

No. 257

RECEIVED

MAR 23 1 52 PM '84

OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Committee Substitute for
SENATE BILL NO. 257

(By Mr. *McGraw, Jr. President, et al*)



PASSED March 10, 1984

In Effect July 1, 1984 **Passage**



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 RETIRE-
MENT ACT.**

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

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

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, to-
25 gether with any of the other provisions of this article
26 shall not exceed seven thousand five hundred dollars
27 annually.

28 Any annuitant receiving the supplemental benefit
29 provided for herein for the annuity payment period just
30 prior to the first day of July, one thousand nine hundred
31 eighty-four, or any annuitant made newly eligible for
32 receipt of such supplemental benefit on such date, shall

33 receive a nineteen percent increase in the amount of such
 34 supplemental benefit prior received or newly calculated,
 35 effective on and after the first day of July, one thousand
 36 nine hundred eighty-four; and irrespective of the maxi-
 37 mum total annuity proviso and limitation of seven thou-
 38 sand five hundred dollars annually.

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

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

CHAPTER 18. EDUCATION.

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

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.

Harrell E. Estel

Chairman Senate Committee

Donald Anello

Chairman House Committee

Originated in the Senate.

In effect July 1, 1984.

Todd C. Nichols

Clerk of the Senate

Donald L. Dugg

Clerk of the House of Delegates

Wanda McLean

President of the Senate

Walter M. Lee, Jr.

Speaker House of Delegates

The within *is approved* this the *26*
day of *March*, 1984.

James R. Dyer

Governor



RECEIVED

81 MAR 27 P 3 : 05

OFFICE
SECRETARY OF STATE