WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
SENATE BILL NO. 456
(By Mr. McGraw, Mr. President, et al.)

PASSED April 11, 1981
In Effect July 1, 1981
ENROLLED
Senate Bill No. 456
(BY MR. McGraw, MR. PRESIDENT, MR. WILLIAMS, MR. NELSON,
MR. GILLIGAN, MR. HECK, MR. COLOMBO, MR. JONES, MRS. SPEARS,
MR. BOETTLER, MR. TONKOVICH, MR. HOLLIDAY and MR. GALPERIN)

(Passed April 11, 1981; in effect July 1, 1981.)

AN ACT to amend and reenact section twenty-two-b, article
ten, chapter five of the code of West Virginia, one thousand
nine hundred thirty-one, as amended; and to amend and
reenact section twenty-six-h, article seven-a, chapter eight-
teen of said code, all relating to the state public employees
retirement act and the state teachers retirement system;
providing a supplemental benefit for certain annuitants
receiving less than a specified annual annuity, contingent
on legislative budgetary action; and specifying factors for
eligibility and computation thereof.

Be it enacted by the Legislature of West Virginia:

That section twenty-two-b, article ten, chapter five of the
code of West Virginia, one thousand nine hundred thirty-one,
as amended, be amended and reenacted; and that section
twenty-six-h, article seven-a, chapter eighteen of said code be
amended and reenacted, all to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIRE-
MENT ACT.

§5-10-22b. Supplemental benefits for certain annuitants—
Annuitants with ten years or more of service.

1 Any annuitant who is receiving a retirement annuity of
2 less than seven thousand two hundred dollars annually on
3 the effective date of this section, shall receive, upon appli-
4 cation, a supplemental benefit, prospectively, under this
5 section in any fiscal year for which the Legislature provides
6 by line item appropriation for the payment of such benefit:
Provided, That the effective date of retirement for such annuitant was prior to July one, one thousand nine hundred seventy-seven, and he had ten years or more of credited service at the time of such retirement. For the purposes of this section, "effective date of retirement" means the last day of actual employment, or the last day carried on the payroll of the employer, whichever is later, together with a meeting fully of all eligibility requirements for retirement prior to the aforesaid effective date. Any annuitant retired pursuant to the disability provisions of this article shall be considered to have had ten years or more credited service at the time of such retirement.

Each such annuitant shall receive as his supplemental benefit an increased annual amount which is the product of the sum of fifteen dollars multiplied by his years of credited service: Provided, That the total annuity of any annuitant affected by the provisions of this section, together with any of the other provisions of this article or any other article or chapter of this code, shall not exceed seven thousand two hundred dollars annually.

For the purpose of calculating the supplemental benefit provided in this section, fractional parts of a service credited year are to be disregarded unless in excess of one half of a credited service year, in which event the same shall constitute a full year of service credit.

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

§18-7A-26h. Supplemental benefits for certain annuitants.

Any annuitant who is receiving a retirement annuity of less than seven thousand two hundred dollars annually on the effective date of this section shall receive a supplemental benefit, prospectively, under this section in any fiscal year for which the Legislature provides by line item appropriation for the payment of such benefit: Provided, That the effective date of retirement for such annuitant was prior to July one, one thousand nine hundred seventy-seven, and he had ten years or more of credited service at the time of such retirement. For the purposes of this section, "effective date of retirement" means the last day of actual employment, or the last day carried on the payroll of the employer, whichever is later,
together with a meeting fully of all eligibility requirements for retirement prior to the aforesaid effective date. Any annuitant retired pursuant to the disability provisions of this article shall be considered to have had ten years or more of credited service at the time of such retirement.

Each annuitant shall receive as his supplemental benefit an increased annual amount which is the product of the sum of fifteen dollars multiplied by his years of credited service: Provided, That the total annuity of any annuitant affected by the provisions of this section, together with any of the other provisions of this article, shall not exceed seven thousand two hundred dollars annually.

For the purpose of calculating the supplemental benefit provided in this section, fractional parts of a service credit year are to be disregarded unless in excess of one half of a credited service year, in which event the same shall constitute a full year of service credit.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

B. P. Baylee
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Witt
Clerk of the Senate

W.A. Blankenship
Clerk of the House of Delegates

W. P. Perkins
President of the Senate

Clay H. McCrosky
Speaker House of Delegates

The within is approved this the 20th day of April, 1981.

John D. Rhoades
Governor