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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992



# ENROLLED

HOUSE BILL No. 4507

(By Delegates Browning and Prezioso)



Passed ..... March 7, ..... 1992

In Effect ..... From ..... Passage

**ENROLLED**  
**H. B. 4507**

(By DELEGATES BROWNING AND PREZIOSO)

[Passed March 7, 1992; in effect from passage.]

AN ACT to amend and reenact sections seven and eight, article seven-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to participation in teachers' defined contribution retirement system; limiting participation in existing teachers retirement system; permitting withdrawal of benefits from existing system and deposit in defined contribution system.

*Be it enacted by the Legislature of West Virginia:*

That sections seven and eight, article seven-b, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

**ARTICLE 7B. TEACHERS' DEFINED CONTRIBUTION RETIREMENT SYSTEM.**

**§18-7B-7. Participation in teachers' defined contribution retirement system; limiting participation in existing teachers retirement system.**

1     Beginning the first day of July, one thousand nine  
2     hundred ninety-one, the teachers' defined contribution  
3     retirement system shall be the single retirement  
4     program for all new employees whose employment  
5     commences on or after that date. No additional new  
6     employees except as may be provided herein may be  
7     admitted to the existing retirement system. Members of

8 the existing retirement system whose employment  
9 continues beyond the first day of July, one thousand nine  
10 hundred ninety-one, are not affected by this article and  
11 shall continue to contribute and participate in the  
12 existing system without change in provisions or benefits.

13 Notwithstanding the provisions of section twenty-  
14 three, article seven-a of this chapter, any employee  
15 whose employment terminates after the thirtieth day of  
16 June, one thousand nine hundred ninety-one, who is  
17 later reemployed by an employer shall be eligible for  
18 membership only in the teachers', defined contribution  
19 system: *Provided*, That if such reemployment with an  
20 existing employer occurs not more than six months after  
21 the employee's previous employment, he or she shall be  
22 entitled to readmission to the existing retirement system  
23 in which he or she was originally a member: *Provided*,  
24 *however*, That if such employee has ten or more years  
25 of credited service in the existing retirement system, he  
26 or she shall be entitled to readmission into the existing  
27 retirement system in which he or she was originally a  
28 member if said person's employment was suspended or  
29 terminated due to reduction-in-force, so long as he or she  
30 has not withdrawn his or her contributions from the  
31 existing retirement system and if such employee shall  
32 apply for readmission before the first day of July, one  
33 thousand nine hundred ninety-three: *Provided, further*,  
34 That if such employee has withdrawn his or her  
35 contribution from the existing retirement system, then  
36 readmission shall not be permitted and the employee  
37 will be entitled only to the defined contribution system.

38 An employee whose employment with an employer or  
39 an existing employer is suspended as a result of an  
40 approved leave of absence, approved maternity or  
41 paternity break in service, or any other approved break  
42 in service authorized by the board, is eligible for  
43 readmission to the existing retirement system in which  
44 he or she was a member.

45 In all cases where a question exists as to readmission  
46 to membership in the existing retirement system, the  
47 board shall decide the question.

**§18-7B-8. Voluntary participation in system.**

1 Any employee who is a member of the existing  
2 retirement system may, upon written election, voluntar-  
3 ily elect membership in the defined contribution system,  
4 on a prospective basis, on or after the first day of July,  
5 one thousand nine hundred ninety-one. All benefits  
6 earned by any employee making such voluntary election  
7 under the existing retirement system prior to such a  
8 voluntary election shall be frozen and made available to  
9 that employee upon retirement provided by the existing  
10 retirement system. A member of the existing retirement  
11 system who has less than five years of contributing  
12 service in the existing retirement system may elect to  
13 withdraw his or her contribution plus interest thereon  
14 as if such member is terminating employment and upon  
15 withdrawal shall deposit such funds in the defined  
16 contribution system: *Provided*, That such member's  
17 years of contributing service in the existing system shall  
18 be applied toward the years of employment service  
19 required under section eleven of this article: *Provided*,  
20 *however*, That this election shall be allowed on a  
21 retroactive basis to the first day of July, one thousand  
22 nine hundred ninety-one. For the purposes of this  
23 section, "frozen" means that the member's salary, years  
24 of service and any other factor to determine benefits  
25 shall be calculated as of the date that the member  
26 elected membership in the defined contribution system  
27 and after that date no increase in salary, years of service  
28 or any other factor may be used to increase the  
29 retirement benefit above that which it would be if a  
30 person retired upon the date that the election is made.  
31 After having made such election, the employee may not  
32 change such election or again become a member of the  
33 existing retirement system.

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

*Donner Heck*  
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Chairman Senate Committee

*Ernest E. Moore*  
-----  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Harriet E. Adams*  
-----  
Clerk of the Senate

*Donald L. Klapp*  
-----  
Clerk of the House of Delegates

*Kent Gustafson*  
-----  
President of the Senate

*Robert C. Calvert*  
-----  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of March, 1992.

*Yastin Caperton*  
-----  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/25/92

Time 11:55 am