

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 456

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981



ENROLLED

SENATE BILL NO. 456

(By Mr. McGraw, Mrs. President, et al.)



PASSED April 11, 1981

In Effect July 1, 1981 ~~Passage~~



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. BOETTNER, 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 eighteen 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 RETIREMENT 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:

7 *Provided*, That the effective date of retirement for such
8 annuitant was prior to July one, one thousand nine hun-
9 dred seventy-seven, and he had ten years or more of cred-
10 ited service at the time of such retirement. For the pur-
11 poses of this section, "effective date of retirement" means
12 the last day of actual employment, or the last day carried
13 on the payroll of the employer, whichever is later, to-
14 gether with a meeting fully of all eligibility requirements
15 for retirement prior to the aforesaid effective date. Any
16 annuitant retired pursuant to the disability provisions of
17 this article shall be considered to have had ten years or
18 more credited service at the time of such retirement.

19 Each such annuitant shall receive as his supplemental
20 benefit an increased annual amount which is the product
21 of the sum of fifteen dollars multiplied by his years of
22 credited service: *Provided*, That the total annuity of any
23 annuitant affected by the provisions of this section, to-
24 gether with any of the other provisions of this article or
25 any other article or chapter of this code, shall not exceed
26 seven thousand two hundred dollars annually.

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

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

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

1 Any annuitant who is receiving a retirement annuity of
2 less than seven thousand two hundred dollars annually
3 on the effective date of this section shall receive a supple-
4 mental benefit, prospectively, under this section in any
5 fiscal year for which the Legislature provides by line
6 item appropriation for the payment of such benefit:
7 *Provided*, That the effective date of retirement for such
8 annuitant was prior to July one, one thousand nine hun-
9 dred seventy-seven, and he had ten years or more of
10 credited service at the time of such retirement. For the
11 purposes of this section, "effective date of retirement"
12 means the last day of actual employment, or the last day
13 carried on the payroll of the employer, whichever is later,

14 together with a meeting fully of all eligibility require-
 15 ments for retirement prior to the aforesaid effective date.
 16 Any annuitant retired pursuant to the disability provi-
 17 sions of this article shall be considered to have had ten
 18 years or more of credited service at the time of such re-
 19 tirement.

20 Each ^{annuitant} annuitant shall receive as his supplemental benefit
 21 an increased annual amount which is the product of the
 22 sum of fifteen dollars multiplied by his years of credited
 23 service: *Provided*, That the total annuity of any annuitant
 24 affected by the provisions of this section, together with
 25 any of the other provisions of this article, shall not ex-
 26 ceed seven thousand two hundred dollars annually.

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

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

R. P. Baylor
Chairman Senate Committee

Jerry E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1981.

Todd C. Wilkins
Clerk of the Senate

U. Blankenship
Clerk of the House of Delegates

Mark R. Per
President of the Senate

Walter M. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *28*
day of *April*, 1981.

John R. Row
Governor



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