

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1982

ENROLLED

SENATE BILL NO. 187

(By Mr. Nelson)

PASSED March 13, 1982

In Effect ninty days from Passage



ENROLLED
Senate Bill No. 187

(BY MR. NELSON)

[Passed March 13, 1982; in effect ninety days from passage.]

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 appropriation; specifying factors for eligibility; and providing for computation for determination of eligibility and amount of any supplemental benefit to be made separately as to retirant's own benefit and that receivable as beneficiary of another.

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.

1 Any annuitant who is receiving a retirement annuity of less
2 than seven thousand two hundred dollars annually on the
3 effective date of this section shall receive, upon application, a
4 supplemental benefit, prospectively, under this section in any
5 fiscal year for which the Legislature provides by line item
6 appropriation for the payment of such benefit: *Provided,*

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

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

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

32 On and after the first day of July, one thousand nine
33 hundred eighty-two, for the purpose of computation for
34 determination of eligibility and for the amount of any
35 supplemental benefit hereunder, separate computation shall
36 be made of a retirant's own benefit and that which may be
37 receivable as beneficial of another, under the provisions of
38 this article, with each such benefit being eligible for the
39 supplemental benefit herein provided.

ARTICLE 7A. STATE TEACHERS RETIREMENT SYSTEM.

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

1 Any annuitant who is receiving a retirement annuity of less
2 than seven thousand two hundred dollars annually on the
3 effective date of this section shall receive a supplemental
4 benefit, prospectively, under this section in any fiscal year for
5 which the Legislature provides by line item appropriation for
6 the payment of such benefit: *Provided*, That the effective date
7 of retirement for such annuitant was prior to the first day of

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

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

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

31 On and after the first day of July, one thousand nine
32 hundred eighty-two, for the purpose of computation for
33 determination of eligibility and for the amount of any
34 supplemental benefit hereunder, separate computation shall
35 be made of a retirant's own benefit and that which may be
36 receivable as beneficiary of another under the provisions of
37 this article, with each such benefit being eligible for the
38 supplemental benefit herein provided.

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

B. P. Baepker
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd A. Wilho
Clerk of the Senate

CA Blankenship
Clerk of the House of Delegates

Warren R. McJannet
President of the Senate

Wm. H. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *31*

day of *March*, 1982.

John R. ...
Governor

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SECY. OF STATE