ENROLLED

Committee Substitute for

SENATE BILL NO. 257

(BY MR. MCDANIEL, MR. PRESIDENT, ETC.)

PASSED March 10, 1984

In Effect July 1, 1984
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 257
(MR. McGRAW, MR. PRESIDENT, MR. WILLIAMS, MR. DAVIS, MR. HARMAN, MR. TONKOVICH, MR. JONES, MR. HOLLIDAY, MR. HOLMES, MR. WHITACRE, MR. CHERNENKO, MR. COLOMBO, MR. HECK, MR. LOEHR, MR. BOETTNER, MR. TOMBLIN, MRS. SPEARS, MS. CHACE AND MR. KAUFMAN, original sponsors)

[Passed March 10, 1984; to take effect July 1, 1984.]

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 increased supplemental benefits 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:
CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL; BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES, COMMISSIONS, OFFICES, PROGRAMS, ETC.

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIREMENT ACT.

§5-10-22b. Supplemental benefits for certain annuitants.

Any annuitant who is receiving a retirement annuity of less than seven thousand five hundred dollars annually on the effective date of this section shall receive, upon application, 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 the first day of July, one thousand nine hundred seventy-eight, 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 shall not exceed seven thousand five hundred dollars annually.

Any annuitant receiving the supplemental benefit provided for herein for the annuity payment period just prior to the first day of July, one thousand nine hundred eighty-four, or any annuitant made newly eligible for receipt of such supplemental benefit on such date, shall
receive a nineteen percent increase in the amount of such supplemental benefit prior received or newly calculated, effective on and after the first day of July, one thousand nine hundred eighty-four; and irrespective of the maximum total annuity proviso and limitation of seven thousand five 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.

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

CHAPTER 18. EDUCATION.

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 five 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 the first day of July, one thousand nine hundred seventy-eight, 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
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18 ten years or more credited service at the time of such re-
19 tirement.

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

27 Any annuitant receiving the supplemental benefit
28 provided for herein for the annuity payment period just
29 prior to the first day of July, one thousand nine hundred
30 eighty-four, or any annuitant made newly eligible for
31 receipt of such supplemental benefit on such date, shall
32 receive a nineteen percent increase in the amount of such
33 supplemental benefit prior received or newly calculated,
34 effective on and after the first day of July, one thousand
35 nine hundred eighty-four; and irrespective of the maxi-
36 mum total annuity proviso and limitation of seven thou-
37 sand five hundred dollars annually. In any fiscal year in
38 which pay increases are granted by the Legislature to
39 active teachers, there shall also be given an increase in
40 retirement benefits for retired teachers if funding is avail-
41 able for this purpose.

42 For the purpose of calculating the supplemental bene-
43 fit provided in this section, fractional parts of a service
44 credit year are to be disregarded unless in excess of one
45 half of a credited service year, in which event the same
46 shall constitute a full year of service credit.

47 On or after the first day of July, one thousand nine
48 hundred eighty-two, for the purpose of computation for
49 determination of eligibility and for the amount of any
50 supplemental benefit hereunder, separate computation
51 shall be made of a retirant's own benefit and that which
52 may be receivable as beneficiary of another under the
53 provisions of this article, with each such benefit being
54 eligible for the supplemental benefit herein provided.
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 Senate.

In effect July 1, 1984.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within is approved this the 26th day of [Month], 1984.

[Signature]
Governor