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## **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 1993

# ENROLLED

HOUSE BILL No. 2568

(By Delegates Browning, Prizioso Campbell, Lindsey, Smith Ashley and Wallace)

Passed	April 10,	1993
In Effec	t Nom	Passage

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#### ENROLLED

## H. B. 2568

(By Delegates Browning, Prezioso, Campbell, Lindsey, Smith, Ashley and Wallace)

[Passed April 10, 1993; in effect from passage.]

AN ACT to amend and reenact sections twenty-two-b and twenty-two-d, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, providing for payment of supplemental benefits from the public employees retirement fund.

Be it enacted by the Legislature of West Virginia:

That sections twenty-two-b and twenty-two-d, article ten, chapter five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 10. WEST VIRGINIA PUBLIC EMPLOYEES RETIRE-MENT 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 shall receive, upon application, a supplemental
- 4 benefit, prospectively, under this section from the public
- 5 employees retirement fund: *Provided*. That the effective
- 6 date of retirement for such annuitant was prior to the
- 7 first day of July, one thousand nine hundred seventy-
- 8 nine, and he had ten years or more of credited service
- 9 at the time of such retirement. For the purposes of this
- 10 section, "effective date of retirement" means the last day
- 11 of actual employment, or the last day carried on the

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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 eighteen 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.

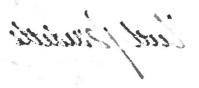
Any annuitant receiving the supplemental benefit provided for herein for the annuity payment period just prior to the first day of July, one thousand nine hundred eighty-five, or any annuitant made newly eligible for receipt of such supplemental benefit on such date, shall receive a nineteen percent 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-five, and irrespective of the maximum total annuity proviso and limitation of seven thousand five hundred dollars annually. In any fiscal year in which pay increases are granted by the Legislature to active public employees, there may also be given an increase in retirement benefits for retired public employees, if funding is available for this purpose.

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.

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 eligiblefor the supplemental benefit herein provided.

#### §5-10-22d. Supplemental benefits for certain annuitants.

Beginning on the first day of January, one thousand 1 2 nine hundred ninety-one, as an additional supplement to 3 other retirement allowances provided, any annuitant 4 who is receiving a retirement annuity on the effective 5 date of this section shall receive a supplemental benefit, prospectively, if the effective date of retirement for such annuitant was prior to the first day of January, one 7 8 thousand nine hundred eighty-one. Each such annuitant 9 shall receive as his or her supplemental benefit an 10 increased annual amount which is the product of the 11 sum of six dollars multiplied by his or her years of credited service. Nothing in this or any other section of 12 this code shall be construed to require any appropriation 13 of state general revenue funds for the payment of any 14 benefit provided for in this section. 15



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.		
Chairman Senate Committee  Chairman House Committee		
Originating in the House.  Takes effect from passage.  Clerk of the Senate  Clerk of the House of Delegates  President of the Senate  Speaker of the House of Delegates		
The within is appliced this the //th  day of Muy Mon 1993.  Givernor		

PRESENTED TO THE

GOVERNOR

Date 4/24/93

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