteen-a; and that article twenty-three be amended by adding thereto a new section, designated section four-a, all of chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all to read as follows:

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

§18-7A-14a. Options of certain members to elect between state teachers retirement system, a combination of that system and a supplemental retirement system, and a retirement plan other than the state teachers retirement system.

1 Notwithstanding any other provisions of this article to the contrary, any present member of the retirement system, or person who was a member on February twelve, one thousand nine hundred seventy, who, as an employee of the West Virginia board of regents was limited in the amount he could pay into the retirement system to two hundred sixteen dollars per year from July one,
one thousand nine hundred sixty-three, to July one, one thousand nine hundred seventy, and to two hundred eighty-eight dollars from July one, one thousand nine hundred seventy, shall have the option, at any time within twelve months from the effective date hereof, to pay into the retirement system twice the amount of the difference between such limitations and the amount he would have paid therein had he been paying the full amount provided by law for members of the retirement system other than employees of the board of regents: Provided, That this additional payment into the retirement system by any such member who was employed by the board of regents while he was under thirty years of age shall be reduced to once the amount of such difference so far as any salary he received from the board while under thirty years of age is concerned. If such a member makes such election, he must thereafter make contributions into the retirement system on his entire salary without limitation, unless later imposed by law, and after such election is made the board of regents as his employer shall no longer make payments
for such employee for the supplemental retirement plan authorized by section four-a, article twenty-three of this chapter, but the matching contributions made by the state or employer in his behalf for retirement plans shall be limited to those provided by sections fourteen and sixteen of this article.

Notwithstanding the provisions of subsection (a) of Plan B, section twenty-six of this article, or any other provision herein, any such member who exercises such option and makes the required additional payment will then be considered entitled to retirement, death, withdrawal and all other benefits under the retirement system to the same extent as if he had been paying into the retirement system the full amount provided by law for members of the system other than employees of the board of regents throughout the period of his membership in the retirement system.

Any such member who does not make such election shall have the options of retaining his present status under the retirement system and the supplemental retirement plan as provided by section four-a, article twenty-
three of this chapter, or of ceasing to pay any portion
of his salary into the retirement system and paying a
percentage of his entire salary into a retirement plan es-
tablished by the board of regents pursuant to the provi-
sions of said section four-a, article twenty-three of this
chapter. In the event he makes the latter election he
shall, upon retirement, receive benefits under the retire-
ment system as if he had retired at the date he ceased
making payments into the system, except that between
such time and the time of actual retirement regular inter-
est shall be considered in computing such benefits.
A person employed by the West Virginia board of re-
gents in the future shall have the option, as of the date
of his employment, to elect whether he is to pay a par-
centage of his entire salary into the state retirement
system, or to pay a percentage of such salary into a
retirement plan established by the board of regents pur-
suant to the provisions of section four-a, article twenty-
three of this chapter, and shall receive benefits accord-
ing to the retirement plan he selects.
Since persons employed by the former board of govern-
ors of West Virginia University, and by the state board of education at institutions of higher education, on July one, one thousand nine hundred sixty-nine, became employees of the West Virginia board of regents on that date, employment by such board of governors and the state board of education at institutions of higher education shall be deemed to have been employment by the board of regents for the purposes of this section.

ARTICLE 23. ADDITIONAL POWERS, DUTIES AND RESPONSIBILITIES OF GOVERNING BOARDS OF STATE INSTITUTIONS OF HIGHER EDUCATION.

§18-23-4a. Supplemental and additional retirement plans for employees; payroll deductions; authority to match employee contributions.

The governing boards shall have the authority to contract for a supplemental retirement plan for any or all of its employees to supplement the benefits such employees will receive under the state teachers retirement system. The governing boards shall have the authority to make additional periodic deductions from the salary payments due such employees in the amount they are required to contribute for the supplemental retirement plan selected by the board. The additional deductions
shall not exceed five percent of the salary of employees under thirty-five years of age, six percent of the salary of those thirty-five through forty-four years of age, and seven and one-half percent of the salary of those forty-five years of age and above, and shall not cover any portion of an employee's salary which is covered by the state teachers retirement system.

The governing boards shall also have the authority to contract for an additional retirement plan for any of its employees who elect to participate solely in such a retirement plan selected by the governing boards without participating in the state retirement system. The governing boards shall have the authority to make periodic deductions from the salary payments due such employees in the amount they are required to contribute to the additional plan, which deductions shall be the same percentage of the participating employees' salaries as that deducted from the salaries of members of the state retirement system.

The board is further authorized, by way of additional compensation to such employees, to pay an amount equal
to the contributions of such employees into either the supplemental or additional retirement plan from funds appropriated to it for personal services. Each participating employee shall have a full and immediate vested interest in the retirement and death benefits accrued from all the moneys paid into such supplemental or additional retirement plan for his benefit. Upon proper requisition of the board, the auditor shall periodically issue a warrant, payable as specified in the requisition, for the total contributions so withheld from the salaries of all participating employees and for the governing board’s matching funds.

Notwithstanding any provisions contained in article seven-a and article twenty-three of this chapter, once a member has elected one of the options contained in section fourteen-a of article seven-a of this chapter and section four-a of article twenty-three of this chapter, he cannot thereafter change such election.
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 House.

In effect from passage.

[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 15th day of March, 1971.

[Signature]
Governor