

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 648

(By Mr. SPEAKER, MR. BOJARSKI )  
AND MR. LOHR



PASSED MARCH 12, 1971

In Effect JULY 1, 1971 Passage



FILED IN THE OFFICE  
JOHN D. ROSKOPPEL, II  
SECRETARY OF STATE  
THIS DATE 4-2-71

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# House Bill No. 648

(By MR. SPEAKER, MR. BOIARSKY, and MR. LOHR)

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[Passed March 12, 1971; in effect July 1, 1971.]

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AN ACT to amend and reenact section twenty-six, article seven-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-six-e, all relating to computation of benefits under the state teachers retirement system.

*Be it enacted by the Legislature of West Virginia:*

That section 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; and that said article be further amended by adding thereto a new section, designated section twenty-six-e, all to read as follows:

**ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.**

**§18-7A-26. Computation of annuities.**

1 Annuitants whose annuities were approved by the  
2 retirement board effective before July first, one thousand  
3 nine hundred seventy shall be paid the annuities which  
4 were approved by the retirement board, subject to the  
5 supplemental benefits authorized in this article.

6 Annuitants approved by the board effective after June  
7 thirty, one thousand nine hundred seventy, shall be  
8 computed as provided herein.

9 Upon establishment of eligibility for a retirement al-  
10 lowance, a member shall be granted an annuity which  
11 shall be the sum of either Plan A or Plan B, whichever  
12 provides the larger annuity.

13 Plan A shall be computed as follows:

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

17 (b) The actuarial equivalent of the contributions of  
18 the employer up to the time of the member's retirement,  
19 which shall equal the sum in subdivision (a) of Plan

20 A minus deposits with regular interest on such deposits;

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

25 (d) The actuarial equivalent of the amounts that would  
26 have accumulated under subdivisions (a) and (b) of  
27 Plan A, if the member had contributed to his individual  
28 account until he was fifty years old, at the annual rate  
29 of his past actual contributions, but this subdivision shall  
30 apply only as additional income to members who qualify  
31 for disability retirement before they are fifty years old;

32 (e) Twelve dollars multiplied by his total service  
33 credit as a teacher;

34 (f) The member shall receive in addition to the allow-  
35 ances under subdivisions (c) and (d) an amount equal  
36 to six dollars multiplied by his total service credit: *Pro-*  
37 *vided*, That the maximum allowance under this sub-  
38 division shall be one hundred ninety-two dollars:  
39 *Provided, however*, That this subdivision shall be effec-  
40 tive on and after July first, one thousand nine hundred  
41 fifty-seven;

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

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

45 (1) An allowance for prior service shall in no case  
46 exceed three fifths of the member's average final salary;

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

50 Plan B shall be computed as follows:

51 (a) Two percent of the member's average salary mul-  
52 tiplied by his total service credit as a teacher. In this  
53 paragraph "average salary" shall mean the average of  
54 the highest annual salaries received by the member dur-  
55 ing any five years contained within his last fifteen years  
56 of total service credit: *Provided*, That the highest annual  
57 salary used in this calculation for members employed by  
58 the West Virginia board of regents at institutions of  
59 higher education under its control, shall be four thou-  
60 sand eight hundred dollars;

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

64 The disability annuities of all teachers retired for dis-  
65 ability shall be based upon a disability table prepared  
66 by a competent actuary approved by the retirement board.

67 Upon the death of an annuitant who qualified for an  
68 annuity as a surviving spouse or because of permanent  
69 disability, the estate of the deceased or beneficiary desig-  
70 nated for such purpose, shall be paid the difference, if  
71 any, between the member's contributions with regular  
72 interest thereon, and the sum of the annuity payments.

73 All annuities shall be paid in twelve monthly payments.  
74 In computing such monthly payments, fractions of a  
75 cent shall be deemed a cent. Such monthly payments  
76 shall cease with the payment for the month within which  
77 the beneficiary dies, and shall begin with the payment  
78 for the month succeeding the month within which the  
79 annuitant became eligible under this article for the an-  
80 nuity granted; in no case, however, shall an annuitant  
81 receive more than four monthly payments which are  
82 retroactive after the board receives his application for  
83 annuity.

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

89 Any person who has attained the age of sixty-five and  
90 who has served at least twenty-five years as a teacher  
91 prior to July one, one thousand nine hundred forty-one,  
92 shall be eligible for prior service credit and for prior  
93 service pensions as prescribed in this section.

**§18-7A-26e. Supplemental benefits to certain annuitants.**

1 (a) An annuitant whose annuity was approved by  
2 the board effective after June thirty, one thousand nine  
3 hundred sixty-three, and before July one, one thousand  
4 nine hundred seventy, may receive, at his election, an  
5 annuity of two percent of his average final salary times  
6 his total service credit, plus deposits and tax sheltered  
7 annuities, but not including the supplemental benefits  
8 permitted pursuant to sections twenty-six-a, twenty-six-b,  
9 twenty-six-c and twenty-six-d of this article. Any addi-  
10 tional benefit conferred herein shall not be retroactive,

11 but shall be paid beginning July one, one thousand nine  
12 hundred seventy-one, if the option to elect the above  
13 plan is exercised by the annuitant prior to May thirty-one,  
14 one thousand nine hundred seventy-one.

15 (b) An annuitant whose annuity was approved by the  
16 board effective before July one, one thousand nine hun-  
17 dred sixty-three, and any annuitant who is eligible for,  
18 but does not elect the plan specified in subsection (a)  
19 of this section shall receive, upon application, an addi-  
20 tional amount equal to twenty-five percent of his present  
21 retirement allowance.

22 (c) Any retired teacher who was an employee of the  
23 West Virginia board of governors or the state board of  
24 education and who was limited in the amount he could  
25 pay into the retirement system to two hundred sixteen  
26 dollars per year from July one, one thousand nine hun-  
27 dred sixty-three, to July one, one thousand nine hundred  
28 seventy, and who retired prior to February one, one thou-  
29 sand nine hundred seventy, shall have the option at any  
30 time within six months from the effective date hereof,  
31 to pay into the retirement system the difference between



32 such limitations and twice the amount he would have  
33 paid therein had he been paying the full amount pro-  
34 vided by law for members of the retirement system other  
35 than employees of the West Virginia board of governors  
36 or the state board of education. Upon completion of such  
37 above-named contributions the annuitant shall be en-  
38 titled to benefits under the formula specified in sub-  
39 section (a) of this section, plus deposits and tax sheltered  
40 annuities, but not including the supplemental benefits per-  
41 mitted pursuant to sections twenty-six-a, twenty-six-b,  
42 twenty-six-c and twenty-six-d of this article. Any addi-  
43 tional benefit conferred herein shall not be retroactive  
44 to the time of retirement, but shall be paid beginning  
45 July one, one thousand nine hundred seventy-one.

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

Russell D. Beall  
Chairman Senate Committee

Stephen J. Rutledge  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1971.

Howard Meyer  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

E. Hans McBeart  
President of the Senate

Lewis H. McManus  
Speaker House of Delegates

The within approved this the 1st  
April day of \_\_\_\_\_, 1971.

Arha. Shaver, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/17/71

Time 3:15 p.m.

RECEIVED

APR 2 11 52 AM '71

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA